

THE PHILIPPINO EXPRESS

August 22-28, 1994



LEGAL NOTES

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Seguritan

Question: *I am an F-1 second year business student in a New Jersey college. Because of unforeseen changes in my parents' financial status which would affect their support of me, I am thinking of taking up work. I would like to know what is the procedure so I can be allowed to work under my student visa?*

Answer: The July 1990 Act adopted a student employment pilot program which proved insufficient because of time delays in obtaining employment authorization and the scarcity of employers willing to participate in the program. However, its July 1992 regulations reinstated the "off-campus employment because of unforeseen economic necessity" and so allowed students once again to seek employment.

Student visa

The Foreign student advisor will determine whether or not the student has sought

A foreign student advisor will evaluate the student's off campus job request

employment from the unusual sources allowed to him and he has made good faith effort in this undertaking. The advisor evaluates a student's request. Once, the advisor is able to determine that the student had made appropriate effort in pursuing on-campus job opportunities under the circumstances in which unforeseen economic necessity had overcome him, the advisor then certifies the students' Form I-538, endorses

the Form I-120 ID copy and returns them to the student together with his recommendation.

A foreign student advisor will evaluate the student's off-campus job request based on the following considerations: the student must have at least one full year of academic schooling, he must have maintained good academic record and shall continue to maintain a full course of study, that the job will not affect the student's full time study and that the employment sought will avoid severe economic hardships for which the student has no control. These conditions will be evaluated after the advisor has determined that the student has sought on-campus jobs in good faith.

With a recommendation in hand, the student applies for employment authorization from the INS.

An employment certification must first be obtained. A student will be eligible to apply for certification under this program only under urgent and unforeseen conditions such as unexpected increase in tuition and living costs, source of financial support has been

substantially diminished, unexpected expenses such as medical bills, and loss of financial aid through no fault of the student.

Other conditions must also be met such as that the student must have completed one full academic year in F-1 status and that he must show evidence that a suitable on-campus

The student must have completed one full academic year in F1 status

program is unavailable due directly or indirectly to the lack of employers who participate in the student employment pilot program, and that he must have maintained a good academic standard.

The eligible student in F-1 status must then obtain two important documents: a recommendation from his foreign student advisor in advice of authorizing student to work and an employment authorization from the INS. This work authorization will only allow the student no more than twenty hours of work time per week during school season.

Before employment authorization can be applied for, the F-1 student must scout around for on-campus jobs or jobs made available through the campus pilot employment program. This first step, the student must do before even deliberating on finding work elsewhere. This is important because, once he has determined that no suitable job is available to him, he may proceed to obtain a recommendation from the foreign student advisor of his school.