

UNITED STATES OF AMERICA INTERNATIONAL STUDENT LEGAL GUIDE

<u>DISCLAIMER</u>: This booklet, all of its materials, and the illustrations contained herein are for general instructional and educational purposes only. They are not, and are not intended to provide, legal advice about what to do or not to do in any particular case.

All data & information in this booklet is solely offered as examples. No person should rely on the materials or information in this booklet to make decisions about their legal encounters without consulting with a licensed attorney.

If you have questions about the content contained in this booklet, please contact the law firm of CHUNG, MALHAS & MANTEL, PLLC.

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FOREWORD

On behalf of CHUNG, MALHAS & MANTEL, PLLC, we are delighted to welcome you to the United States.

Traveling abroad to attend college or a graduate school can be a very exciting experience, not only will you advance in academics but also you will learn about a whole new culture and society. For many students, this might be the first time you are leaving home or being on your own. The thrill of this opportunity of independence and exploration can be overwhelming, as it is always a challenging leap to take – especially when those you used to rely on are so far away. This is the time to learn to utilize different resources when you have questions and are in need of help.

We always wish the best for our students, but often times, more than what we like to see, international students are more vulnerable to become victim of crime and being taken advantage of. Our aim is to equip students with the right knowledge to make informed decisions and prevent any critical legal issues from arising, thus, that your studying experience can be as incredible as you envision. It is therefore strongly encouraged that both students and parents carefully read all the information provided in this booklet. Please feel free to contact us if there are any concerns or questions.

To ensure your stay is safe, secure and enjoyable, the law firm of CHUNG, MALHAS & MANTEL, PLLC prepared this booklet "United States of America – International Student Legal Guide" to provide legal guidance for students who are coming to study in Washington, United States. This guide is not designed to give you a crash course on U.S. law; its aim is to provide some general legal guidance on what you might encounter, how to protect yourself, what your resources are and who to turn to when you have questions or needs. The law does not only tell you what you should or should not do, but more importantly, it is there to protect you and your loved ones.

The second half of this booklet will show you what services are available from us to help you with your legal needs. Whether you are looking for a simple legal inquiry about your relocation process (such as housing, contracts and visa) or whether you need personalized advice regarding your rights in a legal matter, our attorneys are here to help. Our legal team has a combined of more than 40 years of experience and knowledge of U.S. law, and has effectively represented numerous clients in litigation, transactions and Immigration matters. We will represent you with the utmost comprehensive services to help you maintain your status as an international student to advance and conclude in academics and prevent or resolve any legal matters that may cause your experience here unpleasant.

Understanding diversity is at the core of our practice. At CHUNG, MALHAS & MANTEL, PLLC, we serve you in Arabic, Berber, Bulgarian, French, German, Greek, Hebrew, Japanese, Macedonian, Chinese (Mandarin), Russian and Spanish. For our clientele is as diverse as our staff serving them, we draw from the numerous cultural backgrounds and experiences of our teams of attorneys, associates and staff in our practice of law.

On behalf of the partners, attorneys and staff from CHUNG, MALHAS & MANTEL, PLLC, we look forward to meeting you after your arrival in Washington, and wish you every success for this journey. There will be an optional Legal Orientation available after your arrival; please visit our website for more information. www.cmmrlawfirm.com



GENERAL LEGAL ADVICE TO INTERNATIONAL STUDENTS

Students acquire many life skills over the course of their college years. Most young adults have little experience entering into binding agreements, dealing with a car accident, resolving questions about insurance, renting an apartment, safeguarding their personal and financial information, or addressing many other situations that adults encounter. CHUNG, MALHAS & MANTEL, PLLC aims to equip students with information to prevent legal problems and make informed decisions.

- If you own or operate a motor vehicle, you must purchase and have in your possession proof of liability insurance. The law applies even if you are borrowing another's car. \$500.00 mandatory fine.
- Do not sign a housing contract or lease without first having the document examined by an attorney.
- Landlords may not lawfully refuse to rent to you because of your sex, race, or national origin.
- Purchase inexpensive renter's insurance for your household in case of theft or fire. The landlord is not legally responsible for your losses should they occur.
- When/if confronted by a police officer for any reason whatsoever, maintain a calm and polite attitude. Do not argue with the officer even if s/he is acting improperly. You can resolve the matter in Court with the assistance of an attorney.
- Alcoholic beverages may not be consumed on any public property, sidewalk, parking lot, etc., nor may an alcoholic beverage be transported after opened in any type of motor vehicle, in any compartment, including the trunk of the vehicle. The Legal drinking age is 21 years of age in the United States.
- Beware of telephone and mail invitations to purchase items or earn prizes because you purchased an item. Most "prize" contests that involve a contribution of <u>any</u> amount of money by you are swindles and many are illegal. Hold on to your money!

- Be aware that most of the time used autos and most other used items do not carry <u>any</u> guarantees or warranties. You take the items "as is". Have an independent licensed mechanic thoroughly examine any used vehicle before you make a purchase.
- Many U.S. students believe international students are wealthy. Do not make personal loans in <u>any</u> amount of money which you are not prepared to forfeit forever. International students are frequent victims of unscrupulous borrowers in the name of friendship.
- You should be encouraged to read contracts and other documents carefully before signing them. Students are often in a rush. Many students do not take the time to read lease agreements, gym memberships, car repair contracts, or other important documents until after they have a problem.
- It is all right for you to look out for your own best interests. Some students feel pressured to enter into agreements or make other commitments because they do not want to disappointment their friends who they feel are counting on them. Other students are reluctant to ask for copies of agreements or anything at all in writing because they do not want to "cause problems." Empower yourself to make sensible choices and to assert and protect your rights.
- Remind yourself to shred any documents that contain personal information. Students often receive credit card applications and other documents that a devious person can use to access bank accounts or other financial information. Train yourself to have the habit of shredding documents that contain account numbers, social security numbers, and other personal information before throwing them away.
- You are always encouraged to visit or contact CHUNG, MALHAS & MANTEL, PLLC.

THINGS TO KNOW WHEN YOU ARRIVE

These documents are extremely important and will be needed as various forms of identification - both in the U.S. and if you travel outside the U.S., replacement of forms can require a substantial fee, so take care not to lose your documents.

Passport: You must keep your passport valid at all times while you are in the United States (unless you are exempt from passport requirements). If your passport will expire while you are still in the U.S., you must contact the Embassy of your home country in order to make arrangements to have your passport extended or reviewed. You will not be permitted to re-enter the United States with an expired passport. If you lose your passport, you should immediately take steps to have it replaced.

Visa: The F-1 visa stamp in your passport permits you to enter the United States for a specific purpose and within a specific period of time. The visa may either be for single, double, or multiple entries.

Once you are in the U.S., your I-20 and I-94 card become the controlling legal documents that determine the validity of your immigration status in the United States.

Form I-20: This form was issued for your use to obtain an F-1 student visa from a U.S. Consulate or Embassy. You should read and clearly understand all the information printed on your I-20. *You are required to keep the information on your I-20 accurate.* If you lose your I-20 you should immediately request a new one from your school. You must carry Form I-20 with you if you travel outside the United States for any reason during your course of study. In addition, you must contact your school to have your Form I-20 signed PRIOR TO YOUR TRAVEL or you may be denied reentry to the U.S.

Form I-94 (Arrival/Departure Record): This form, also referred to as an I-94 card, is the small white card which was given to you upon arrival in the U.S. It indicates your visa category and contains an eleven-digit identifying number called the *admission number*, which is used to keep track of your arrival in and departure from the U.S. The I-94 card officially determines how long you can stay in the U.S. and is one of your most important immigration documents.

General: A maximum of 20 hours per week is permitted while school is in session. During annual vacation periods you may work up to 40 hours a week. (<u>NOTE</u>: *Graduate students who hold full-time appointments as teaching or research assistants are not permitted to accept additional employment.*)

On-Campus Employment: Employment for the school you are attending is permitted, provided that you are maintaining your status.

Off-Campus Employment: You can apply to the United States Citizenship & Immigration Services (USCIS) for off-campus employment authorization provided you can demonstrate an urgent financial need to work. Employment may not begin until authorization has been given.

Curricular Practical Training: During your studies you can apply for permission to engage in up to twelve (12) months of <u>Curricular Practical Training</u>. This is employment which is a required component of your academic program, or for which you will receive academic credit, and may occur anywhere in the U.S. Employment may not begin until written authorization has been given.

Optional Practical Training: During, or upon completion of, your studies you may apply for permission to engage in up to twelve (12) months of <u>Optional Practical Training</u>, provided you have not engaged in 12 months or more of Curricular Practical Training. This is employment directly related to your major field of study and may occur anywhere in the U.S. Employment may not begin until authorization has been given.

Travel within the U.S.: You have the right to travel freely within the United States provided you maintain your legal F-1 status and have your passport and immigration documents in your possession.

Outside the U.S. with return planned to the same school: You must consult with your school in advance regarding travel authorization and the necessary documentation required to facilitate your reentry to the U.S.

Outside the U.S. with return planned to a different school: You must consult with your school in advance regarding your proposed travel and change of schools. If the change is permissible, you must obtain a new and complete Form I-20 from your new school before you attempt to reenter the U.S.

New laws passed by Congress include severe penalties for visitors who violate their status. If you fail to comply with your immigration responsibilities, you may not be eligible for benefits associated with the F-1 visa status and, in some situations, may be subject to deportation and future exclusion from the U.S. Violations include working without authorization, falling below full-time enrollment, and failure to request a program extension prior to the expiration date on your Form I-20. Monitor your immigration documents carefully and do not hesitate to consult with CHUNG, MALHAS & MANTEL, PLLC on any matter relating to your immigration status.

EMERGENCY HELP: CALL 911

In the United States, you can call 911 on any telephone to get emergency help. Call 911 to:

- Report a fire,
- Report a **crime** in progress,
- Call an ambulance for emergency medical help,
- Report **suspicious activities**, such as screams, calls for help, or gunshots.



What Happens When I Call 911?

Calls to 911 are usually answered within 12 seconds. You may be put on hold. Do NOT hang up!

When the operator answers, there will be silence on the phone for several seconds. Do NOT hang up. Wait for the operator to speak.

If you do not speak English, tell the operator what language you speak. An interpreter should come on the line.

The 911 operator will ask you questions to find out what and where the emergency is. Keep calm and answer these questions. Try to stay on the phone with the operator until you answer all questions.

When <u>NOT</u> to Call 911

- Call 911 for serious, life-threatening emergencies only.
- Calling 911 for the wrong reason may keep someone else from getting the help they need.

Do <u>NOT</u> call 911 to:

- Ask for directions,
- Ask for information about public services,
- Find out if someone is in jail,
- Report situations that are not emergencies,
- Ask for information about animal control,
- Talk to a police officer about something that is not an emergency.

If you have a question for the police, then call the nonemergency number for the police department listed in the blue pages of your phone book.

LAW ENFORCEMENT IN THE UNITED STATES

In the U.S., there are federal, state, and local law enforcement agencies that protect the public. In your community, law enforcement officers are the police or sheriff. Find out the phone number of the police station nearest you and keep it next to your telephone. Remember that police officers are there to protect you and your family from harm.

Do not be afraid to report a crime, especially if you are the victim. Some criminals take advantage of immigrants because they think you will not report the crime to the police.



WASHINGTON STATE CRIMINAL PENALTIES

The law in Washington State not only define what conduct is considered a Washington crime (theft, assault, driving under the influence) but also the possible punishments that a judge could impose. For some crimes, the legislature has given judges a great deal of discretion in sentencing. However, for other types of crimes like driving under the influence and felonies, the legislature has limited the discretion of judges and written laws that require a minimum sentence or a sentence within a specific range.

What to know:

- Penalties increase due to the seriousness of the offense & prior criminal history.
- There are actions to take to minimize penalties or even dismiss the case.

Washington State criminal penalties are divided into two general categories --misdemeanors and felonies. Misdemeanor crimes are filed in District and Municipal Court while felonies are filed in Superior court.

LAW ENFORCEMENT

Misdemeanors are further categorized as either simple misdemeanors or gross misdemeanors. The only significant difference between simple misdemeanors and gross misdemeanors is the maximum punishments a judge could impose:

- Misdemeanor: Up to 90 days in jail and up to a \$1,000 fine.
- Gross misdemeanor: Up to 364 days in jail and up to a \$5,000 fine.

Felonies are further categorized into class A, B or C felonies with class A felonies being the most serious. Each class of felonies carries the following maximum penalties:

- Class A Felonies: Up to life in prison and up to a \$50,000 fine.
- Class B Felonies: Up to 10 years in prison and up to a \$20,000 fine.
- Class C Felonies: Up to 5 years in prison and up to a \$10,000 fine.



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Malicious Mischief (Property Damage)First DegreeB FelonySecond DegreeC Felony2-6MSecond DegreeGross misdemeanor	Stalling	Cross misdamaanar	
(Property Damage)First DegreeB Felony2-6MSecond DegreeC Felony2MThird DegreeGross misdemeanor2M	Starking	Gross misuemeanor	Ομιο 11/5,000
First DegreeB Felony2-6MSecond DegreeC Felony2MThird DegreeGross misdemeanorC	Malicious Mischief		
Second DegreeC Felony2MThird DegreeGross misdemeanor	(Property Damage)		
Third Degree Gross misdemeanor	First Degree	B Felony	2-6M
	Second Degree	C Felony	2M
	Third Degree	Gross misdemeanor	
Hit and Run	Hit and Run		
Result in an Injury C Felony Up to 5Y/10,000	Result in an Injury	C Felony	Up to 5Y/10,000
Result in only Property Damage Gross misdemeanor Up to 1Y/5,000	Result in only Property Damage	Gross misdemeanor	Up to 1Y/5,000

COMMON LEGAL ENCOUNTERS

The following is a list of common legal encounters that domestic and international students have to face. You will most likely not encounter all of the items listed, but gaining knowledge of these matters ahead of time can help you foresee the problem before it happens. You should go through the list and think about what you would do in each situation. To gather more information on or learn more, please visit website resources in the Resource Section of this booklet or attend the Legal Orientation after you arrival.

HOUSING	IMMIGRATION/VISA
 Tenant Letters Notice of remedy condition letter Violation of privacy letter Security deposit letter Notice of illegal entry Notice of intent to breach contract Notice of neighbor's interference Tenant Responsibilities Lease/Sublease Agreement Eviction? What to do? Lease Termination 	 What might jeopardize my F-1 Visa Status? Traveling to a different country. I want to take a quarter off. Employment - OPT/OCT, on campus Invite the parents to visit Facing a criminal charge? Deportation?
CRIMINAL	CIVIL
A ma ata dQ	

- Arrested?
- Your Rights and the Police
- Police Misconduct
- The Court Process
- Alcohol and the Law

- Personal Injury
- Consumer Protection
- Debt Collection
- Contract Disputes
- Harassment
- Assault

OUR SERVICES

MATTER CATEGORIES AND SERVICES INCLUDED

IMMIGRATION/VISA
Visa Processing
F-1 Student Visa
J-1 Exchange Visitor Visa Waiver
B Visitor Visa Petition
K-1 Fiancé(e) Visa Petition
Visa Extension
U Nonimmigrant Visa for Crime Victims
VAWA (Violence Against Women) Immigrant Visa
Visa Renewals (H, E, O, F, etc. if we processed the first application)
Employment Visa
OPT/CPT - Optional Practical Training/Curricular Practice Training
H1-B Work Visa
L-1 Employee Visa
Entrepreneur/Investment Visa Petition
EB-5 Investment Immigrant Visa Petition (I-526)
E Treaty Trader/Investor Visa Petition
L Intra-Company Transferee Visa Petition
Family Residency Petitions
Family visa petition (I-130) in conjunction with adjustment of status (I-485)
Family visa petition (I-130) in conjunction with consular processing (DS-230) (if visa is immediately available)

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IMMIGRATION/VISA (continued)

Removal of Conditions

Removal of Conditions on Residency Based on Marriage (I-751)

Removal of Conditions on Residency for Entrepreneurs (I-829)

Employment Residency Petition

LCA/PERM Petition (for Alien Worker)

I-140 Petition Filing (for Alien Worker)

Employment-based adjustment of status (I-485)

EB-1 Petition

Immigration Court Work/Deportation

Cancellation of Removal (10 year law)

Removal Proceeding or Deportation Representation

212(c) Relief

Adjustment of Status in Removal Proceedings

Motion to Terminate (criminal offenses) in removal proceedings

Motion to Reopen-- immigration cases

TRANSACTION

Contractual (Lease, Employment, Purchase/Sale, etc.)

Draft Agreement/Contract

Negotiate Agreement/Contract

Review Agreement/Contract

TRANSACTION (continued)

Landlord-Tenant

Drafting Tenant Letters (Protecting rights of the tenant)

Review/Negotiate/Draft Lease/Sublease agreements

Rent Escrow

Security Deposits Demand Letter

Wills and Estate Planning

Wills/Trust

Power of Attorney

Authorization of Release of Information

LITIGATION & DISPUTE RESOLUTION

Civil

Landlord-Tenant Disputes

Contract Disputes

Medical Malpractice

Wrongful Death

Commercial

Consumer Protection/Products Liability

Personal Injury (Auto Collision, Work Related, Slip & Fall, etc.)

Fraud

Physical Assault and Abuse

Sexual Harassment and Assault

Civil rights and Discrimination

Administrative Proceedings

Arbitration & Mediation

LITIGATION & DISPUTE RESOLUTION (continued)

Criminal Defense

DUI/DWI (Drive Under Influence)

MIP (Minor in Possession)

Illegal Drug Related

Fraud and Embezzlement

Gun Crime

Hit and Run

Misdemeanor Crime

Murder Crime

Sex Crime

Theft Crime

White Collar Crime

Probation Violation

Expungement (Seal of Prior Criminal Conviction)

SERVICE PACKAGES

		Daily	Your Personal	
Legal Service	Basic	Needs	Attorney	Choose*
Monthly consultation				
Document Review				
Visas support + OPT				
Real Estate Matters:				
Eviction Defense				
Problems with Landlord				
Buying, Selling, Refinancing a home				
Tenant Negotiations				
Debt Collection Defense				
Wills and Estate Planning:				
Living Will				
Powers of Attorney				
Trusts				
Wills and Codicils				
Document Preparation:				
Demand Letters				
Deeds				
Notes				
Mortgages				
Civil Litigation Discount				
Criminal Defense Discount				
Consumer Protection				
Debt Collection				
Medical Malpractice				
24 Hr. Access to Attorney				

*One of the existing three packages can be chosen or you can personalize your own package with services that fit your legal needs from as low as \$20.00 a month.

RIGHTS WALLET CARD

- Cut out the card below.
 Fold along the dotted lines.
- Keep the reference card in your wallet or purse, so that you will have it with you.

WHAT TO DO IF YOU'RE STOPPED BY THE POLICE

- Be **polite and respectful**. Never bad-mouth a police officer.
- Stay calm and in control of your words, body language, and emotions.
- Don't get into an argument with the police.
- Remember, anything you say or do can be used against you.
- Keep your hands where the police can see them.
- Don't run. Don't touch any police officer.
- Don't resist even if you believe you are innocent,
 Don't complete on the scare or tall the police
- **Don't complain** on the scene or tell the police they're wrong or that you're going to file a complaint.
- Do not make any statements regarding the incident.
- Ask for a lawyer immediately upon your arrest.
- Remember officer's badge & Patrol car numbers.
- Write down everything you remember as soon as possible.
- Try to find witnesses & their names & phone numbers.
 If you are injured, take photographs of the injuries as soon as possible, but make sure you seek medical
- attention first.
 If you feel your rights have been violated, file a written

If you feel your rights have been violated, file a written complaint with the police department's internal affairs division or civilian complaint board.

IF YOU HAVE A POLICE ENCOUNTER, YOU CAN PROTECT YOURSELF.

- What you say to the police is always important. What you say can be used against you, and it can give the police an excuse to arrest you, especially if you bad-mouth a police officer.
- You don't have to answer a police officer's questions, but you must show your driver's license and registration when stopped in a car. In other situations, you can't legally be arrested for refusing to identify yourself to a police officer.
- You don't have to consent to any search of yourself, your car or your house. If you DO consent to a search, it can affect your rights later in court. If the police say they have a search warrant, ASK TO SEE IT.
- 4. Do not interfere with, or obstruct the police you can be arrested for it.

IF YOU ARE STOPPED FOR QUESTIONING

- It's not a crime to refuse to answer questions, but refusing to answer can make the police suspicious about you. You can't be arrested merely for refusing to identify yourself on the street.
- Police may "Pat-down" your clothing if they suspect a concealed weapon. Don't physically resist, but make it clear that you don't consent to any further search.
- Ask if you are under arrest. If you are, you have a right to know why.
- Don't bad-mouth the police officer or run away, even if you believe what is happening is unreasonable. That could lead to your arrest.

IF YOU'RE STOPPED IN YOUR CAR

- Upon request, show them your driver's license, registration. and proof of insurance. In certain cases, your car can be searched without a warrant as long as the police have probable cause. To protect yourself later, you should make it clear that you do not consent to a search. It is not lawful for police to arrest you simply for redusing to consent to a search.
- If you're given a ticket, do not argue with the police officer, you can always fight the case in court later.
- If you're suspected of drunk driving (DUI) and refuse to take a blood, urine or breath test, your driver's license will be automatically suspended for 1 year. The fact of you refuse to take a test can be used against you in court.

IF YOU'RE ARRESTED OR TAKEN TO A POLICE STATION

- You have the right to remain silent and talk to a lawyer before you talk to the police. Tell the police nothing except your name and address. Don't give any explanations, excuses or stories. You can make your defense later, in court, based on what you and your lawyer defedies is best.
- Ask to see a lawyer immediately. If you can't pay for a lawyer, you have a right to a free one once your case goes to court, or during an interrogation. You should ask the police how the lawyer can be contacted.
- 3. Don't say anything without a lawyer.
- 4. Within a reasonable time after your arrest, or booking, you have the right to make a local phone call to a lawyer, bail bondsman, a relative or any other person. The police may not listen to the call to the lawyer.

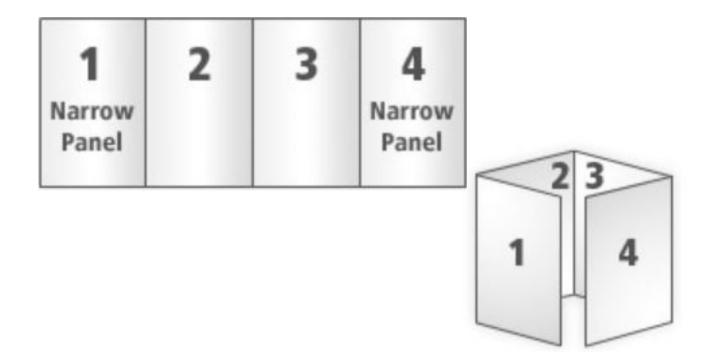
- Sometimes you can be released without bail, or have bail lowered. Have your lawyer ask the judge about this possibility. You must be taken before the judge within 48 hours after arrest.
- Do not make any decisions in your case until you have talked with a lawyer.

IN YOUR HOME

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- If the police knock and ask to enter your home, you don't have to admit them unless they have a warrant signed by a judge.
- However, in some emergency situations (like when a person is screaming for help inside, or when the police are chasing someone) officers are allowed to enter and search your home without warrant.
- If you are arrested, the police can search you and the area close by. If you are in a building, "close by" means just the room you are in.
- 4. We all recognize the need for effective law enforcement, but we should also understand our own rights and responsibilities - especially in our relationships with the police. Everyone, including minors, has the right to courteous and respectivel police treatment. If your rights reviolated, don't try to deal with the situation at the scene. You can discuss the matter with an attorney afterwards, or file a complaint with the Internal Aftairs or (vilian Complaint Board.







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PLEASE VISIT OUR WEBSITE:

WWW.CMMRLAWFIRM.COM

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RESOURCES

CHUNG, MALHAS & MANTEL, PLLC <u>http://www.cmmrlawfirm.com</u>

UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES (USCIS) http://www.uscis.gov

USCIS FORMS AND FEES http://uscis.gov/forms

STUDENT AND EXCHANGE VISITOR INFORMATION SYSTEM (SEVIS) http://www.ice.gov/sevis/

U.S. EMBASSIES AND CONSULATES, WORLDWIDE http://www.usembassy.gov/

FOREIGN CONSULAR OFFICES IN THE U.S. http://www.state.gov/s/cpr/rls/dpl/32122.htm

FOREIGN EMBASSIES IN WASHINGTON, D.C. <u>http://www.embassy.org/embassies</u>

WASHINGTON STATE AGENCIES, BOARDS AND COMMISSIONS <u>http://access.wa.gov/agency</u>

WASHINGTON STATE LANDLORD TENNANT LAW http://www.washingtonlawhelp.org/resource/your-rights-as-a-tenant-in-washington

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