

Rights of International Students to Join GEO

*Graduate Employees Organization
Local 6297, IFT-AFT, AFL-CIO*

Can I join a union in the United States if I am here on a foreign student visa?

Yes. The visa requirement that foreign students may only accept employment associated with the university they attend in no way compromises the right to belong to a union. In fact, the right to form a union is part of the Universal Declaration of Human Rights (1948) and is also an integral part of academic freedom as defined by the Declaration on Academic Freedom (Lima, 1988). Graduate employees have formed unions and bargained contracts at many schools, and graduate employee unions have existed for almost 30 years at schools like the University of Michigan and the University of Wisconsin at Madison. As a Union member at the University of Illinois at Chicago you are part of a national movement of over 20 graduate unions across the country. None of these campuses have reported any complications arising from the dual status of being both a foreign student and a unionized employee. *It is against the law for your employer (the university) to discriminate against you on the basis of your union membership or participation in legal union activities.*

Are there any restrictions on political activity by foreign students?

All foreign students enjoy the same rights to freedom of expression and freedom of association as U.S. nationals. *Union membership or participation is not considered to be evidence of any of these things.* Federal law protects your right to join a union. The only relevant restriction on political activity by foreign students is that they cannot make financial contributions to political organizations in the United States.

Are there any restrictions on my ability to participate in union activities such as picketing, rallies, and leafleting?

Political activities such as picketing, rallies, leafleting, demonstrations, etc., are forms of expression and free association, which are protected for foreigners in the U.S. (including foreign students with visas) as they are for U.S. nationals. *It is against the law for your employer (the university) to retaliate against you for participating in these protected activities.*

Will my union membership or union activity effect visa applications that I might make in the future?

No. It is against the law for the Bureau of Citizenship and Immigration Services (BCIS is the new agency under the Department of Homeland Security (DHS) that has replaced the Immigration and Nationalization Service (INS)) to ask you questions about your union membership or your legal union activities or to take them into account when reviewing your visa application. In the past there was a question on the visa application form asking the applicant about his/her union activities. But this question was removed from the application form several years ago.

Are there any other issues I should be aware of?

In nearly 30 years of graduate employee unionization, there is no reported instance of any international student having problems with the law or with their visa status as the result of their union activity. It is against the law for the university to retaliate against you for union activities. It is also highly unlikely that a university would charge you with violating university regulations as a result of your union activities. But if they did so, this would probably be found illegal. There is no known case of any international student being expelled from the university as a result of union activities, nor would such an expulsion be legal. There is one known case at Yale University, which charged two international students with academic misconduct for their participation in strike activities. The charges were subsequently dropped.

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What's been gained for International Graduate Employees?

In addition to better health care, guaranteed wage increases, and the benefits of union membership for all assistants, unionized International Graduate Assistants have achieved the following benefits at other universities:

University of Wisconsin (Madison)

The Wisconsin Federation of Teachers has a retainer agreement with the Durrani Law Firm, a local immigration law firm. Graduate union members may contract Mr. Durrani's services at a discount. Twice a year, the firm makes a presentation on campus with information and updates on the latest developments in immigration law.

In 1994, the University instituted a new policy requiring all international students to purchase insurance covering "medical evacuation and repatriation"-- i.e., an insurance policy covering the cost of shipping someone's body home if they die in the U.S. With some research, the union demonstrated that this "coffin" tax was not required for students holding F-1 visas. The University rescinded the policy.

In 2003, the union's International Caucus led a successful campaign to stop the University from assessing \$125 per year for international students to pay for SEVIS.

University of Michigan

International TAs take a three-week teacher-training workshop in the summer before they begin teaching. The union obtained financial support for people attending the training which included: 1) free housing or a stipend; 2) health insurance; and 3) a food allowance.

University of Illinois (Urbana-Champaign)

In previous semesters some international graduate students have had their pay withheld because their Social Security number or I-9 form was late. Responding to international graduates' concerns, the GEO has resolved this issue by reaching a tentative agreement with the university.

Yale University

The union won one-on-one tutoring of English as a Second Language (ESL) for all non-native speakers.

For More Information

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