Work After Graduation & OPT Application Procedures

Overview

- You will be graduating soon! What’s next?
- **Your Goal:** To achieve a smooth transition from full-time student to employee.
  - Do you plan to work in the U.S. and for how long?
  - Which types of work permission might be available to you?
  - What factors can you use to compare potential employers?
  - Are you prepared to discuss visa sponsorship?
- **ISO Goal:** To provide basic guidelines that help you in making important immigration decisions.

Overview, continued...

- **Employment:** Any work or service performed, in exchange for personal compensation:
  - Money
  - Any other personal benefit (other than experience alone)
- Employment authorization requires valid status.
- Work only with valid & documented authorization:
  1. Documented: Official approval from authorizing agent
  2. Active: Authorization start date must be reached

F-1 Optional Practical Training

- **Benefit of maintaining F-1 (no change in status)**
  - 12 months of OPT available at each higher degree level
- Work is either during or after academic program
  - Pre-completion
    - During academic year (part-time only)
    - During annual vacation term (part-time/full-time)
  - Post-completion
    - After completion of all requirements excluding thesis (full-time)
    - After degree requirements are satisfied (full-time)

OPT: Eligibility

- Must have enrolled in a full-course of study for at least 1 academic year (9 months)
- Not previously authorized for 12 months of OPT at current or higher degree level
- Not been authorized for more than 12 months of full-time CPT
- No job offer is required to apply

Decision Factors

- Selection & Application Choices
  - Employment Period/Dates
  - I-765 Application Processing Time
- **Limits & Requirements**
  - Unemployment Limit
  - OPT Employment Requirements
- OPT Extensions
  - STEM extension
  - H1-B/cap-gap extension
- Travel
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**Application Window for OPT**

**Post-Completion OPT:**

- **Date of Program Completion sets eligibility period**
  - May apply up to 90 days before completion
  - May apply up to 60 days after completion
  - Must apply within 30 days of ISO’s OPT Recommendation (New I-20)

**OPT: Employment Dates**

- Start Date: Must be within 60 days of Completion Date
- Eligible to apply for up to 12 months of OPT
- Estimated 2 to 3 months processing time
- Trade-off for date selection:
  - Earlier date, with no job → Unemployment!
  - Later date, with job offer → Can’t work!

- Completion Date
  - 60 Day OPT Window
  - Earliest Possible Start Date
  - Latest Possible Start Date

**OPT: 2-3 Month Processing**

- 1 Month
- 2nd Month
- 2/9/15

- 11/11/15
- You Apply for OPT
- Completion Date
- Choose OPT Start Date
- EAD Card Arrives, OPT starts

- 3 Months Processing
- Not always best to wait until you have job offer
- Can’t start work until EAD card has arrived!
- Typically not possible to expedite OPT application
- Latest possible end date for OPT is 14 months after completion date!

**Unemployment during OPT**

- 90-day limit on unemployment
  - Counted once OPT begins
  - Not consecutive
  - Max reached: F-1 Status & OPT automatically end
    - If OPT ends due to unemployment, there is no grace period
    - You are eligible for a 60-day grace period at the end of your OPT if you maintain your status during the entire authorized period.

- Be strategic & think about alternatives
  - Find activities that will satisfy basic employment requirements, while still looking for “best job ever”

**OPT: Employment Criteria**

- General requirements for OPT employment
  - Related to current field of study, as reported to SEVIS
  - 20 hours per week, or more (no maximum)

- Reporting categories: ISO website
  - Single Employer, Multiple Employers
  - Self-Employed (contract, work-for-hire, etc.)
  - Self-Employed in the Performing Arts
  - None – Actively seeking employment

- Volunteer Activities
  - Request documentation of dates and nature of activity

**OPT: Travel Out of the U.S.**

- Always a risk when you travel out of the U.S.
  - More risky when on OPT if you don’t have a valid visa to return on!

- Before completion date
  - Must have valid visa, passport valid 6 months into the future, & signed I-20

- After completion but before OPT start date
  - Must have valid visa, passport valid 6 months into the future, signed I-20, & Receipt Notice of EAD card if already issued

- After OPT start date
  - Must have valid visa, passport valid 6 months into the future, signed I-20, EAD card, & proof of employment

Please note: During OPT, travel signature on I-20 is only valid for 6 months.
OPT Extensions: STEM

- Application for additional 17 months OPT
- Eligibility to Apply for STEM Extension
  - Employer is enrolled in USCIS E-Verify database (University of Rochester is in E-Verify)
- Take this into consideration when choosing between job offers!

H-1B Temporary Workers

- Employer-sponsored visa category/status
- Generally, relevant qualifications must be completed by filing date
  - Minimum Qualifications: Bachelors, in a specialized field
- Annual Quota on new H-1Bs: 65,000, plus 20,000 to Advanced Degree Holders
- U.S. universities & some non-profits are Cap-Exempt

OPT Extensions: Cap-Gap

- H-1B Petition may be filed as early as 4/1, with 10/1 start
- CapGap Extension: Extension of OPT work permission from end of OPT period to September 30th
  - H-1B petition filed before end of OPT
  - H-1B petition filed with start date of October 1st

H-1B Petition & Travel

- Requested Action can impact travel plans
  - Change of Status: New status takes effect on start date, 10/1
    - Individual must maintain current status until that time
    - Departure from U.S. will abandon a pending COS request
    - Consular Notification: Permission to apply for visa abroad
    - Individual must travel and re-enter U.S. with visa after start date
- Non-Immigrant Intent
  - H-1B is a dual intent category for visa application
  - Grounds for denial of F-1 visa renewal, once H-1B is filed

OPT Request

- Student Info
  - Type of OPT
  - OPT Period
    - Start & End Date
- Advisor
  - Completion date
- Dean’s Office
  - Certification
- ISO issues a new I-20!

OPT Application Procedures

[https://iso.rochester.edu/employment/students/opt/apply.html](https://iso.rochester.edu/employment/students/opt/apply.html)
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Required Application Materials

- Check or money order for $380.00
- Two passport photos
- Form I-765 Application for Employment Authorization
- Document photocopies
  - New I-20, issued within 30 days
  - Previous I-20s related to current degree program
  - Passport ID page, proof of validity, F-1 visa stamp (if applicable)
  - Current I-94 card (front & back, even if nothing is written on the back) or Approval Notice for Change of Status to F-1
  - Previously issued EAD card(s), if applicable
- Optional: Form G-1145
- E-Notification of Application/Petition Acceptance

Submit Application to USCIS

- ISO does not recommend for you to e-File the I-765, unless absolutely necessary.
- Submitting application online would require additional processing including travel to an appointment in Buffalo!
- UR students using a New York mailing address should prepare a paper application and mail I-765 application to the USCIS Dallas Lockbox location for processing.
  - Delivery by US Postal Service: USCIS
    PO Box 660861
    Dallas, TX 75266
  - Delivery by Express mail or Courier: USCIS
    Attn: AOS
    2501 S. State Hwy. 121 Business Suite 400
    Lewisville, TX 75067
  - Have your application reviewed by an ISO advisor before mailing!

EAD Card & OPT Reporting

- Once your OPT authorization is granted, USCIS will issue the Employment Authorization Document (EAD) listing your authorized employment dates.
  - Do not begin working until your employment authorization is valid!
- Report employment activities using the online reporting tool
  - Within 10 days of starting employment
  - http://iso.rochester.edu/employment/students/opt/reporting.html
- While on OPT, also notify ISO...
  - If you change your name, address, or email.
  - If you change your immigration status (i.e. to H-1B).
  - If you are transferring to another degree program.
  - If you plan to leave the country and plan not to return.
  - Use ISO reporting tools:
    - http://iso.rochester.edu/employment/students/opt/reporting.html
    - http://iso.rochester.edu/travel/depart/student.html

Take-Aways

- Rule #1: DON’T WORK WITHOUT PERMISSION!
  - Severe violation of status and a deportable offense
- Maintain your status to remain work eligible
- Apply early! (and do not e-file unless absolutely necessary)
- Report your employment while on OPT
- Additional resources from the ISO:
  - Forms and instructions are online
  - Schedule an appointment with an advisor: 275-2866

Form I-765

- Check box to accept employment
- #3: Use ISO mailing address for purposes of this application
- #12 & 13: Check your I-94 card
- #16: Eligibility Code Post-completion (c)(3)(B)
- Sign in blue ink!