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.

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

Agenda

- Overview
- Student-Based Permissions – OPT & STEM
- Factors to Consider: Unemployment, Travel
- H-1B & Cap-Gap Extension
- Applying for OPT
  - OPT Request
  - Application Process
  - Reporting Requirements
  - Summary & Questions
Work After Graduation & OPT Application Procedures

**Decision Factors**
- Selection & Application Choices
  - Employment Period/Dates
- I-765 Application USCIS Processing Time
- Limits & Requirements of OPT
  - Unemployment Limit
  - OPT Employment Requirements
- OPT Extensions
  - STEM extension
  - H-1B/cap-gap extension
- Travel

**Application Window for 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)
- **Application Processing Time:** 2-3 Months
- **Impact to F-1 on-campus work permission as a student when correction to program completion date on I-20 is required**

**Types of Post-Completion OPT**

1) Post-Completion OPT
   - after degree requirements are satisfied
   - Most students
   - Not always the same as degree conferral
   - Note: Student Health Insurance ends after Final Term!

2) Post-Completion OPT
   - after completion of all requirements excluding thesis
   - Typically students in doctoral degree program
   - Completion Date used in the OPT application may be earlier than when you submit your final corrections, but not later.
   - Caution: Shortening your completion date marks an earlier end to on-campus work permission.

**Post-Completion OPT**
- after degree requirements are satisfied
  - Most students
  - Not always the same as Degree Conferral
  - Student Health Insurance ends after Final Term: individuals must look at alternative options for health insurance during OPT!
    - May/June Graduates: July 31
    - Fall Graduates: January 31 of following year

**OPT: Employment Dates**

- **Completion Date**
- **60 Day OPT Window**
- **Earliest Possible Start Date**
  - 12/22/17
- **Latest Possible Start Date**
  - 2/20/18
- **Can choose any date in between for OPT Start Date**

- **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!
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OPT: 2-3 Month Processing

- You Apply for OPT
- 3 Months USCIS Processing
- 12/22/17 Completion Date
- 12/22/17 1st Month
- 1/22/18 2nd Month
- 2/22/18 EAD Card, OPT starts

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
  - Employee/Paid Intern
  - Self-Employed/Independent Contractor
  - Volunteer/Unpaid Intern
  - Self-Employed in the Performing Arts
- 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 or 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

OPT Extensions: STEM

- Application for additional 24 months OPT
- Eligibility to Apply for STEM Extension
  - Majors in Science, Technology, Engineering, & Math
  - 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
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OPT Extensions: Cap-Gap
- H-1B Petition may be filed as early as 4/1, with 10/1 start
- Cap-Gap Extension: Extension of OPT work permission from end of OPT period to September 30th
- Cap-Gap Extension Eligibility Requirements
  - 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 I-765 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 with OPT recommendation!

Required Application Materials
- Check or money order for $410.00
- Two passport photos
- Form I-765 Application for Employment Authorization
- Document photocopies
  - New I-20, issued with OPT recommendation within 30 days
  - Previous I-20s related to current degree program
  - Passport ID page, F-1 visa stamp (if applicable)
  - I-94 record (https://i94.cbp.dhs.gov) or Approval Notice for Change of Status to F-1
  - Previously issued EAD card(s), if applicable
- Recommended: Form G-1145
- E-Notification of Application/Petition Acceptance

Form I-765
- #1: Use ISO mailing address
- #12 & #13: I-94 record information
- #16: Eligibility Code
  - Post-completion (c)(3)(B)
- Sign in blue ink!

International Services Office, UR
February 5, 2017
Work After Graduation & OPT Application Procedures

Submit Application to USCIS

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 standard US Postal Service:
  USCIS
  PO Box 660863
  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!

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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://www.iso.rochester.edu/employment/students/reporting/index.html](http://www.iso.rochester.edu/employment/students/reporting/index.html)

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OPT Employment Requirements

- **Cannot start work until:**
  1) Received EAD in the mail
  2) Met start date on EAD
- Related to your area of study
  - Provide description when reporting & Keep a record
- Full-time: At least 20 hours per week
  - May have multiple employers
- Report employment to ISO by using the online reporting tool
  - [http://www.iso.rochester.edu/employment/students/reporting/index.html](http://www.iso.rochester.edu/employment/students/reporting/index.html)

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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://www.iso.rochester.edu/employment/students/reporting/opt.html](http://www.iso.rochester.edu/employment/students/reporting/opt.html)
  - [http://www.iso.rochester.edu/employment/students/reporting/em.html](http://www.iso.rochester.edu/employment/students/reporting/em.html)
  - [http://www.iso.rochester.edu/employment/students/reporting/h1b.html](http://www.iso.rochester.edu/employment/students/reporting/h1b.html)
  - [http://iso.rochester.edu/travel/depart/student.html](http://iso.rochester.edu/travel/depart/student.html)

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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!
- Report your employment while on OPT
- Additional resources from the ISO:
  - Forms and instructions are online
  - Schedule an appointment with an advisor: 585-275-2866

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Questions?

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