Overview, continued...

- 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

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

Application Window for OPT

I-20 completion date sets application window

- May apply up to 90 days before completion
- May apply up to 60 days after completion
- Must apply within 30 days of new I-20 issue date

** Application Processing Time: 2-3 Months
** Impact to F1: Changes work permission as a student

Types of Post-Completion OPT

1) Post-Completion OPT after degree requirements are satisfied
   - Most students
   - Not always the same as degree conferral
2) Post-Completion OPT after completion of all requirements excluding thesis
   - Typically students in doctoral degree program
   - Completion Date used in OPT application may be earlier than when you submit your final corrections, but not later.

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

OPT: Date Selection

- Later date, with job offer → Can’t work!
- Earlier date, with no job → Unemployment!
OPT Workshop: Selected Slides

Unemployment during OPT

- 90-day limit on unemployment
- Counted once EAD card arrives & start date passes
- Not consecutive
- Max reached: F-1 Status & OPT automatically end
- Be strategic & think about alternatives
- Find activities that will satisfy basic employment requirements, while still looking for "best job ever"

OPT: Employment Criteria

- Related to current field of study, as reported to SEVIS
- Full-time: 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 with!
- 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

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

OPT Extensions: STEM

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

OPT Extensions: Cap-Gap

- H-1B Petition may be filed as early as April 1st with start date of October 1st
- Cap-Gap Extension: Extension of OPT work permission from end of OPT period to Sept. 30th
- Cap-Gap Extension Eligibility Conditions
  - H-1B petition filed before end of OPT
  - H-1B petition filed for Change of Status with start date of October 1st

If H-1B petition is filed during the grace period following the end of your OPT with a start date of October 1st, your permission to stay in the U.S. will be extended only (not your work permission).

H-1B Temporary Workers

- Employer-sponsored visa category/status
- Relevant qualifications must be completed by filing date
  - Minimum Qualifications: Bachelor's in a specialized field
  - Annual Cap/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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**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 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.
- Filing for an H-1B visa could be grounds for denial of F-1 visa renewal.

**Required Application Materials**

- Check or money order for $380.00.
- Two passport photos (Med Center Photo recommended).
- 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 record (if paper card, front AND 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.

**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!

**Form I-765**

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

**Submit Application to USCIS**

- ISO does not recommend for you to e-file the I-765.
- Doing so would require travel to 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 66086.
  - Dallas, TX 75266.
- Delivery by Express mail or Courier:
  - USCIS.
  - Annex ACS.
  - 1501 S. Fort Worth Hwy.
  - Suite 400.
  - Fort Worth, TX 76126.
- 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 EAD start date.
  - http://eoc.op.humcenter.edu:8080/eoc/external.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**
  - Keep a record of yourself

- **Full-time: At least 20 hours per week**
  - May have multiple employers

- **Report employment to ISO by using the online-reporting tool**
  - [http://isostudents.rit.edu/employees/opt/reportingtool](http://isostudents.rit.edu/employees/opt/reportingtool)

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://isostudents.rit.edu/employees/opt/reportingtool](http://isostudents.rit.edu/employees/opt/reportingtool)
  - [http://isostudents.rit.edu/employment/applyfor/apply.html](http://isostudents.rit.edu/employment/applyfor/apply.html)

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