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 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
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)

** Application Processing Time: 2-3 Months
** Impact to F-1 on-campus work permission as a student

OPT: Employment Dates

Completion Date

60 Day OPT Window

12/7/13

Earliest Possible Start Date

Latest Possible Start Date

12/8/13

Can choose any date in between for OPT Start Date

2/5/14

• Start Date: Must be within 60 days of Completion Date
• Eligible to apply 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!

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 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
- 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
- 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 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
Optional Practical Training Application Procedures
https://iso.rochester.edu/employment/students/opt/apply.html

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).
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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 660867
    - 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/endor/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