Agenda

• Overview
• Student-Based Permissions – OPT & STEM
• Factors to Consider: Unemployment, Travel
• H1-B & Cap-Gap Extension
• Applying for OPT
  • OPT Request
  • Application Process
  • Reporting Requirements
  • Summary & Questions
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:

I-20 completion date 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 new I-20 issue date

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

- You Apply for OPT
- Completion Date
- Chosen OPT Start Date
- EAD Card Arrives, OPT starts

3 Months Processing

- Not always best to wait until you have job offer
- Think about the trade-offs
- 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 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
  • Majors in Science, Technology, Engineering, & Math [http://www.ice.gov/sevis/stemlist.htm]
  • 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

• Relevant qualifications must be completed by filing date
  • Minimum Qualifications: Bachelors, in a specialized field

• Annual Quota on new H1-Bs: 65,000, plus 20,000 to Advanced Degree Holders

• U.S. universities & some non-profits are Cap-Exempt
OPT Extensions: Cap-Gap

- H1-B 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
  - H1-B petition filed before end of OPT
  - H1-B petition filed with start date of October 1st

If H1-B 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 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  Optional Practical Training

Application Procedures

http://iso.rochester.edu/employment/students/opt/apply.html
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
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 for yourself

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

• Report employment to ISO by using the online-reporting tool
  • [http://iso.rochester.edu/employment/students/opt/reporting.html](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 H1-B).
• 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
Questions?

Reminder
International Student Tax Workshop – 2/21, 4-6pm, Schlegel 407