**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

---

**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
   * for 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 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.

OPT: Employment Dates

- Completion Date
- 60 Day OPT Window
- Earliest Possible Start Date: 5/16/16
- Can choose any date in between for OPT Start Date
- Latest Possible Start Date: 7/16/16
- 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
- Tradeoff 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
  * Employee/Paid Intern
  * Self-Employed/Independent Contractor
  * Self-Employed in the Performing Arts
  * Volunteer/Unpaid Intern
- 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

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

OPT: 2-3 Month Processing

- You Apply for OPT
- Completion Date
- 3 Months USCIS Processing
- 1 Month
- 2nd Month
- 3 Months
- Chosen OPT Start Date
- EAD Card Arrives, OPT starts

• 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”
Work After Graduation & OPT Application Procedures

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!

*Steady tune for possible changes to the STEM policy in the near future!

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

Required 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 with OPT recommendation!

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

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, F-1 visa stamp (if applicable)
  - I-94 record [https://i94.cbp.dhs.gov](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
• ENotification of Application/Petition Acceptance
Work After Graduation & OPT Application Procedures

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

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

**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