OPT Application Procedures

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
**OPT Application Procedures**

### 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

<table>
<thead>
<tr>
<th>Completion Date</th>
<th>6/9/13</th>
<th>60 Day OPT Window</th>
</tr>
</thead>
<tbody>
<tr>
<td>Earliest Possible Start Date</td>
<td>6/10/13</td>
<td>Can choose any date in between for OPT Start Date</td>
</tr>
<tr>
<td>Latest Possible Start Date</td>
<td>8/8/13</td>
<td></td>
</tr>
</tbody>
</table>

- 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: 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: 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: 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!
OPT Application Procedures

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

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 reenter 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 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

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).

H1-B 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
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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!

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 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
OPT Application Procedures

Form I-765
- Check box to accept employment
- #3: Use ISO mailing address for purposes of this application
- #12 & 13: Check your I-94 card
- #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, 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

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

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

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