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:
  - 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/Date
  - I-765 Application USCIS Processing Time
- Limits & Requirements of OPT
  - Unemployment Limit
  - OPT Employment Requirements
- OPT Extensions
  - STEM extension
  - H1-B/cap-gap extension
- Travel

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
Work After Graduation & OPT Application Procedures

Types of Post-Completion OPT

1) Post-Completion OPT  
   after degree requirements are satisfied
   - Most students
   - Not always the same as degree conferred

   Notes: Student Health Insurance ends after Final Exam

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 see later.
   - Caution: Shortening your completion date marks an earlier end to on-campus work permission.

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

- 90-day limit on unemployment
  - Automatically calculated in SEVIS 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
  - Employee/Paid Intern
  - Self-Employed/Independent Contractor
  - Volunteer/Unpaid Intern
  - Self-Employed in the Performing Arts

- 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

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

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Work After Graduation & OPT Application Procedures

**OPT Extensions: STEM**
- Application for additional 24 months OPT
- Eligibility to Apply for STEM Extension
  - Majors in Science, Technology, Engineering, & Math
  - Employer is enrolled in USCIS E-Verify database (University of Rochester is in E-Verify)
- Take this into consideration when choosing between job offers!

*Recommended: Schedule appointment with an advisor to review application procedures 1-4 months prior to end of authorized OPT period.*

**H-1B Temporary Workers**
- Employers-sponsored visa category/status
- Generally, relevant qualifications must be completed by filing date
  - Minimum Qualifications: Bachelor’s, 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

<table>
<thead>
<tr>
<th>April 1</th>
<th>End of OPT</th>
<th>October 1</th>
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<tbody>
<tr>
<td>H-1B is filed</td>
<td>Cap-Gap Extension</td>
<td>H-1B Starts</td>
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If H-1B petition is filled 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

**Required Application Materials**
- Check or money order for $410.00
- Two passport photos
- Form I-765 Application for Employment Authorization
- Document photocopies
  - New I-20, issued with OPT recommendation 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) or Approval Notice for Change of Status to F-1
- Previously issued EAD card(s) if applicable
- **Recommended: Form C-114S**
- **C-114S**: Notification of Application/Petition Acceptance

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Work After Graduation & OPT Application Procedures

Form I-765

- Use ISO mailing address
- Include J-1 exchange information
- Eligibility Code
- Pre-completion 6(X306)
- Sign in blue ink!
- Check box for "Permission to accept employment"

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 161806
  Dallas, TX 75216

- 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

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

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.iceschools.edu/employment/students/reporting/report.html
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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, 585-273-2866

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