Agenda

• Student-based work permissions: OPT
• Factors to consider: Unemployment, travel
• Transitions: STEM OPT, H-1B & Cap-Gap
• Applying for OPT
• Q&A Session

**COVID-19 considerations**
You’re graduating soon!

What’s next??

Your Goal: To achieve a smooth transition from full-time student to your next chapter.

- Working in the United States?
- Going to graduate school in the United States?
- Leaving the United States?

ISO Goal: To provide basic guidelines that help you in making important immigration decisions.
Working in the United States

From an immigration perspective, there’s a lot to think about…

• **How long** do you plan to work in the US?
• Which **types of work permission** might be available to you, now & in the future?
• What **factors** can you use to compare potential employers?
Working in the United States

• **Employment**: Any work or service performed in exchange for personal compensation
  • Money – hourly pay, stipend, reimbursements, etc.
  • 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 Practical Training

- Benefit of maintaining F-1 status
  - Your F-1 immigration status does not change
- 3 standard types of practical training

<table>
<thead>
<tr>
<th>Name</th>
<th>Time</th>
<th>Authorization Source</th>
<th>Documentation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Curricular Practical Training (CPT)</td>
<td>During program</td>
<td>DSO authorization</td>
<td>New I-20</td>
</tr>
<tr>
<td>Pre-Completion Optional Practical Training (OPT)</td>
<td>During Program</td>
<td>DSO Recommendation + USCIS authorization</td>
<td>EAD</td>
</tr>
<tr>
<td>Post-Completion Optional Practical Training (OPT)</td>
<td>After Program</td>
<td>DSO Recommendation + USCIS authorization</td>
<td>EAD</td>
</tr>
</tbody>
</table>
Post-Completion OPT
after all degree requirements are satisfied

• Applies to most students

• **Program completion** is not always the same as *degree conferral* (see I-20)

• Student health insurance ends after final term!
  • Individuals must look at alternative options for health insurance during OPT
  • ISO website: [http://www.iso.rochester.edu/living/healthcare/alternative.html](http://www.iso.rochester.edu/living/healthcare/alternative.html)
Post-Completion OPT

after completion of all requirements excluding thesis

- Typically students in **doctoral degree program**

- 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
  - This is especially important to keep in mind if you are receiving employment-based (for-service) payments for research/teaching!
OPT: Eligibility factors

In order to be **eligible for OPT**, you must have...

- ...been enrolled in a full course of study for **at least 1 academic year** (9 months)**
- ...not been previously authorized for OPT at **current or higher degree level** (12 months of OPT is available at each ascending degree level)
- ...not been authorized for more than **12 months of full-time CPT at the current degree level**

No job offer is required to apply for 12-month OPT!
# OPT Timing Considerations during COVID-19

<table>
<thead>
<tr>
<th>When did you first activate your current SEVIS record?</th>
<th>Fall 2020, or earlier</th>
<th>Spring 2021 (Initial SEVIS rec.)</th>
<th>Fall 2021 (Initial SEVIS rec.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eligibility for Practical Training:</td>
<td><strong>Eligible Now</strong></td>
<td>-Eligible now if enrolled FT during Summer 2021 -Otherwise, end of Fall 2021</td>
<td><strong>End of Spring 2022</strong></td>
</tr>
<tr>
<td><strong>COMPLETION:</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>12/12/2021</td>
<td>Apply OPT: 9/13 ← → 2/10</td>
<td>Start: 12/13 – 2/10</td>
<td>Not eligible</td>
</tr>
<tr>
<td>CPT: Now</td>
<td></td>
<td>CPT: Only if FT enrolled Summer 2021, eligible now</td>
<td>Not eligible</td>
</tr>
<tr>
<td><strong>COMPLETION:</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>12/17/2021</td>
<td>Apply OPT: 9/18 ← → 2/15</td>
<td>Start: 12/18 – 2/15</td>
<td>Not eligible</td>
</tr>
<tr>
<td>CPT: Now</td>
<td></td>
<td>CPT: Only if FT enrolled Summer 2021, eligible now</td>
<td>Not eligible</td>
</tr>
</tbody>
</table>

* For Initial records (Transfers and COELs would likely have F-1 benefits upon arrival to the US, i.e. post-comp OPT or CPT with academic approval)
Application process

1. Request an OPT recommendation from ISO (new I-20)

2. Submit required application materials to USCIS

3. Wait: Look out for updates and notices regarding your application status.


https://iso.rochester.edu/employment/students/opt/apply.html
OPT: Application Window

Program completion date** determines your timeline!

5-month eligibility window:

- May apply up to **90 days** before completion
- May apply up to **60 days** after completion* (grace period)
- Must apply within **30 days** of ISO’s OPT recommendation (new I-20)

* Applications during grace period depend on maintenance of status
OPT Timing Considerations during COVID-19

<table>
<thead>
<tr>
<th>When did you first activate your current SEVIS record?</th>
<th>Fall 2020, or earlier</th>
<th>Spring 2021 (Initial SEVIS rec.)</th>
<th>Fall 2021 (Initial SEVIS rec.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eligibility for Practical Training:</td>
<td>Eligible Now</td>
<td>-Eligible now if enrolled FT during Summer 2021 -Otherwise, end of Fall 2021</td>
<td>End of Spring 2022</td>
</tr>
</tbody>
</table>

**COMPLETION: 12/12/2021**

- Apply OPT: 9/13
- CPT: Not eligible

**COMPLETION: 12/17/2021**

- Apply OPT: 9/18
- CPT: Now

**The completion date on the I-20 mirrors what’s happening academically – updates may be required!!**

1. If you are finishing earlier or later than expected.
2. If you don’t finish your program as expected.

* For Initial records (Transfers and COELs would likely have F-1 benefits upon arrival to the US, i.e. post-comp OPT or CPT with academic approval)
OPT Requested Start Date

- Start Date: Must be within **60 days of completion date**
- Trade-off for date selection: **Earlier start date** → Unemployment! **Later start date** → Can’t work!
- Cannot change date selection after filing application
- If transitioning from CPT, start date must be day after completion date!
- But the date you request may not always be the date your OPT actually starts because...
USCIS Processing Time

- 11/17/21: You apply for OPT
- 12/17/21: Completion Date
- 1/16/22: Chosen OPT Start Date
- ?

1 – 5 months
USCIS Processing Time

- Job offer not required, and it is not always best to wait for a job offer
- Not possible to expedite OPT application
- USCIS will adjust OPT start date automatically, as needed
- Latest possible end date for OPT is **14 months** after completion date
- Cannot start work until EAD card has arrived (**documented and active**)!
- File as soon as you are eligible if transitioning from CPT to OPT!
# OPT Timing Considerations during COVID-19

<table>
<thead>
<tr>
<th>When did you first activate your current SEVIS record?</th>
<th>Fall 2020, or earlier</th>
<th>Spring 2021 (Initial SEVIS rec.)</th>
<th>Fall 2021 (Initial SEVIS rec.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eligibility for Practical Training:</td>
<td>Eligible Now</td>
<td>-Eligible now if enrolled FT during Summer 2021 -Otherwise, end of Fall 2021</td>
<td>End of Spring 2022</td>
</tr>
<tr>
<td><strong>COMPLETION: 12/12/2021</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Apply OPT: 9/13 ↔ 2/10</td>
<td>Start: 12/13 – 2/10</td>
<td>Not eligible</td>
<td></td>
</tr>
<tr>
<td>CPT: Now</td>
<td></td>
<td>Not eligible</td>
<td></td>
</tr>
<tr>
<td><strong>COMPLETION: 12/17/2021</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Apply OPT: 9/18 ↔ 2/15</td>
<td>Start: 12/18 – 2/15</td>
<td>Not eligible</td>
<td></td>
</tr>
<tr>
<td>CPT: Now</td>
<td></td>
<td>Not eligible</td>
<td></td>
</tr>
</tbody>
</table>

* For *Initial* records (*Transfers* and *COELs* would likely have F-1 benefits upon arrival to the US, i.e. post-comp OPT or CPT with academic approval)
File for OPT while in the US!

Must be physically in the US when USCIS receives your application
*Take this into account if you will travel or will do your final class abroad!

- Currently, no USCIS guidance or temporary COVID-related adaptations to allow filing of I-765 from outside the US.

- In the preamble to Part 3 of the I-765 (page 4), USCIS states: *You must file Form I-765 while in the United States* which is in the context of the applicant’s statement that everything is accurate and subject to penalties for misrepresentation.

- Filing I-765 while outside the US could be viewed as willful falsification of the application, subject to USCIS penalties including, but not limited to, denial of OPT.
File for OPT while in the US!

- If you are outside US currently, you’ll need to return before you can apply for OPT.

- If you’re currently in the US and have travel plans later this semester, you should consider applying for OPT before you leave.

- If you depart the US during your 60-day grace period without timely filing for OPT, you will no longer be eligible to apply or return to the US in F-1 status.

- Ideally, get confirmation of successful application receipt by USCIS before any travel!
F-1 60-Day Grace Period

If you timely file for Post-Completion OPT:

- You may remain in the US while waiting for the decision to be made on your application BUT you cannot begin work until EAD is issued and start date on EAD has been met

If you do not apply for OPT:

- Depart the US no later than 60 days after I-20 completion date (or take action to maintain permission to remain in the US)
- You cannot return to the US in F-1 status during this grace period
OPT Unemployment

90-day limit

- Automatically calculated in SEVIS from start date printed on OPT card
- Cumulative, not consecutive
- **Max reached: F-1 Status & OPT automatically end**
- If OPT ends due to unemployment, there is no grace period
- If OPT ends without exceeding unemployment limit, you get a 60-day grace 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
  - Employee/Paid Intern
  - Self-Employed/Independent Contractor
  - Volunteer/Unpaid Intern
  - Self-Employed in the Performing Arts

- Unpaid/volunteer Activities
  - Request documentation of dates and nature of activity
  - Keep a journal
OPT: Travel Out of the US

It is possible to travel outside the US without impacting your pending OPT application, but be sure to speak with an advisor in advance!

Always a risk when you travel out of the US (especially now, due to COVID) → Riskier 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 Extensions: STEM

• Application for additional 24 months of OPT

• Eligible to file up to 90 days before end of OPT (must file by end of OPT period)

• Eligibility to Apply for STEM Extension
  • Majors in Science, Technology, Engineering, & Math
  • Paid job, direct hire, supervised on site
  • Employer is enrolled in USCIS E-Verify database
    University of Rochester is in E-Verify 😊

• Take this into consideration when considering job offers!

Recommended: Schedule appointment with an ISO advisor to review application procedures 3-4 months prior to end of authorized OPT period!

STEM OPT Webinar: Friday, September 24, 2021 at 11:00am Eastern
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 (Cap): 65,000, plus 20,000 to Advanced Degree Holders
  • Lottery registration 3/9/2022, Chosen petitioners to file starting 4/1/2022

• U.S. universities & some non-profits are Cap-Exempt/not subject to quota
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 Extensions: Cap-Gap

- H-1B Petition may be filed between April and July, with 10/1 requested start
- Cap-Gap Extension: Extension of OPT work permission automatically from end of OPT period to September 30th
- Cap-Gap Extension Eligibility Requirements
  - H-1B petition filed before end of OPT (consider filing window)
  - H-1B petition filed as a Change of Status with start date of 10/1

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).
OPT  Optional Practical Training

Application Procedures

http://iso.rochester.edu/employment/students/opt/apply.html
1. Obtain OPT Recommendation

OPT Recommendation Issued on new I-20

Student Information
- Post-Completion OPT
- OPT Start & End Date

Advisor
- Confirm Completion Date

Dean’s Office Certification

Submit to ISO at least 1 week before you intend to send your application to USCIS!
2. Submit OPT Application to USCIS

TWO OPTIONS: **Online Filing** OR **Paper Filing**

See ISO’s [Preparing & Filing OPT Applications](#) webpage for:

- A list of required documents
- **OPT application guides** with additional instructions for each filing method. The guides can be found under the **APPLICATION: Form I-765** section.
- Access to our URcompass client portal to upload your application materials for review.
- Information on filing your application.

**APPLICATION: Form I-765**

**FILING FEE:** $410

**PHOTOS:** US Passport-style

**COPY:** Recommendation I-20

**COPY:** Previous CPT/OPT I-20s

**COPY:** Passport

**COPY:** I-94 record

**COPY:** Previous/current EAD(s)

---

Have your application reviewed by an ISO advisor before submitting!
EAD & OPT Reporting

Monitor case status online: [https://egov.uscis.gov/casestatus/landing.do](https://egov.uscis.gov/casestatus/landing.do)

Do not begin working until your employment authorization is valid!

*Employment Authorization Document* (EAD) will list your employment dates

Report employment activities online:

- **Within 10 days of starting, ending, or changing employment**
- **via ISO:** [www.iso.rochester.edu/employment/students/reporting/index.html](http://www.iso.rochester.edu/employment/students/reporting/index.html)
  - ISO will report information to SEVIS on your behalf
- **via SEVP’s Portal**
  - Activation email will be sent on your approved OPT start date
  - View reported address & employment details any time
  - Can use portal to report changes of address in addition to employment details
  - Email [opt@rochester.edu](mailto:opt@rochester.edu) to notify of any changes made in portal
Take-Aways

• **DON’T WORK WITHOUT PERMISSION!**
  • Severe violation of status

• 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:**
    • +1 (585) 275-2866
    • questions@iso.rochester.edu
Questions?

Upcoming Workshops:

09/17/2021: Academic Internships During an F-1 Academic Program
09/24/2021: Understanding the F-1 OPT STEM Extension