

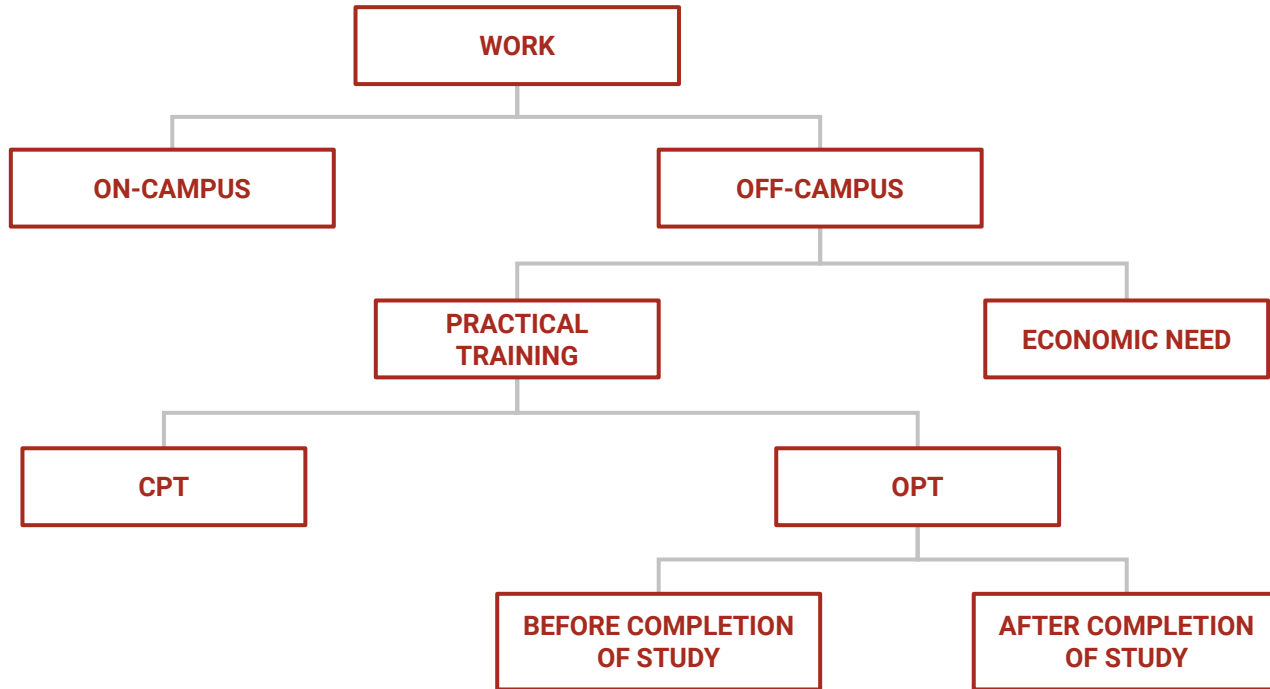
F-1 International Student Employment

Regulations and Myths
Policy and urban legends

Webinar Housekeeping

- Please save your questions for the Q&A panel at the end of the presentation.
- All slides will be shared after the webinar.
- Any unanswered questions can be emailed to ois@fordham.edu

Employment Authorization





Employment While In School

On-Campus Employment

CPT Employment Authorization

On-Campus Employment

- As an F-1 Student you are automatically authorized to work on-campus.
- Limitation:
 - You may NOT work for more than 20 hours per week when school is in session (Fall and Spring Semesters).

Off-Campus Employment: CPT Authorization

F-1 students must obtain employment authorization before starting any off-campus employment.

- Curricular Practical Training (CPT) allows you, as an F-1 student, to accept an internship or employment offer off-campus.
- CPT authorization is available to F-1 students who have been lawfully enrolled on a full-time basis for at least one academic year (two semesters or trimesters).
- The position must be an integral part of your curriculum or directly related to your curriculum.
- CPT employment authorizations are issued for a specific employer and for specific dates.
 - If you change employers or need to extend employment dates, you will need to request and obtain new CPT authorization.

Steps to Apply for CPT



Step 1: Obtain an employment offer, and an offer letter.

Step 2: Send your offer letter to your Class Dean (undergraduates) or Academic Advisor (graduate students).

- Your Class Dean/Academic Advisor completes the CPT Form through the OIS CPT Portal. They will upload the CPT Form and offer letter.

Step 3: OIS issues and emails student New I-20 reflecting CPT Authorization.

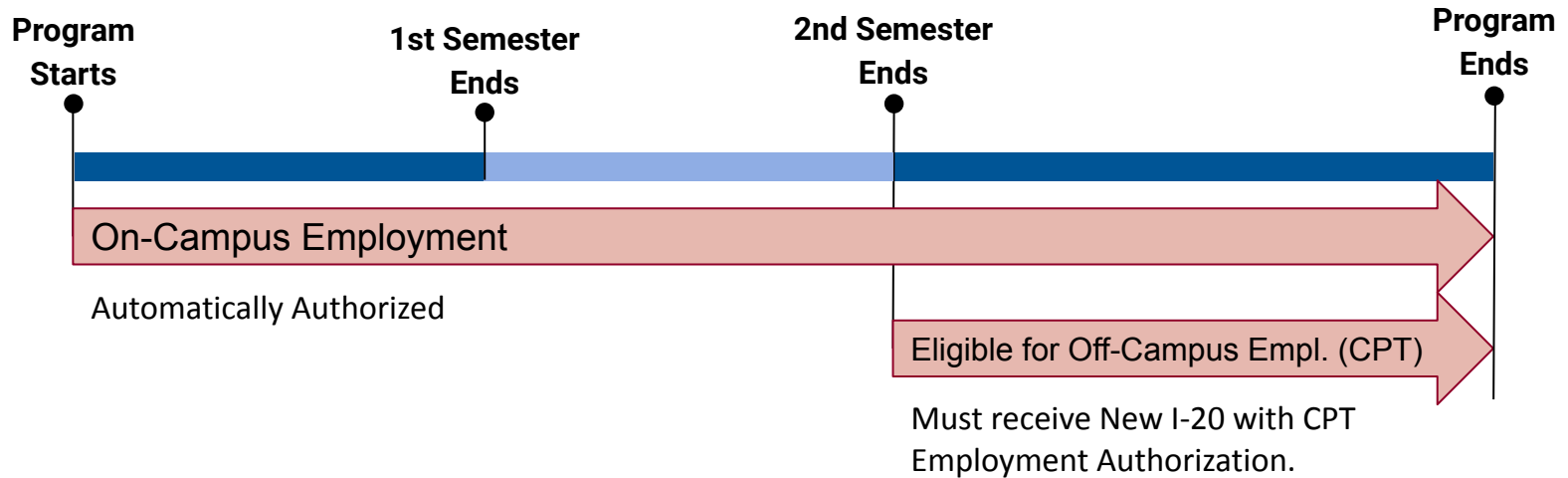
Step 4: Start employment!

Note that you may not begin your position without receiving the New I-20 with CPT authorization from the OIS.

The impact of prior use of full-time CPT at the same education level:

- F-1 students who engage in an aggregate of 12 months or more of full-time CPT at the same educational level become ineligible for optional practical training.
- The use of part-time CPT does not count towards the 12-months of full-time CPT "trigger" that eliminates eligibility for OPT.

Employment While in School Recap



What About After Graduation?

- 60-Day Grace Period
- OPT
- STEM Extension
- Other Options

60-Day Grace Period

Upon completion of your studies you will have a 60-day grace period to:

1. Depart the U.S.,
2. Apply for post-completion OPT,
3. Transfer your SEVIS record to another school (follow the transfer procedures of the new school),
4. Return to Fordham for another degree (contact Admissions and OIS regarding procedures), or
5. If applicable, apply for a change of status to another visa type (contact an immigration attorney for additional information).

OPT

What is OPT?

- OPT is 12-month employment authorization in the U.S. after graduation.
- Applying for OPT allows you to retain F-1 status for 12 months after graduation.

Who is eligible for OPT?

- Must have completed two semesters (or trimesters) in full-time F-1 status.
- You do NOT need an employment offer to apply for OPT.

When can I start applying for OPT?

- 90 days (about 3 months) BEFORE your program end date. Apply early!

Steps to Apply for OPT



Step 1: Submit your documents to OIS via the OPT Portal.

Step 2: Receive New I-20 with OPT Recommendation form OIS

- OIS will notify you via email once your "OPT Application Package" is available online. The OPT Package will include:
 - Your New I-20 with OPT Recommendation.
 - A detailed guide for filing Form I-765 online with USCIS.

Step 3: File Form I-765 online with USCIS.

Important OPT Deadlines

There are two deadlines when applying for OPT:

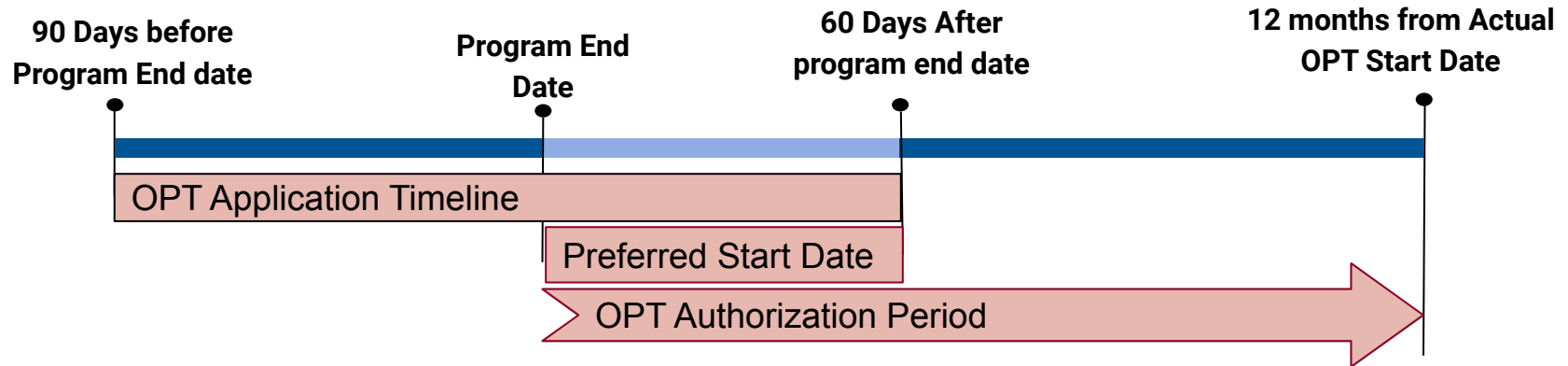
1. You can file Form I-765 up to **90 days before** your program end date but no later than **60 days*** after the program end date, AND
2. You must file Form I-765 within **30 days** of the date OIS recommended OPT in SEVIS (i.e. the date OIS issued your I-20 with OPT Recommendation).

Failure to meet these deadlines will result in USCIS denying your OPT application.

*Must allow at least 10 business days for OIS processing time. Apply early!

Preferred Start Date

- When applying for OPT students have the option to choose their preferred start date.
- It can be any date within the 60-day grace period after the student's program end date.
- The day you pick is the date you can begin working. Note that:
 1. The 90-day unemployment clock will start on your OPT start date.
 2. You cannot start working until the OPT start date (as listed on the EAD).





While on Approved OPT



EAD Card

USCIS processing time is 1-2 months.

Upon approval of your OPT application, you will receive an EAD (Employment Authorization Document) from USCIS:



The EAD card will be valid for 12 months.

This document will be your proof of employment authorization while on OPT. You will be authorized to work for the specific dates listed on the card.

90-Day Unemployment Clock

- While on OPT students can only be unemployed for a total of 90 days for the duration of the 12 months of OPT.
 - Gaps in employment during the 12 month OPT period will continue to accumulate towards the 90-day limit.
- The 90-day unemployment clock will start on the start date listed on your EAD card.

SEVP Portal

- The SEVP Portal is an online portal run by the Department of Homeland Security that allows students to report employment.
- By reporting employment via the SEVP Portal you will stop the 90-day unemployment clock.
- On your OPT start date (but not before) you will receive an automatic email from SEVP to create and access your SEVP Portal account.
- Changes to employment or personal information must be reported within 10 days of the change.

If you do not receive the automatic email from SEVP within 48hrs of your OPT start date or are unable to report employment, contact OIS.

What type of employment can I report on OPT?

The position must be:

- Directly related to your field of studies.
- At least 20 hrs per week.

The position can be:

- Regular paid employment.
- Work for hire (“1099 employment”).
- Self-employed business owner (student must be able to prove that they have proper business licences).
- Volunteers or unpaid internships.

Travel

- Travel while OPT is Pending
- Travel on Approved OPT

Travel While OPT/STEM Extension Application is Pending

Possible but not recommended:

1. USCIS may send a Request for Evidence (RFE) while you are away.
2. While OPT is pending students should monitor their mailboxes for delivery of USCIS documents and the EAD card.

If you must travel while your application is pending, in addition to the required travel documents be sure to travel with the receipt notice from USCIS (you will be able to retrieve this notice after filing for OPT online).

Contact OIS before traveling while your OPT/STEM Extension application is pending.

Travel on Approved OPT

Students are able to travel on approved OPT. You will need:

1. Valid Passport
2. Valid F-1 Visa
3. Form I-20 (with valid travel signature within 6 months)
4. EAD card
5. Proof of employment, such as offer letter (Recommended).



STEM OPT Extension



STEM Extension: Basics

What is STEM OPT Extension?

- The STEM Extension is a 24-month extension of your OPT period.
 - Note. STEM is an Extension of the OPT period. All students (regardless of major) must first apply for “regular” OPT to be eligible for the STEM extension later.

Who is eligible for the STEM Extension?

- Must be on approved OPT.
- Must have graduated from a STEM degree.
- Must be employed, and the position must be STEM-related.
- The employer must be e-verified.

When can I apply for the STEM extension?

- You can start applying 90 days (3 months) before the expiration of your OPT period.

Steps to Apply for STEM OPT

Step 1: Submit your documents to OIS via the OPT Portal.

Step 2: Receive New I-20 with STEM Extension Recommendation form OIS

- OIS will provide a “STEM OPT Extension Package.” The Package will include:
 - Your New I-20 with STEM OPT Extension Recommendation.
 - A detailed guide for filing Form I-765 online with USCIS.

Step 3: File Form I-765 online with USCIS.

Important STEM Extension Deadlines

1. You can file Form I-765 as early as 90 days before the end of your current OPT period (but no earlier),
2. You must file Form I-765 with USCIS **before your current OPT period expires**,
AND
3. You must file Form I-765 within **60 days** of the date OIS recommended STEM OPT in SEVIS.

Failure to meet these deadlines will result in USCIS denying your STEM Extension application.

There are two deadlines when applying for OPT:

STEM Degree

The CIP code of the degree major field of study must appear on the *DHS STEM Designated Degree Program List*.

- You can find this CIP code on page 1 of your I-20 under “MAJOR 1.”
- If you believe your area of study is classified as a STEM field, but it is not reflected in your I-20, contact OIS.

E-Verify Employer

To be eligible for the STEM OPT extension, the employer offering the job that serves as the basis for the STEM OPT extension must:

- Be "enrolled in E-Verify, as evidenced by either a valid E-Verify Company Identification number."
- Remain "a participant in good standing with E-Verify, as determined by USCIS" and
- "[H]ave an employer identification number (EIN) used for tax purposes"



More information about e-verify here:

8 CFR 214.2(f)(10)(ii)(C)(5)

While on Approved STEM OPT Extension

Students will receive a new EAD card valid for 24 months (two years).

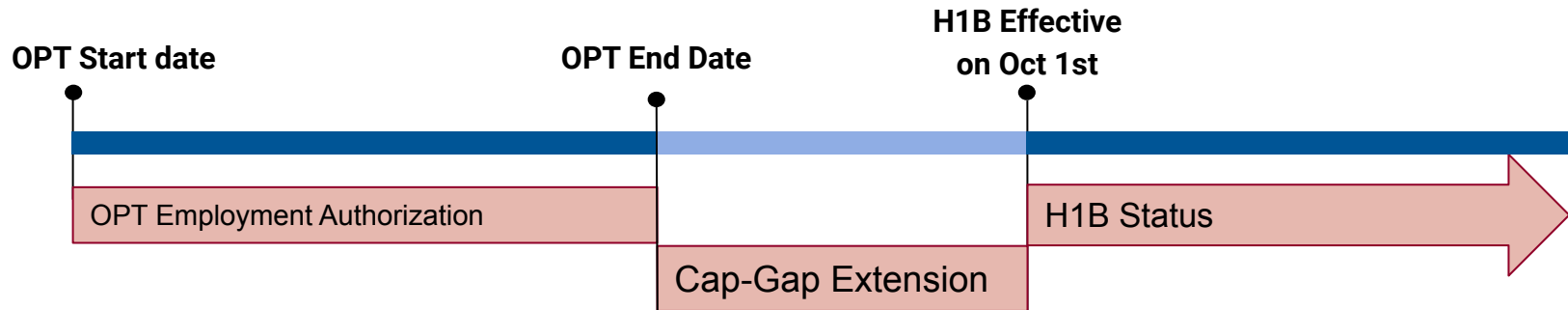
Reporting requirements on STEM OPT Extension:

- Student must confirm **every six months** that the student's SEVP Portal information reflects their correct employment information.
- SEVP Portal users will receive a reminder via email 30 days before any validation report is due.
- STEM OPT students must report a change in employment information, including any loss of employment, within 10 days of the change.



OPT & H1B: Cap-Gap Extension

- “Cap-Gap” is the term used to refer to the gap between the expiration date of a student’s OPT employment authorization and the start date of employment authorization under H1B status (which is generally October 1st).
- During this time, SEVP will automatically extend the student’s F-1 status and OPT employment authorization until October 1st of the year for which H1B was approved or is being requested.
- To qualify for the cap-gap extension, the H1B petition must have been timely filed.



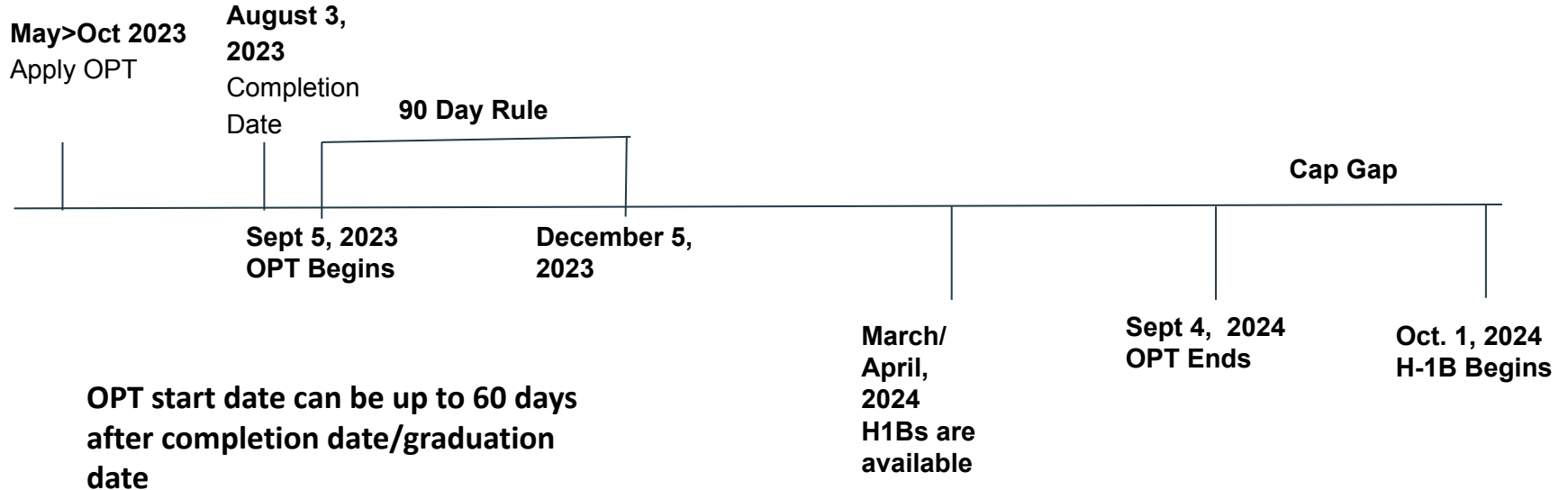


Closing Remarks



Timeline: August 2023 compl date

Apply for OPT up to 90 days
before your completion date



Employer Questions

Employers utilize the following questions which have been found acceptable under the non discrimination provision at 274B of the INA:

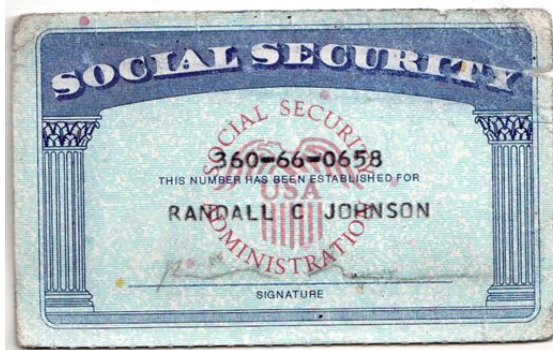
1. Are you authorized to work indefinitely in the US for any employer?
2. Will you need sponsorship from us for a work visa, either now or in the future?

Social Security Number/Card

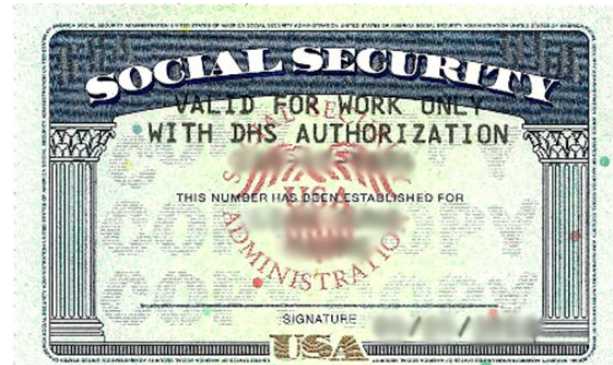


- The only reason to have a Social Security number is for tax purposes
- As an F-1 student, you are eligible for an SSN only if you have evidence of lawful employment authorization, such as on-campus employment or CPT employment authorization.
- If you have not secured lawful F-1 employment, you are not eligible to apply for an SSN.

Unrestricted



Restricted



Final Focus

- **Before OPT** – your most important and primary focus is on your **academic success**, and the regulations supporting that goal.
- **During OPT** – your most important and primary focus is to **obtain employment in your field**, and the regulations supporting that goal.

Life After OPT

- OIS does not process and cannot advise on H1B applications or other visa types.
- Please communicate directly with your employer and/or an immigration attorney regarding a change of status to H1B or other visa types.



Q & A

Thank you!

Any unanswered questions can be emailed to
ois@fordham.edu

