

Work After Graduation & OPT Application Procedures

September 10, 2021

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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

Name	Time	Authorization Source	Documentation
Curricular Practical Training (CPT)	During program	DSO authorization	New I-20
<u>Pre-Completion</u> Optional Practical Training (OPT)	During Program	DSO Recommendation + USCIS authorization	EAD
<u>Post-Completion</u> Optional Practical Training (OPT)	After Program	DSO Recommendation + USCIS authorization	EAD

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>

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

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

* 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.
4. Receive Employment Authorization Document (EAD card)

<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)

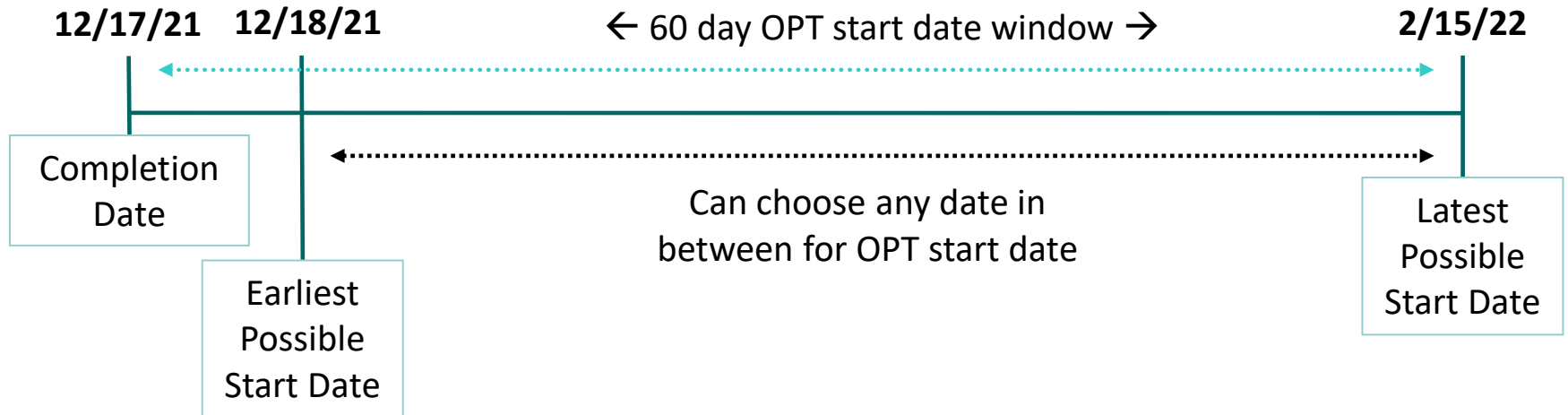
* Applications during grace period depend on maintenance of status

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COMPLETION: 12/12/2021	<i>Apply OPT: 9/13 ← → 2/10 Start: 12/13 – 2/10</i>	The completion date on the I-20 mirrors what's happening academically – updates may be required!!	<i>Not eligible</i>
COMPLETION: 12/17/2021	<i>Apply OPT: 9/18 ← → 2/15 Start: 12/18 – 2/15</i>	<ol style="list-style-type: none"> 1. If you are finishing earlier or later than expected. 2. If you don't finish your program as expected. 	<i>Not eligible</i>

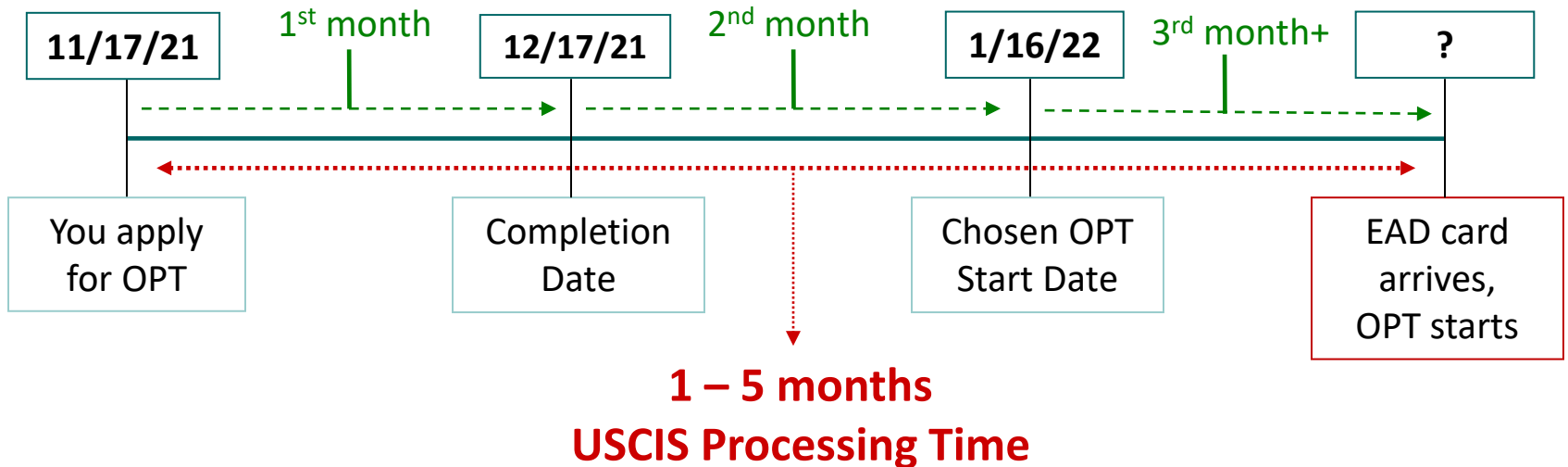
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OPT Requested Start Date



- 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



- 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!

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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
<https://www.ice.gov/sites/default/files/documents/stem-list.pdf>
 - 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

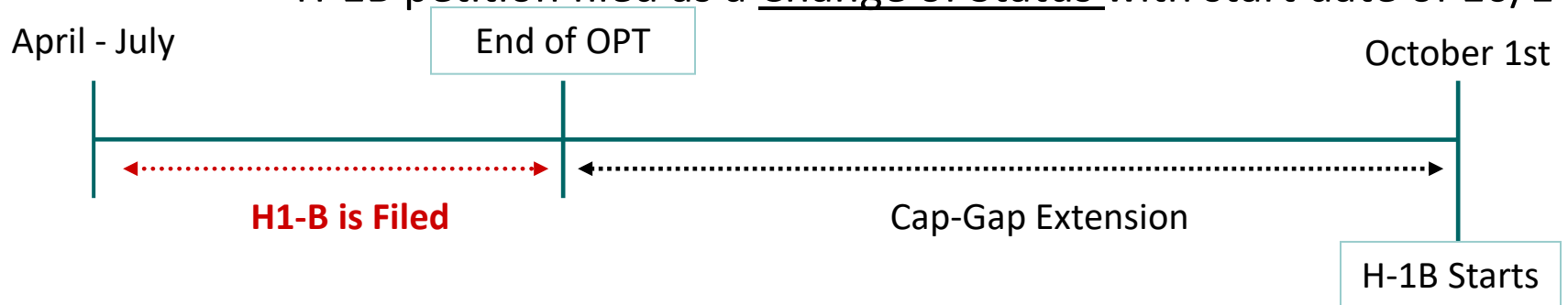
- Change of Status: New status takes effect on start date, 10/1
 - Individual must maintain current status until that time
 - Departure from U.S. will abandon a pending COS request
- Consular Notification: Permission to apply for visa abroad
 - Individual must travel and re-enter U.S. with visa after 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

ISO INTERNATIONAL SERVICES OFFICE • UNIVERSITY OF ROCHESTER
215 Money Hall, Box 270446, Rochester, NY 14627 • Phone: (585) 275-2866 • Fax: (585) 275-2943
Email: iso@iso.rochester.edu • Web: www.iso.rochester.edu

**Departmental Recommendation for F-1
12-months Optional Practical Training (OPT)**

The application process for Optional Practical Training requires two steps: 1) a recommendation from the school, and 2) application to USCIS for authorization. This form will provide the necessary information to issue a new I-20 with the recommendation for OPT. Please allow one week for processing; you will be notified by email when the new document is available for pick-up. Additional information on the application process is available through the ISO website. Please meet with an International Student Advisor to discuss timing and application materials.

Student Information: University ID#: _____
Name: _____ Date of Birth: ____/____/____
Email: _____ Phone: _____
Primary Major: _____ Secondary Major: _____

Requested OPT: Pre-completion:
 During the academic year, while fully enrolled – part time only (20 hrs/week)
 During an annual vacation term – part or full time
Post-completion:
 After completion of all degree requirements excluding thesis – full time
 After completion of all degree requirements – full time

OPT Period: Start Date: ____/____/____ End Date: ____/____/____
Date Selection: Post-completion OPT may begin immediately or up to 60 days after the expected completion date listed below. Reporting requirements and 90-day unemployment limit are in effect once the OPT authorization starts. These dates are impossible to change after USCIS approval.

Recommendation of Academic Advisor:
Has this student maintained continuous full-time enrollment? Yes No
If No, please explain: _____
Expected Date of Completion: ____/____/____
Please determine this date carefully: The I-20 completion date should reflect the estimated completion of all remaining degree requirements by the student, which does not necessarily coincide with graduation or finalization of US administrative processing. For programs which require a thesis, this date may be earlier than the student's official degree completion, provided he or she satisfies all requirements within the scheduled OPT period. The completion date on the I-20 also indicates the end of on-campus work permission for student employment or payments through a graduate award. Students who are unable to finish all non-thesis degree requirements by the reported date are limited in using their OPT authorization and could lose their work permission entirely.

Advisor's Name: _____ Phone: _____
Signature: _____ Date: _____

Certification from Dean's Office:
Grad/Undergrad Dean's Signature _____ Name (print) _____ Date _____

OPT Recommendation Form.docx; January 2012

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

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)

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](#).

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12-Month Post-Completion OPT I-765 Online Filing Guide

Last updated 08/2021

- ☑ This guide should only be used for **12-Month Post-Completion OPT applications filed online, not any other type of USCIS application**. If you are replacing a lost, stolen, or incorrect EAD card, please consult an ISO advisor.
- ☑ This document, as well as any other application review support from ISO, should not be considered legal advice. **We highly recommend having your application materials reviewed by an ISO advisor before sending your application to USCIS**, but please be aware that ISO advisors are not legal professionals and any recommended changes are only suggestions based on experience. You are responsible for accurately completing your forms and timely submitting your application!
- ☑ The information in this guide is updated regularly. We advise that you check the most updated version of this guide on our website.

Have your application reviewed by an ISO advisor before submitting!

EAD & OPT Reporting

Monitor case status online: <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
 - 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 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

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Questions?

Upcoming Workshops:

09/17/2021: Academic Internships During an F-1 Academic Program

09/24/2021: Understanding the F-1 OPT STEM Extension

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