International Student Employment Workshop

Optional Practical Training

OPT for F-1 Students

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The International Center

www.hartford.edu/international-center
Preparing for Your Future
Employment Options

Topics

- Post Completion Practical Training
- STEM Program
- Gap Program
- H-1B
- TN Visa
- O-Visa
Some Questions to Ponder
Before we Start

- Where’s that resume? Is it updated?
- Have I identified the kind of employment I want and employers?
- Do I know where to find this type of employment and am I willing to travel or move?
- Am I prepared for my interview. Do I need that new or dress?
- Do I have permission to work in the U.S.A. and can I get it?
- Am I committed (or should I be?) to my future plan?
- Do I have a backup plan?

And now that you have pondered the inevitable, let’s move on...
F-1 Employment Options

- On-campus Employment
- Off-campus Employment
  - Curricular PT (Internship/Co-op)
  - Optional PT
    - Pre- Completion PT
    - Thesis/Recital Pending
    - Thesis/Recital Pending
    - Post-Completion PT
      - Post-Completion PT STEM Extension
        - H-1B
        - TN
        - O-1
What is Post-Completion Optional Practical Training?

Post-Completion Optional Practical Training is temporary employment authorization that allows F-1 students to gain practical off-campus work experience by applying their academic knowledge to a position directly related to their area of study.
Post Completion Practical Training
Your First Step

Some Questions to Consider

- Have I completed all my program requirements including thesis or recital?
- When should I apply for Practical Training?
- How long will it take the USCIS to approve my OPT?
- When can I start to work?
- How long will my OPT last?
- What do I tell an employer about my status?
- What’s Happens after OPT?
- Do I have a backup plan?
Do I Qualify for OPT?

Please contact the International Center for more information or to set up an appointment.

visit our website at: www.hartford.edu/international-center

This is your ultimate goal!

You must have been in legal F-1 student status for at least one academic year (9 months), considered to be enrolled Full time, and have not violated any USCIS regulations.

You must be enrolled in a degree granting program. Non-degree and short-term certificate programs, including English Language studies do not qualify for OPT.

You must have applied for Graduation and must submit an OPT request between 90 days prior to program completion and 60 days following.

You cannot have had 12 months or more of full-time Curricular Practical Training at your current degree level.
The Basic Process

Please contact the International Center for more information or to set up an appointment.

visit our website at www.hartford.edu/international-center
You are **NOT** eligible for OPT if:

- You have not been in legal student status for an academic year (2 semesters)
- You have already done 12 months of OPT for the same degree level in which you are currently applying for
- You have completed 12 months or more of full-time CPT
- You have returned from a leave of absence, but have not completed one academic year in valid F-1 status
- Employment is not related to your program of study
- You have not violated any CIS student regulations including Full-time status or employment rules
Applying for your Practical Training Permit

What to do and What to Expect

1. Meet with the International Student Advisor (GSU 327). You will be given documents and instructions needed to apply for your OPT. Gather and complete your documents and return them to the Center for processing.

2. You may apply for OPT 90 days prior to the end of your degree program but no later than 60 days following completion. We strongly suggest that you apply prior to program completion.

3. After a review of the documents, you will receive a new I-20 form with a recommendation for your OPT: you will then mail your OPT request to the USCIS Service Center in ST. Albans VT for adjudication.

4. In addition, this is an opportunity for you to discuss not only your immediate employment plans, but your long-term plans as well.

5. Typically within 2-4 weeks, you will receive a receipt notification from USCIS that your application has been received. This document will have a Case Number (similar to a tracking number). Do not lose or misplace this notification!
6. In 4-8 weeks following the initial receipt, you should receive your Employment Authorization Document

7. Your EAD card will be mailed to the address that you state on the I-765 application form. It is important that this will be a valid address during the period of time you are waiting for a response from CIS. If your EAD card is lost in the mail, it will be a time-consuming process to request a new one from CIS

8. Upon receipt of the EAD, you must present it to the International Student Advisor for your University record

9. You may not begin employment until the start date indicated on your EAD

10. If for any reason you fail to complete your program of study at the time stated on your OPT application, you MUST contact the International Center immediately!

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Documents Needed to Apply for Post Completion Practical Training

- INS Form I - 765
- A Copy of your “Degree Application Form” submitted to the Registrar’s Office
- Departmental “Recommendation Form” for Practical Training
- A copy of each I-20 form ever issued to you by either the U of H or any other school in the U.S.
- Two “passport“ type photographs (2X2 inches on white background)
- Photocopy of all identifying pages in your passport including the U.S. visa page
- Photocopy of your I-94 Arrival /Departure Record
- A check or money order made out to the “Department of Homeland Security" ($380 - no cash – subject to change)
- A copy of any previously issued Employment Authorization Document(s) - EAD card
- A letter to the International Center requesting a "recommendation" for Practical Training
**OPT Photo Requirements**

- Your photos must be less than 6 months old.
- Photos must measure 2X2 inch.
- Photos must be in color with a light blue or white background.
What Types of Paid Employment am I Allowed?

- "Typical" Employment with a Company
- Employment Agency/Consulting Firm
- Contract Employment (1099)
- Self Employed Business Owner
Post Completion Practical Training
USCIS Regulations

- You do not need a job offer to apply for OPT

- Your OPT start date must be within 60 days of the completion date of your I-20

- OPT cannot be longer than 12 months (unless you qualify under the STEM program)

- OPT should be completed within 14 months of the program completion (if student does not qualify for a STEM extension)

- You may not accrue an aggregate of more than 90 days of unemployment during any post-completion OPT carried out under the initial post-completion OPT authorization
You may legally remain in the U.S. while your OPT application is being pending.

You cannot begin work until you receive your EAD card with a valid start and end date for your OPT.

You cannot be enrolled as a full-time student while on OPT. However, you may take classes on an “incidental” or part-time basis.

After graduation, you cannot work on campus unless you have OPT authorization and the job is directly related to your field of study. You may NOT work in an undergrad or graduate assistantship position or any other position that is reserved for students.

You have a 60 day grace period after your EAD card expires to prepare to go home, transfer to a new academic program in the U.S., or change your status.
You must be employed by the 90th day after the start date listed on your EAD Card.

The total number of days allowed for unemployment while on post-completion OPT is a maximum of 90 days.

Students who receive a 17-month STEM OPT extension are allowed an additional 30 days of unemployment for a total of 120 days over their entire post-completion OPT period.

Students who qualify for an H-1B Cap Gap Extension of employment authorization remain subject to the 90 days maximum of unemployment for their entire duration of OPT.

A student who has exceeded the period of unemployment while on post-completion OPT has violated her/his status unless he/she has taken one of the following actions:

- Applied to continue her/his education by a change of degree level or transferring to another university
- Departed the United States
- Taken action otherwise to maintain legal status

According to SEVP Policy Guidance “Students may be denied future immigration benefits that rely on the student’s valid F-1 status if DHS determines that the student exceeded the limitations on employment.” Other possible consequences include DHS terminating the student’s F-1 record if it reflects more than 90 days unemployment.
Travel Outside the U.S on Approved OPT
What to Carry!

**DO NOT** travel outside the U.S. while you are waiting for your OPT approval. Please consult with us regarding any travel plans for your OPT.

- Your **EAD** Employment Card
- Be sure that your Passport and U.S. Visa are both valid for re-entry to the U.S.
- I'm going home for a vacation! FINALLY!
  - A current I-20 signed for travel by the International Student Advisor
  - A Current letter from you employer stating you are employed and are leaving for a short trip abroad
Unpaid OPT Employment

“Volunteering“ and Internships

- It must meet all OPT requirements including employment in your field of study.
- Employment cannot be in a position that is normally a paid one.
- The position cannot violate any “Labor” laws, particularly those relating to “shadow” employees.
- There is a 20 hour minimum for volunteer work and this must be tracked by your employer.
- Unpaid employment at the University of Hartford must have the approval of the International Center.
Address and e-mail Update

- You must update your local address within **TEN days** of moving to a new location.
- Send an email to the International Center with your full name, student ID number, new address, telephone number and e-mail address to: lazzerini@hartford.edu
What Happens to your OPT if..?

I transfer to another school during my OPT training period?

Your OPT EXPIRES

I apply for and have been approved for a "change of Status from F-1 to another visa class?"

I begin a new academic program?

There is NO "Grace Period" if you have been unemployed for more than 90 days

I have reached 90 days of unemployment under OPT?
The information below **MUST** be provided to the International Center immediately upon securing initial employment, and **MUST** be verified prior to the 6-month anniversary of your permit:

- Employer Name
- Employer Address
- City, State, Zip Code
- Date Began/Started
- Date Ended/Stopped
- Job Description

- Supervisor's Name
- Supervisor's Email
- Supervisor's Telephone #
You may track the status of your OPT or any other petition to the USCIS through their website. Your OPT receipt Notice of Action has a tracking number.

**USCIS Case Status Online website:**
https://egov.uscis.gov/cris/jsp/index.jsp
Your Options During the 60-day Grace Period Following the Completion of OPT

- Depart from the U.S.
- Start a New Program of Study
- 60-day Grace Period Following Completion of OPT
- Change your Immigration Status

There is NO "Grace Period" if you have been unemployed for more than 90 days.
The STEM Program

(STEM = Science, Technology, Engineering, Mathematics)

More

http://www.ice.gov/sevis/stemlist.htm
The 12 month limit on F-1 Optional Practical Training (OPT) can be extended by 17 months, for a total of 29 months, for certain STEM degree holders in the following major fields:

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<thead>
<tr>
<th>Actuarial Science</th>
<th>Mathematics and Statistics</th>
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<tbody>
<tr>
<td>Biological and Biomedical Sciences</td>
<td>Medical Scientist (MS, PhD)</td>
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<tr>
<td>Computer Science</td>
<td>Military Technologies</td>
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<tr>
<td>Engineering</td>
<td>Physical Sciences</td>
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<td>Engineering Technologies</td>
<td>Science Technologies</td>
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# STEM Eligibility

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<th>Base 12 Months OPT</th>
<th>Eligible for CAP-GAP</th>
<th>Eligible for 20,000 Additional Quota</th>
<th>Eligible for 17 Month Extension of OPT</th>
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<td><strong>Undergrad Non-STEM</strong></td>
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OPT STEM Extension
Eligibility and Regulations

- Student must have a job offer from an employer registered through the E-Verify “Employment Verification System”

- E-Verify is an Internet-based system operated by USCIS in partnership with the Social Security Administration (SSA) that helps employers to determine the employment eligibility of newly-hired employees

- Student must be currently participating in a standard period of OPT, working for a U.S. employer in a job directly related to the student’s major area of study
Student must have successfully completed a bachelor's, master's, or doctoral degree in a field on the DHS STEM Designated Degree Program List, from a SEVIS-certified college or university.

Student has not previously received a 17 month OPT extension after earning a STEM degree.

The DSO must recommend the 17-month OPT extension in SEVIS, after verifying the student's eligibility, certifying that the student's degree is on the STEM Designated Degree Program List, and ensuring that the student is aware of his or her responsibilities for maintaining status while on OPT.

Student must properly maintain F-1 status
Students will have to apply for the 17-month extension on Form I-765 with supporting documentation, photos, and fee. The procedure is similar to the initial 12-month application process.

Students who file a timely application for the 17-month OPT extension will be able to continue employment while the extension application is pending, until a final decision is made on the I-765 or 180 days have passed, whichever comes first.

The employer MUST agree to report the termination or departure of the student to the International Center. An employer must consider a worker to have departed when the employer knows the student has left employment, or if the student has not reported for work for a period of 5 consecutive business days without the employer's consent.
- You may NOT accrue an aggregate of more than 120 days of unemployment during the total 29-month OPT period. If you do, you will no longer be in legal F-1 status.

- USCIS must receive the OPT Extension request before the EAD expiration date.

- Every six months during the extension, you will be required to respond to a validation report, confirming the following information.
  - changes to the student's name
  - residential and mailing address
  - Employer’s Name and address
  - any loss of employment

- Your response is due to International Center within 10 business days of notification.

You MUST have a valid “travel signature” on page 3 of your I-20 form

You MUST have a valid passport and U.S. visa for re-entry to the United States

You MUST carry a letter stating that you have a job or a job offer from an employer

After graduation, travel outside the U.S. is NOT recommended if your OPT application is pending or if your OPT is approved but you do not have a job or a job offer

It may be difficult to obtain a new F-1 visa while on OPT if you cannot prove ties to home country

You may reenter to search for employment if you have proof of job interview and a valid EAD, however this is STRONGLY discouraged!
To return to the U.S. during your OPT make sure you have the following documents

- Valid Passport
- Valid F-1 Visa for re-entry to the U.S.
- I-20 endorsed by the International Center for OPT (PDSO signature on page 2 should always be current for travel)
- EAD card
- Official employment letter or employment offer letter
- Proof of funding (salary)

DO NOT attempt to enter the U.S. on any other visa type except the F-1. If you do, you automatically lose your OPT
What is the H-1B Cap-Gap?

“Cap-Gap” is an automatic extension of the duration of status and employment authorization to the beginning of the next fiscal year (FY) for F-1 students who are on Post-completion Optional Practical Training (OPT) and have an approved or pending H-1B petition.

FY = Government Fiscal Year (The fiscal year for the US government begins on October 1 in a given year and ends on September 30 in the next calendar year).
- This extended duration of status and work authorization applies to all students on OPT, **not just STEM students**.

- No application is required for this benefit.

- The extension of duration of status and work authorization will automatically terminate upon the rejection, denial, or revocation of the H-1B petition filed on the student’s behalf.

- We strongly recommend that you do not travel internationally in the time period between when your EAD expires and your H-1B status begins.
H-1B Cap-Gap Extension Timeline

April 1
USCIS starts accepting H-1B Applications

Your OPT End Date

June-July
Request a new I-20 form for your Cap-Gap

Cap-Gap Extension until September 30th

October 1
H-1B Employment Start Date

* When you have been notified by USCIS of your approval, immediately contact the International Center and request an updated I-20 Form that will include Cap-Gap information.
The U.S. H-1B visa is a non-immigrant visa which allows a U.S. company to employ a foreign individual for up to six years.

The H-1B visa is designed to be used for staff in "specialty occupations", that is, those occupations which require a high degree of specialized knowledge.
Other Long-term Employment Options

The TN Visa
Professionals/Trade NAFTA

The TN visa category was developed as part of the North American Free Trade Agreement, to facilitate the entry of Canadian and Mexican citizens to the U.S. to engage in professional business activities on a temporary basis. Though similar to the H-1B visa, the TN requires less documentation to process.

- Simpler and faster process
- No limit on the amount of time spent in TN status compared to the 6-year limit under the H-1B
- No numerical limitation or cap
- Some occupations that do not qualify under the H-1B may qualify under the TN
Other Long-term Employment Options

The O-1 Visa
Extraordinary Ability

- What is the O-1 visa?
  - Distinguished merit or ability.
  - Example a “Nobel Laureate.”

- Differences and similarities between the O and H.
  - The H-1B requires Labor approval – the O does not.
  - The O usually takes longer /more preparation documents are needed.
  - Both require a lawyer / both cost about the same.
  - Most employers are totally unfamiliar with the O.
Change of Status from F-1 to H-1/TN/O-1

If you change your Status from F-1 to another visa class

- After your H-1B or other visa effective date, you may no longer work under your F-1 OPT

- You must contact the International Center to let us know that you are no longer in F-1 status (fax H-1B Notice of Approval to the International Center: 860-768-4726)
Useful Resources

- International Center – GSU 327
  www.hartford.edu/international-center
  Contact: Richard Lazzerini, lazzerini@hartford.edu  860-768-4873

- Career Services Office – GSU 343
  http://uhaweb.hartford.edu/career
  Contact: John Kniering, knieringi@hartford.edu

- Immigration sites and Newsletters:
  U.S. Citizen & Immigration Service: http://www.uscis.gov/portal/site/uscis
  Murthy.com: http://www.murthy.com
  Siskind Newsletter: http://www.visalaw.com
  American immigration Lawyers Association: http://www.aila.org
Now it's YOUR Turn!

Questions Taken Here!

Please contact the International Center for more information or visit our website at http://www.hartford.edu/international-center