Work After Graduation

Graduate Studies End of Program Workshop
Fall 2013 - K. Ludovici

International Services Office - 213 Morey Hall - 585-275-2866
Agenda

• Overview
• F-1 Optional Practical Training
  • Eligibility
  • Application steps
  • Factors to Consider: Unemployment, Travel
• Possible Extensions: STEM & Cap-Gap
• H-1B Temporary Workers

Note: Presentation is intentionally brief & broad
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:
  • Money
  • 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 degree requirements are satisfied (full-time)
    - After completion of all requirements excluding thesis (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
**OPT: Application Procedures**

**Step 1: ISO Recommendation**
- Departmental Recommendation Form, from Advisor & Dean
  - Determine appropriate completion date for degree requirements (must maintain registration & degree progress until this date)
  - Select eligible employment dates for work permission
- Submit paperwork with 1 week processing time for new I-20

**Step 2: Authorization is granted by USCIS**
- Application fee of $380, plus supporting documentation
- Employment Authorization Document (EAD), in 2-3 months
- Work may begin once EAD is received & start date reached
Application Window for OPT

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
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 \(\rightarrow\) Unemployment!
  - Later date, with job offer \(\rightarrow\) Can’t work!
OPT: 2-3 Month Processing

- You Apply for OPT: 4/20/14
- Completion Date: 5/20/14
- Chosen OPT Start Date: 6/20/14
- EAD Card Arrives, OPT starts: 7/20/14

3 Months USCIS Processing

- Not always best to wait until you have job offer
- Can’t start work until EAD card has arrived!
- Typically not possible to expedite OPT application
- Latest possible end date for OPT is 14 months after completion date!
OPT Reporting Requirements

• Eligible employment
  • Related to your area of study (keep records!)
  • Authorized as full-time: 20 hours per week or more
  • Multiple employers are permitted
  • Report online:
    http://iso.rochester.edu/employment/students/opt/reporting.html

• Basic changes to your status or information
  • Change in name, address, or email.
  • Change in immigration status (i.e. to H-1B).
  • Transferring to another degree program.
  • Plans to leave the country and not return to work.
Unemployment during OPT

• 90-day limit on unemployment
  • Counted once OPT begins
  • Not consecutive
  • Max reached: F-1 Status & OPT automatically end
    • If unemployment max is reached, grace period may be limited
    • 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: 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**

*Please note: During OPT, travel signature on I-20 is only valid for 6 months.*
OPT Extensions

• STEM Extension: Additional 17 months
  • Eligibility for those with majors in Science, Technology, Engineering, & Math [http://www.ice.gov/sevis/stemlist.htm]
  • Employer is enrolled in USCIS E-Verify database (University of Rochester is in E-Verify)

• Cap Gap Extension: For H-1B applicants
  • Extends work permission from end of OPT to September 30th
  • Eligibility based on H-1B petitions filed while F-1 status is valid
  • Active permissions are extended based on petition date
H-1B Temporary Workers

• Employer-sponsored visa category/status
• Generally, relevant qualifications must be completed by filing date
  • Minimum Qualifications: Bachelors, in specialized field
• Annual Quota on new H-1Bs: 65,000, plus 20,000 to Advanced Degree Holders
• U.S. universities & non-profits are Cap-Exempt
• H-1B petitions to begin on 10/1 (start of U.S. fiscal year) may be filed as early as 4/1
• Travel considerations may apply
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! (and do not e-file unless absolutely necessary)

• Report your employment while on OPT

• Additional resources from the ISO:
  • Forms and instructions are online
  • Schedule an appointment with an advisor: 275-2866
Questions?