

## **On-Campus Employment**

### **1) Part-time**

Students may work on-campus (only) for 20 hours a week, during the first nine months. After that, they may be permitted to work off-campus strictly on a case-by-case basis, with the approval of the Designated School Official (DSO) of the university, who represents the US Citizenship and Immigration Services (USCIS)

On-campus employment is the category most freely permitted by the USCIS regulations, and it does not require USCIS approval. However, although F-1 status includes an on-campus employment privilege, on-campus employment opportunities at most schools are limited. Even if you can obtain a job on campus, you may not rely on it to prove financial resources for the year, and often these jobs are not related to your studies. Many schools do require that you obtain permission from the International Student Office prior to accepting any on-campus employment

For on-campus work, an F-1 student is subject to the following rules:

### **1) Severe Economic Hardship for F1 Students in the U.S.A**

Any international student suffering "severe economic hardship" as defined by the United States Citizenship and Immigration Service (USCIS) is eligible to work off-campus for up to 20 hours per week while school is in session, and full-time during breaks.

#### **To be eligible, an international student must:**

1. be in valid F-1 status for at least one academic year (9 months)
2. be in good academic standing
3. provide evidence of economic hardship based on unforeseen circumstances beyond the student's control
4. show that on-campus employment is neither available nor sufficient
5. have made a good and spirited effort to locate employment on campus before applying

#### **These circumstances may include:**

1. loss of financial aid or on-campus employment without fault on the part of the student
2. substantial fluctuations in the value of currency or exchange rate
3. inordinate increases in tuition and/or living costs
4. unexpected changes in the financial condition of the student's source of support
5. medical bills or other substantial and unexpected expenses.

All intending international students must apply for an "employment authorization document" (EAD) with the help and guidance of their International Student Office. Note that the student does not need a job offer before applying for the EAD.

However, several forms and documents are required for this application, together with fees and photos, etc. Processing can in most (or some) instances take up to 12 weeks or even longer.

Such intending students cannot start their intended off campus work until they have received the EAD. And the designated school official (DSO) at their school's International Student Office (usually an international student advisor) must certify to the United States Citizenship and Immigration Service (USCIS) that the student has or meets all the necessary requirements.

Once the EAD is received, the student may then begin work for any employer at any job, anywhere in the United States. Employment authorization is automatically terminated when a student fails to maintain valid F1 status.

## **2) Curricular Practical Training (CPT)/Co-op. Education job**

Curricular Practical Training (CPT) is an employment option available to F-1 students where the practical training employment is considered to be an integral part of the curriculum or academic program and expressly authorized by the school, with an endorsement in the I-20. This program must enable a student to 'earn credit' towards course completion. Students authorized for CPT will receive a new SEVIS I-20 with the CPT notation.

Some universities have "cooperative education" programs, where periods of study alternate with periods of work related to that study — can be a way to earn money appropriately and also gain career experience. If it is program-required, it may not count against the visit limit on off-campus employment in the student's field. Other schools may have required summer internships or may provide support in locating employment related to one's major or field of study.

CPT is different from OPT. This can be done in addition to OPT, if CPT is not taken full-time (more than 20 hours a week) for more than 12 months.

## **3) Optional Practical Training (OPT)**

After completion (or during) of one's education, students are allowed to do paid internships, which is also known as Optional Practical Training (OPT) for a period of one year.

Optional Practical Training (OPT) is available to all international students who graduate for a US university, after proper authorization by the Designated School Official (DSO) of the university, who is the representative of US Bureau of Citizenship and Immigration Services (BCIS)

OPT allows students to work off campus for employers in order to gain training in the student's field of study. Unlike curricular practical training, OPT is not offered as a part of a set curriculum for the student.

OPT can take place either before graduation or in the year following graduation. OPT that takes place before graduation can only be used for up to 20 hours per week during the school year (though full time work is permitted during holidays and vacation periods if the student applies). After graduation, the employment can be full-time. Post-graduation OPT must be completed within 14 months of the student's graduation, limited to a maximum of 12 months.

OPT must be taken up by students only in fields that are directly related to the major field of study.

A student can obtain one year of OPT after completion of each degree (Eg. One year after Bachelors and One more year after Masters)

One important point however, is that a student's OPT would be terminated automatically when he/she takes a transfer from one school to another.

Another important aspect is that whatever period a student undergoes OPT during graduation will be deducted only by half. Thus, technically, a student can do 24 months of OPT by the time he completes one year after graduation!

A final point that is equally important is, during graduation, a student can work only for 20 hours a week during the school year and full time during vacations and holidays (only on application to DSO). This is in addition to part-time on campus employment.

With effect from 8th April 2008, the following key changes have been published by US DHS (Department of Homeland Security) into the F-1 Optional Practical Training.

In order to apply for OPT, applicants have to fill-in and submit Form I-765 (Application for Employment Authorization). The fee for filing this application is US \$ 340.

NOTE: Some changes apply to all F-1 students, but some only apply to certain Science, Technology, Engineering, Mathematics (STEM) students as indicated.

### **1) OPT Extension to 29 Months for STEM Students**

The 12-month limit on F-1 Optional Practical Training (OPT) will be extended by 17 months, for a total of 29 months, for certain STEM degree holders. Check with your university if the CIP code of your program is categorized under STEM.

### **2) Other requirements for 17-month extension for STEM students**

- The student must be currently participating in a 12-month period of OPT, working for a US employer in a job directly related to the student's major area of study.
- The 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.
- The student must have a job offer from an employer registered with the E-Verify employment verification system.
- The student has not previously received a 17-month OPT extension after earning a STEM degree (i.e. 17-month STEM OPT is a one-time deal).
- The International Student Office (ISO) of the university 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.
- The student will have to apply for the 17-month extension on Form I-765 with fee.
- The student who timely files an application for the 17-month OPT extension will be able to continue employment while the extension application is pending, until a final decision on the I-765 or for 180 days, whichever comes first.
- The employer must agree to report the termination or departure of the student to the ISSS or through "any other means or process identified by DHS." 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 five consecutive business days without the employer's consent.

### **3) H-1B Cap-Gap Extension of D/S and Work Authorization until October 1 (Applies to All OPT Students, including STEM students)**

Duration of status and work authorization will be automatically extended for a student on OPT who is the beneficiary of a timely filed H-1B petition requesting change of status for an employment start date of October 1 of the following fiscal year. (No new I-765 application for OPT will need to be filed for the automatic extension.) This applies to all students on OPT, not just STEM students. The extension of duration of status and work authorization would automatically terminate upon rejection, denial, or revocation of the H-1B petition filed on the student's behalf.

### **4) I-765 filing window**

Under the new rule, a student will be able to file his or her I-765 up to 90 days prior to his or her program end date, and up to 60 days after his or her program end date.

### **5) Duration of employment authorization**

Employment authorization will begin on the date requested or the date the employment authorization is adjudicated, whichever is later.

Exception: The employment authorization period for the 17-month OPT extension begins on the day after the expiration of the initial post-completion OPT employment authorization, and ends 17 months later, regardless of the date the actual extension is approved.

### **5) Limited Periods of Unemployment to Maintain Status**

- During post-completion OPT, F-1 status is dependent upon employment
- Regular OPT students 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.
- STEM students granted a 17-month OPT extension may not accrue an aggregate of more than 120 days of unemployment during the total 29-month OPT period

F-1 students currently in the United States will also be able to take advantage of the rule's new provisions.

### **6) Reporting requirements**

In addition, STEM students with an approved 17-month OPT extension:

Must report to the student's ISO within 10 days of any change of

1. legal name
2. residential or mailing address
3. employer name
4. employer address
5. loss of employment

Must make a validation report to the ISO every six months starting from the date the extension begins and ending when the student's F-1 status ends, the student changes educational levels at the same school, the student transfers to another school, or the 17-month OPT extension ends, whichever is first. The validation is a confirmation that the student's name and address, employer name and address, and/or loss of employment are current and accurate. The report is due to the ISO within 10 business days of each reporting date

- Student has to maintain valid F-1 status
- Student can work up to 20 hours per week while school is in session
- Student can work full-time on campus during holidays and vacation periods if they intend to register for the next academic semester
- The employment may not displace (take a job away from) a U.S. resident

The definition of on-campus employment includes:

- Work performed on the school's premises directly for your school (including work affiliated with a grant or assistantship)
- Work performed for on-location commercial firms which provide services for students on campus, such as the school bookstore or cafeteria. (Employment with on-site commercial firms which do not provide direct student services, such as a construction company building a school building, is not deemed on-campus employment for the purposes of the rule.)
- Work performed at an off-campus location which is educationally affiliated with the school. The educational affiliation must be associated with the school's established curriculum or related to contractually funded research projects at the post-graduate level. In any event, the employment must be an integral part of the student's educational program.

Since the student's status is always contingent on school's support, they must seek guidance and clearance from your International Student Office prior to applying for or accepting any employment. Students will also need school's guidance for all forms to be filled for USCIS and receive any necessary USCIS approval.

### **Optional Practical Training (OPT)**

International students in the U.S. in valid F-1 immigration status are permitted to work off-campus in optional practical training (OPT) status both during and after completion of their degree. Rules established by the U.S. Citizenship and Immigration Service (USCIS) govern the implementation of OPT, and all OPT employment requires prior authorization from USCIS and the school's International Student Office.

Students can apply for OPT after being enrolled for at least 9 months, but cannot begin employment until the receipt of Employment Authorization Document (EAD) from USCIS and enrollment for at least a year. Students need not have a job offer to apply for your OPT EAD, and OPT employment can occur anywhere in the US. It's always advisable to start early—USCIS takes up to 90 days to process the application—and it's important to work closely with the school's International Student Office. As with everything for a student in the U.S., permission is based on maintaining lawful F-1 status, and that's where the International Student Office helps to maintain that status throughout the stay.

### **General OPT Requirements**

- Employment must be "directly related" to the student's major
- Student must maintain lawful F-1 status
- Student must apply for OPT before completion of all work towards a degree

- Students who have engaged in 12 months or more of full-time Curricular Practical Training (CPT) are not eligible for OPT
- OPT is permitted for up to 12 months full-time in total – part-time OPT (while still in school) reduces available full-time OPT by half of the amount of part-time work (for instance, if you work part time for 6 months, you can work full-time for up to 9 months)

Students can be authorized for 12 months of OPT for each successive level of degree achieved – for instance, students can do 12 months of OPT after receiving undergraduate degree, go back to graduate school, and then do 12 months of OPT after receiving the graduate degree. Pre-completion OPT (students are still in school) and post-completion OPT (students have completed their degree) each have different rules:

OPT before completing a degree:

- Students must be enrolled in school full-time
- Students may only work 20 hours per week while school is in session
- Students may work full-time during summer and other breaks (as long as the student will return to school after the break)
- Student may work full-time after completion of all coursework, if a thesis or dissertation is still required and student is making normal progress towards the degree

OPT after completing a degree:

- After completion of your degree, OPT work must be full time (40 hours/week)
- All OPT must be completed within 14 months after completion of your degree
- Applications for post-completion OPT must be received by USCIS before the completion of the degree

IMP NOTE: Students have to be mindful of the travel regulations governing F-1 students on OPT. If they leave the country after completion of degree, but before receiving the EAD and obtaining a job, they may not be readmitted. Students can leave the country after completion of degree if they have EAD and a job, but have to make sure that they bring everything that will be needed to get back in (including valid passport, valid EAD card, valid F1 visa, all the I-20s with page 3 endorsed for travel by international student advisor within the past 6 months, and a letter of employment, including dates of employment and salary).

### **Curricular Practical Training (CPT)**

Curricular Practical Training (CPT) is an off-campus employment option for F-1 students when the practical training is an integral part of the established curriculum or academic program. CPT employment is defined as “alternative work/study, internship, cooperative education, or any other type of required internship or practicum that is offered by sponsoring employers through cooperative agreements with the school.” To qualify, the work experience must be required for your degree, or academic credit must be awarded. And yes, you can get paid for CPT employment. Prior authorization by your school’s international student office and notification to the U.S. Citizenship and Immigration Service (USCIS) is required.

To be eligible for CPT employment:

- Student must have been enrolled in school full-time for one year on valid F-1 status (except for graduate students where the program requires immediate CPT)
- The CPT employment must be an integral part of the degree program or requirement for a course for which they receive academic credit
- Students must have received a job offer that qualifies before submission of CPT authorization request

- Job offer must be in students major or field of study

The International Student Office must authorize student CPT. Once a student receives CPT authorization, they can only work for the specific employer and for the specific dates authorized (unlike with OPT or severe economic hardship off-campus employment, where they can work anywhere in the US). The CPT authorization will also specify whether they are approved for part-time (20 hours per week or less) or full-time (more than 20 hours per week) CPT employment. While in school, they can only be approved for part-time CPT.

Regardless of whether students are approved for full or part-time on CPT, there is no limit to how long they can work. However, if the student works full-time on CPT for 12 months or more, they are not eligible for OPT. If they work part-time on CPT, or full-time on CPT for less than 12 months, they are still eligible for allowable OPT. Its imperative to watch the dates and hours closely – to avoid jeopardizing OPT!

As with all employment, the international student office is the department which is responsible for all the control & reporting. The general rules will apply somewhat differently to undergraduates, graduate students and PhD candidates, the office can help students determine eligibility for CPT, make sure the job offer qualifies, and make sure that student follow all necessary steps in applying to USCIS. They also have to authorize CPT, so students have no choice – have to work with them.

### **Severe Economic Hardship [RARE A& EXCEPTIONAL CASES]**

Any F-1 student suffering "severe economic hardship" as defined by USCIS is eligible to work off-campus for up to 20 hours per week while school is in session, and full-time during breaks.

To be eligible, a student must:

- be in valid F-1 status for at least one academic year (9 months)
- be in good academic standing
- provide evidence of economic hardship based on unforeseen circumstances beyond the student's control
- show that on-campus employment is neither available nor sufficient
- make a good faith effort to locate employment on campus before applying

The rule gives examples of the types of things that could be considered "severe economic hardship caused by unforeseen circumstances beyond the student's control." These circumstances may include:

- loss of financial aid or on-campus employment without fault on the part of the student
- substantial fluctuations in the value of currency or exchange rate
- inordinate increases in tuition and/or living costs
- unexpected changes in the financial condition of the student's source of support
- medical bills or other substantial and unexpected expenses.

Students must apply for an "employment authorization document" (EAD) with the help and guidance of International Student Office -- Students do not need a job offer before they apply for the EAD. But several forms and documents are required, together with fees and photos, etc., and processing can take up to 12 weeks or longer – and students cannot start work until they receive the EAD. Once EAD is received, students may work for an employer at any job, anywhere in the United States. Employment authorization is automatically terminated when a student fails to maintain valid F-1 status.

### **Employment with an International Organization**

The final category of employment for international students in the U.S. on F-1 visas is employment with

a “recognized international organization.” To qualify, an organization must be on the official State Department list, and listed organizations include the Red Cross, African and Asian Development Banks, the World Health Organization, the World Trade Organization, and many other similar but less well-known organizations. Because it does not have the universal application of OPT or CPT, this category of employment is often overlooked. Only students with a job offer and sponsorship from one of the listed organizations are eligible. However, for those lucky students who do have such sponsorship, there are clear benefits of this employment category.

Requirements to work for an international organization:

- The student must have an internship/employment with a “recognized international organization
- The employment must be within the scope of the organization’s sponsorship, and within the student’s field of study
- The student must have been in valid F-1 status for at least one full academic year
- The student must be in good academic standing

If students meet these requirements, they can apply for an Employment Authorization Document (EAD) from the United States Citizenship and Immigration Service (USCIS). Work can be started only after receiving EAD, which can take up to 3 months.

There are certain advantages of this type of employment when compared to CPT or OPT.

- Employment does not have to be for-credit nor required for your degree program.
- Regardless of how much or how long student works, this type of employment will not take away from 12-month post-completion OPT