



Off-Campus Employment

Employment that is not at SUNY Upstate Medical University is considered **off-campus employment**. If you are in F-1 status you must apply for and receive the appropriate authorization, usually Curricular Practical Training (CPT) or Optional Practical Training (OPT), from the International Student Advisor **before** you begin any employment activity off-campus.

Curricular Practical Training Regulations for Students in F-1 Status

The most recent US Citizenship and Immigration Service (USCIS) regulations governing Curricular Practical Training took effect on January 1, 2003. These regulations apply to all students in F-1 status – those who were in the United States on or before January 1, 2003 and those who entered after that date.

When do I need authorization for curricular practical training?

You must have authorization from the International Student Advisor before you begin a paid or unpaid internship or any other form of curricular practical training. As an F-1 student your employment cannot begin until you receive your SEVIS I-20 with the curricular practical training endorsement.

Any internship, paid or unpaid, must be authorized before you begin the placement!

Beginning curricular practical training without proper authorization is a violation of immigration regulations and will have serious consequences.

What is Curricular Practical Training?

Curricular Practical Training (CPT) is employment that is an integral part of an established curriculum. Curricular practical training is defined to be alternative work/study, internship, or cooperative education arranged with the approval of your program, or any type of required internship or practicum that is offered by sponsoring employers through cooperative agreements. CPT may take place during the academic year and/or in the summer and **MUST** be undertaken prior to the completion of a course of study. Because USCIS uses a broad definition of employment – any activity for which a student receives a benefit, monetary or otherwise – even unpaid internships require CPT authorization.

When is CPT required and when is it recommended?

CPT may be required or recommended. This is decided by the stated requirements of an academic degree. **CPT is required** when it is a required part of the curriculum; it should be mentioned in the section of the University academic catalog, which describes the department's requirements and course offerings. All students in that degree program are required to complete an internship or practicum.

CPT is recommended when it is beneficial for the student to engage in the employment experience but the experience is NOT necessary for the completion of the degree. A student authorized for recommended CPT is required by current immigration regulations to register for a minimum of 1 college credit which reflects the CPT placement; this credit must be granted by the academic department for each semester of the CPT placement, including the summer semester.

Who is eligible to do curricular practical training?

Students in F-1 status must have been lawfully enrolled in school on a full-time basis for at least one full academic year before becoming eligible for practical training. CPT must be undertaken prior to the completion of a course of study.

The academic year in-status requirement is waived for students enrolled in graduate studies which require immediate participation in curricular practical training.

How much CPT can I do and still be eligible for OPT?

Students who complete 12 or more months of full-time curricular practical training will be ineligible for optional practical training. To continue to be eligible for OPT you will want to make sure to do 364 days or less of full-time CPT.

Is there a fee for CPT?

There is **no fee** to apply for curricular practical training. Processing is done in the ISSS office. **Once you have submitted all the required documents, it takes 7-10 business days to complete the processing of the new I-20.**

What paperwork is required?

The following three items are needed to process

The following three items are needed to process an application for curricular practical training:

1. Completed Academic Advisor's Recommendation Form for Curricular Practical Training
2. Offer letter from employer on their official letterhead. The letter needs to include:
 - **Employer Name**
 - **Employer Address**
 - **Supervisor's Name**
 - **Supervisor's contacting information including email address**
 - **the starting and ending dates of the placement**

- **number of hours per week**
- **a brief description of duties to be performed.**

Once the curricular practical training application is complete, the International Student Advisor will update the SEVIS record and print a copy of the student's SEVIS I-20, authorizing *curricular practical training with that employer only*. The SEVIS I-20 will be given to the student. **You must have the SEVIS I-20 in hand prior to commencing the employment.**

If I get a new position, or I need to work an additional period of time do I need to do a new CPT application?

A new application will be required if there is a change of employers or if the employment is to be continued beyond the current ending date.

Off-Campus Employment Regulations Based on Economic Hardship for Students in F-1 Status

Current Immigration regulations governing off-campus employment based on economic hardship took effect on January 1, 2003. These regulations apply to all students in F-1 status.

In order to be eligible, the student must:

- be in valid F-1 status for at least one academic year (two semesters)
- be in good academic standing and registered for a full-time course load
- provide evidence of economic hardship based on unforeseen circumstances beyond the student's control
- demonstrate that on-campus employment is either unavailable or insufficient to meet needs.

The regulations require that students make a good faith effort to locate employment on campus before applying for employment authorization based on economic hardship.

The regulations offer examples of unforeseen circumstances which may cause economic hardship, including the 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 rates, inordinate increases in tuition and/or living costs, unexpected changes in the financial condition of a student's sponsor, medical bills, or other substantial and unexpected expenses.

Employment is limited to no more than 20 hours per week when school is in session, full-time during holidays or vacation periods. Employment authorization is automatically terminated when a student fails to maintain status. Students may work for an employer at any job, anywhere in the United States. A job offer is NOT required in advance of obtaining employment authorization. Employment may not commence until the student receives the work authorization (EAD) card from the U.S. Citizenship and Immigration

Services (USCIS)

Students seeking employment authorization based on economic hardship will need to apply by mail to the USCIS Vermont Service Center to obtain an employment authorization document (EAD), which will be valid for one-year intervals. There is an application fee for the EAD. Students interested in this type of work authorization **MUST** schedule an appointment to meet with Jennifer Abbott, International Student Advisor at abbottjh@upstate.edu.

The following items must be submitted to the International Student Advisor in order to process an application for off-campus employment based on economic hardship:

- cover letter from student explaining unforeseen circumstances causing economic hardship
- statement of assets, income, and expenses and corresponding financial documentation.

Once the application for off-campus employment based on economic hardship is complete, the International Student Advisor will provide you with an updated SEVIS I-20 with off-campus work authorization certification on page 3.

Items which must be submitted to the USCIS Vermont Service Center include:

- the written evidence of unforeseen circumstances and supporting letter from student
- Completed Form I-765
- photocopies of Form I-20
- I-94 card (both sides)
- 2 passport style photograph on white background
- Application fee - \$340 check made payable to Department of Homeland Security
- photocopy of identity pages from passport
- photocopy of identity pages from visa

It can take up to twelve weeks for the EAD card to be processed by the USCIS Vermont Service Center. Therefore, students are urged to allow sufficient processing time for this procedure by submitting their paperwork **early**. |

Employment may not commence until the student obtains the EAD.

OPTIONAL PRACTICAL TRAINING (EAD) APPLICATION: PRE-COMPLETION OR POST-COMPLETION OPT

FOR YOUR CONVENIENCE, PLEASE CHECK OFF AS YOU COMPLETE THE FOLLOWING STEPS:

STEP ONE: Make an appointment to meet with Jennifer Abbott, International Student Advisor to discuss OPT and to formally request OPT from SEVIS.

STEP TWO:

After you receive your updated OPT I-20 from the International Student Advisor, mail these items to USCIS Service Center: (MAILING ADDRESS IS ON THE COVER LETTER) **NOTE: If you are applying for post-completion OPT, you must file the application with USCIS within 30 days of the date the I-20 recommending OPT was issued (see item 10 on page 1 of the I-20 for the issue date). If your OPT I-20 is more than 30 days old and you have not yet filed the application with USCIS, contact the Office of International Student and Scholar Services so that the OPT request can be cancelled and then re-issued with an updated I-20.**

Complete form I-765. Use blue ink and be sure to sign your name with a Blue ink pen

See attached orange instructions sheet.

For Question 3: Address for delivery of the EAD card: You may use the ISSS' office address or you may use a residential address. The residential address may be either your own address or a friend or family member who can send the EAD card to you when it arrives.

Answering Question 16: The answer for question 16 depends on the type of OPT authorization you are applying for:

Pre-Completion OPT (before you graduate) - (c)(3)(A)

Post-Completion OPT (after graduation) – (c)(3)(B)

STEM OPT Extension (STEM Program graduates, OPT after initial 12 month OPT)

–(c)(3)(C)

Answering Question 17: Only answer question 17 if you are applying for the 17 month STEM extension and meet the eligibility requirements.

\$340.00 check or money order made payable to: **Department of Homeland Security.**

PHOTOCOPY of most recent I-94 card (both sides) and visa inside your passport

PHOTOCOPY OF THE IDENTITY PAGES OF YOUR PASSPORT and visa, which include your picture.

___ COPY OF ANY PREVIOUS EAD CARD (both sides) if applicable

___ 2 PASSPORT STYLE PHOTOS WITH A WHITE BACKGROUND*

___ INCLUDE A PHOTOCOPY (not original) OF YOUR SEVIS I-20 for OPT, pages 1 and 3, AFTER it is endorsed by the International Student Advisor.

___ **INCLUDE PHOTOCOPIES OF ALL OTHER PREVIOUS I-20s ISSUED TO YOU BY SUNY Upstate Medical University (including any that are pre-SEVIS)**

___ **INCLUDE PHOTOCOPIES OF ALL I-20S ISSUED TO YOU BY ANY OTHER UNITED STATES SCHOOL YOU ATTENDED (including any that are pre-SEVIS)**

To check on the progress of your EAD card go to:

<https://egov.uscis.gov/cris/jsps/index.jsp>

IMPORTANT INFORMATION ON USCIS PHOTO REQUIREMENTS

Often applicants will have their photos rejected for failing to meet the required specifications. In order to avoid this, be sure to show these instructions to the photographer before the photos are taken. Then, carefully review your photos before mailing them to the USCIS Vermont Service Center with your application.

Special instructions regarding photos for your EAD card:



For an example of the new photo style go to:

http://travel.state.gov/passport/guide/composition/composition_874.html This link includes information on the required dimensions of the photos, how the photos must be posed etc.

The photo should not be larger than 2 by 2 inches, with the distance from the top of the head to just below the chin measuring about 1-3/8 inches.

1. Frame subject with full face, front view, eyes open.
2. Make sure the photo presents full head from top of hair to bottom of chin; height of head should measure 1 inch to 1-3/8 inches. (25mm to 35mm)
3. Center head within the frame of the picture
4. Make sure eye height is from between 1-1/8 inches to 1-3/8 inches (28mm and 3mm) from the bottom of the photo
5. Photograph subject against a plain white or off-white background
6. Position subject and lighting so that there are no distracting shadows on the face or background

7. Compose your face in a natural photo.
8. There must be no spots on the photo.
9. There must be no shadows on the photo.
10. Eyeglasses worn on a daily basis can be worn for the photo. However, there should be no reflections from the eyeglasses that obscures the eyes.
11. Sunglasses or tinted glasses cannot be worn in the photos.
12. Print your name and I-94 number **on the back** of the photos in PENCIL. DO NOT PRESS ON THE PICTURE.
13. Place the picture in an envelope or small plastic sandwich-size bag and attach the envelope or bag to the OPT application packet. Be sure not to staple or otherwise put any holes in the pictures.

Mail your application and supporting documents to:

USCIS

Vermont Service Center

Attn: I-765

75 Lower Welden Street

St. Albans, VT 05479-0001

This address may be used for both US Postal Service and private courier deliveries:

This document has been updated to reflect that the interim final rule was published on April 8, 2008. Links to the text of the interim final rule appear at the end of the document.

Optional Practical Training and Travel

On April 08, 2008, the U.S. Department of Homeland Security (DHS) issued updated guidance on F-1 Optional Practical Training (OPT) and travel. This guidance is different from previous practices regarding travel, and applies to those who are traveling but are not currently employed or do not have a job offer, or who are applicants for an 17-month OPT STEM Extension.

Travel Outside the United States When Your OPT Application Is Pending (including 17-Month STEM OPT)

An F-1 student who has timely filed an application for ***initial*** OPT post-completion of study may travel outside the United States while the OPT application is pending, provided that the F-1 student can present the USCIS Processing Center Receipt, proving that the application has been filed. ***However, a person who has applied for a***

17-month OPT STEM extension, whose current EAD card has expired, cannot travel outside the United States, even if employed, until the new EAD card is received.

Travel Outside the United States Once the EAD Card is Issued

Once the EAD card for OPT is issued to the F-1 student, and the student decides to travel abroad, the student can only re-enter the United States to **resume employment**. DHS has clarified that the F-1 student does not need to have already begun actual employment before leaving, as long as the student has a job offer to which to return.

Have a Valid I-20 When You Travel

When traveling, be sure that the travel signature on page 3 of your most recent I-20, endorsed for initial OPT (or the 17-Month OPT STEM Extension) will be less than six months old on the date that you will re-enter the United States. If you will need an updated travel signature, please contact the International Student Advisor prior to your travel date.

Travel Outside the United States and Days of Unemployment

If a student whose approved period of OPT as indicated on their EAD card has started then travels outside of the United States while unemployed, the time spent outside the United States will count as unemployment against the 90/120-day limits.

If a student travels while employed either during a period of leave authorized by an employer or as part of their employment, the time spent outside the United States will not count as unemployment.

OPT and Applying for a New F-1 Visa Abroad

If you will need to renew your F-1 visa, you must have your I-20 endorsed for OPT, an official transcript from Binghamton University (and proof of your degree if you have graduated) your EAD card (or receipt notice) and proof of a job or job offer as minimum documentation requirements. If the EAD application is still pending, some consular officials will accept the receipt notice in lieu of the EAD card, but this can be risky.

Travel Abroad When A Petition for a Different Visa Has Been Filed

Students on OPT who have a pending or approved petition for a different non-immigrant or immigrant visa (for example, H-1B) are urged to consult with the individual filing their petition (such as an attorney) for advice on travel. A pending application for H-1B, that has not yet been approved, will be considered to have been abandoned if the beneficiary travels abroad. A pending application for permanent residency will also be considered to have been abandoned unless the beneficiary has a valid advance parole document. If a petition has been approved, it is essential to consult with the individual who has filed the petition for advice on travel and documentation.

General Advice

The best general advice is that a F-1 student on OPT, who has received the EAD card, and has to travel abroad should make sure that there is documentation from his or her employer confirming the employment or their job offer. Otherwise the student assumes a risk that he/she may not be allowed to re-enter the United States.

Optional Practical Training 17-Month STEM Extension Fact Sheet

The Department of Homeland Security published new federal regulations governing Optional Practical Training on April 8, 2008. These regulations allow for a 17-month extension of post-completion Optional Practical Training (for a total period of 29 months) provided that certain conditions are met.

- The student must be currently authorized for a 12-month period of OPT and working for a US employer in a job directly related to the student's field 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 US college or university (see the "STEM" section below)
- At the time of application for the 17-month extension, the student must have a job-offer or be employed by an employer registered with the "E-Verify" federal employment verification system. For more information on "E-Verify," see the "E-Verify" section below. STEM students may work multiple jobs, but all the employers must be enrolled in E-Verify.
- The student must not have previously received a 17-month OPT extension after earning a STEM degree.
- The student must apply for the 17-month extension through the International Student Advisor at SUNY Upstate Medical University. The International Student Advisor must recommend the extension and issue a new I-20 with the recommendation noted.
- The student applies for the extension using form I-765 with fee (currently \$340.00) to the US Citizenship and Immigration Services Processing Center having jurisdiction over the student's current place of residence
- The student must file the extension application in a timely manner, before the current period of OPT expires

- A student who files the application timely whose current EAD card expires while the application is pending may continue employment while the STEM extension application is pending until a final decision is made, or for 180 days, whichever comes first

New Optional Practical Training (OPT) Rules for F-1 Students

On April 3, 2008, The Department of Homeland Security announced the publication of an Interim Final Rule that makes significant changes to Post-Completion Optional Practical Training for F-1 students.

This rule took effect upon publication of the rule in the U.S. Government's Federal Register of April 8, 2008.

Highlights of the New Rule:

- The current 12-month limit on OPT will be extended by 17 months, for a total of 29 months for certain **STEM** degree holders ONLY
- The H-1B "Cap Gap" is eliminated by extending OPT employment and status for those who are beneficiaries of an H-1B petition with an October 1 start date (available to ALL OPT participants)
- The filing deadline for initial OPT applications is changed (applies to all OPT participants)
- There are new reporting requirements for students and employers (applies to all OPT participants)
- Post-Completion OPT will now be dependent on employment. Only limited periods of unemployment will be permitted (applies to all OPT participants)

What is STEM?

S = Science

T = Technology

E = Engineering

M = Mathematics

STEM Fields include

- Actuarial Science
- Computer Science Applications
- Engineering
- Engineering Technologies
- Biological and Biomedical Sciences
- Mathematics and Statistics

- Military Technologies
- Physical Sciences
- Science Technologies
- Medical Scientist (MS, PhD)

Certain fields that many would regard as being part of science or engineering are not included in the STEM list, but the Department of Homeland Security is inviting individuals to submit the titles of additional fields.

Additional Requirements for 17-Month Extension of OPT

Besides having to be enrolled in a “STEM” field of study, there are many additional requirements for the 17-Month Extension of OPT:

The student must be currently authorized for a 12-month period of OPT and working for a US employer in a job directly related to the student’s field 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 US college or university

At the time of application for the 17-month extension, the student must have a job-offer or be employed by an employer registered with the “E-Verify” federal employment verification system. For more information on “E-Verify,” see the next section

The student must not have previously received a 17-month OPT extension after earning a STEM degree.

The student must apply for the 17-month extension through their former school’s international student office. The school’s Designated School official must recommend the extension and issue a new I-20 with the recommendation noted

The student applies for the extension using form I-765 with fee (currently \$340.00) to the US Citizenship and Immigration Services Processing Center having jurisdiction over the student’s current place of residence

The student must file the extension application in a timely manner, before the current period of OPT expires.

A student who files the application timely may continue employment while the extension application is pending, until a final decision is made, or for 180 days, whichever comes first

The employer must agree to report the termination or departure of the student to the International Student Office of the student’s former school, or through any other process chosen by the Department of Homeland Security

The student must agree to report the following information to the International Student Office of his former school:

- Change of name
- Change of residential or mailing address
- Name and address of employer
- Change in the name or address of employer
- When employment changes or terminates

The student must also agree to provide a report every six months to the International Student Office of his former school to verify the above information

What Is E-Verify?

E-Verify was formerly known as the Basic Pilot/Employment Eligibility Verification Program. E-Verify is an Internet-based system operated by the Department of Homeland Security in partnership with the Social Security Administration.

E-Verify allows participating employers to electronically verify the employment eligibility of their newly hired employees. E-Verify is free and voluntary. However, there are concerns whether employers will want to join E-Verify. Currently, less than one percent of all US employers are enrolled in E-Verify. If an employer joins, the employer will have to verify ALL new employees, including US citizens, in E-Verify.

There have been reports of significant discrepancies in the databases currently being used that result in verification errors, indicating that a worker is ineligible for employment when that is not accurate. Participating employers must permit visits by Homeland Security and the Social Security Administration to review their employment records and interview employees.

Remember that a F-1 student seeking to extend his or her OPT by 17 months can only do so if at the time of filing, the student is employed by, or has a job offer with, an E-Verify participating employer.

There is not enough information known at this writing to determine if the E-Verify requirement will have a negative impact on employer participation, and thus prevent many students on OPT in STEM fields from seeking the 17-month extension.

For more information on E-Verify, visit:

http://www.dhs.gov/ximgtn/programs/gc_1185221678150.shtm

Elimination of the H-1B “Cap-Gap”

The H-1B “cap-gap” occurs when a F-1 student’s status and OPT work authorization expires during the current fiscal year before the student can start approved H-1B employment during the next fiscal year that begins on October 1. For example, a student whose OPT ending date is July 16, 2008, and whose employer successfully files an H-1B petition for a job that is subject to the H-1B “cap” and starts October 1 currently needs to stop employment as of July 16, and depart the United States on September 15 (the last day of the 60-day grace period following OPT). While outside the United States, the student must then obtain an H-1B visa, and cannot re-enter the United States any sooner than 10 days prior to the H-1B start date.

Under the new rule, a student currently on OPT who is the beneficiary of a timely-filed H-1B petition that requests an employment start date of October 1 of the following fiscal year will have his or her duration of status and OPT employment authorization extended to that date.

Should the pending H-1B petition ultimately be denied, the student will have a sixty day grace period from the notification date of the denial to depart the United States, obtain admission to a new F-1 SEVIS-approved school, or file an application for a change of status.

New Filing Deadlines for Initial OPT Applications

Currently, an applicant for post-completion OPT must file their application before their degree completion date. Under the new rule, a student will be able to file the OPT application up to 90 days **before** the degree completion date, and up to 60 days **after** the degree completion date. However, the application for OPT must be submitted to the USCIS Processing Center within 30 days of the date the school enters the recommendation for OPT into the SEVIS record.

Duration of OPT

The starting date for the OPT Employment Authorization Document (EAD) will be the date requested by the student or the date OPT is approved at the USCIS Service Center, whichever is later. But, there is an exception: the authorization period for the 17-month OPT extension begins the day after the expiration of the initial post-completion OPT employment authorization, and ends 17 months later, regardless of the date the extension is approved.

Reporting Requirements for Students and Employers While on OPT

All students on OPT must report to the international student advisor at their former school:

- Any change in name or address
- The name and address of their employer
- Any change to the name and address of the employer
- Any interruption of such employment

In addition, students with an approved 17 month extension must report to the international student office at their former school within ten days:

- Any change in name or residential/ mailing address
- The name and address of their employer
- Any change to the name and address of the employer
- Any interruption of such employment

Students with an approved 17 month extension must also make a validation report to the international student office at their former school every six months starting on the date the extension begins and ending when the OPT ends. The validation is a confirmation

that the student's name and address, employer name and address, and /or loss of employment is current and accurate.

The employer of a student with an approved 17-month OPT extension must agree to report the termination or departure of the student to the International Student Office of the student's former school or through "any other means or process identified by the Department of Homeland Security."

Post-Completion OPT is Now Dependent on Employment

Students on post-completion OPT may not accrue an aggregate of more than 90 days of unemployment under the initial 12-month period of OPT. 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

What Happens Next?

There are some very essential procedural steps that need to be implemented before schools can begin accepting applications for an extension of OPT under these new rules. Those steps include:

- SEVIS needs to be re-programmed to allow schools to recommend extending authorized OPT for an additional 17 months for qualified students
- SEVIS needs to publish interim instructions to schools so that schools will be able to implement the new procedure
- Form I-765, Application for Employment Authorization, must be updated to add new fields for field of study, name of employer, and the employer's E-Verify number
- Schools need to update their processes, procedures, and informational materials to accommodate all the new requirements

Web Resources

There are some excellent web resources available on the new OPT rule:

Department of Homeland Security Announcement

http://www.dhs.gov/xnews/releases/pr_1207334008610.shtm

US Citizenship and Immigration Services Q and A

http://www.uscis.gov/files/article/OPT_4Apr08.pdf

NAFSA: Association of International Educators Resource on the Interim Final Rule

http://nafsa.org/regulatory_information.sec/29_month_opt_rule_updates

Text of Interim Final Rule

<http://edocket.access.gpo.gov/2008/E8-7427.htm> (text format, 27 pages)

<http://edocket.access.gpo.gov/2008/pdf/E8-7427.pdf> (pdf file, 13 pages)

SEVIS Responsibilities of a F-1 Student on Optional Practical Training

Students in F-1 status are responsible for learning, understanding, and complying with U.S. federal laws and regulations governing the F visa. Even after you graduate, the U.S. federal government considers your immigration records to still be under the authority of SUNY Upstate Medical University until your Optional Practical Training, or you depart the United States or change to a new non-immigrant status, whichever ever comes first. Failure to do so will violate your legal status in the United States and will have serious consequences.

Your responsibilities include the following:

Provide the International Student Advisor With a Photocopy of Your EAD Card Once You Receive It

It is essential that the **International Student Advisor** have a photocopy of your EAD card on file once it has been sent to you by the U.S. Citizenship and Immigration Services (USCIS) Service Center.

Keep Your Passport Valid at All Times

You must have a valid passport in your possession. For information on renewing your passport, visit the web site of your country's embassy or consulate in the United States. (See: <http://www.state.gov/s/cpr/rls/dpl/32122.htm>)

Report Address Changes within 10 days to the Office of International Student and Scholar Services (ISSS)

U.S. federal regulations require all F-1 students on optional practical training or academic training to report a change of address directly to the International Student Advisor within 10 days of the address change. The International Student Advisor is required to provide this and other student data to the federal government electronically. No other university office is authorized by the federal government to process this data.

Report Employment Changes After 10 days to the Office of International Student and Scholar Services (ISSS)

You are required to report any changes in employment information (including periods of unemployment) to the International Student Advisor immediately following ten days of the change

Maintain Required Health and Accident Insurance

If your U.S. employer does not provide you with health and accident insurance, or if you are not yet employed, contact the International Student Advisor for information regarding health and accident insurance coverage at student rates while on optional practical training or academic training, for you and your dependents. Even if your employer provides you with health insurance as an employee benefit, check to see if the insurance includes medical evacuation and repatriation to your home country. If not, you may purchase just medical evacuation and repatriation insurance from the International Student Advisor.

Ending OPT Early? Report the Change to ISSS

Students must notify the **International Student Advisor** if they decide to end their

optional practical training or academic training early for any reason, such as departure from the United States, change of status, or school enrollment. Students who decide to begin a new program or level of study at another U.S. college or university should note that optional practical training is automatically terminated when a full-time course of study is begun at a new school, or when there is a change in the level of study.

Contact the International Student Advisor Prior to Traveling Outside the United States

Students should contact the ISSS prior to traveling outside the United States to see if an updated International Student Advisor signature is required on their I-20.. For F-1 students, the International Student Advisor signature on page 3 of the I-20 must be less than six months old on the date you will return to the United States. Dependents of F-1 students who are traveling may need to have their I-20s endorsed to indicate the F-1's OPT authorization. Students in F-1 status who will be traveling abroad and have not yet received the EAD card, must be able to present the USCIS receipt notice, as proof that the OPT application has been filed. F-1 students traveling abroad who have received the EAD card must also carry with them a letter from their employer, verifying their employment or job offer. Students who will be traveling AND need to apply for a new visa should consult the International Student Advisor as there may be important issues regarding the visa application.

Notify the International Student Advisor of Any Accompanying Dependents or Dependents Who Will Join You Later

The International Student Advisor prepares visa documents for any dependents of F-1 and students who will enter the United States on F-2 visa. The International Student Advisor is required to report biographical data on F-2 dependents to the U.S. federal government.

Obtain Transfer Authorization to a New U.S. School

Students on OPT or Academic Training who plan to transfer to another college or university in the United States after completing OPT or AT **must** inform the International Student Advisor of their final choice, and complete a SEVIS Release Form so that the International Student Advisor can perform the appropriate "transfer out" process in SEVIS and designate the school to which you will transfer.

Depart the U.S. within the 60 day (F-1) or 30 day (J-1) Grace Period

Students in F-1 status must depart the United States within 60 days of the optional practical training ending date. The exceptions to this rule include those who are transferring to a new school, or have applied for a change of status with U.S. Citizenship and Immigration Services (USCIS).

Important Note

This information is subject to change without notice. If you have any questions or concerns regarding your legal status in the United States, it is important for you to contact the International Student Advisor by either e-mail or phone.

The New OPT Regulations: What Kinds of Employment are Allowed Under OPT?

All OPT employment, including post-completion OPT, must be in a job that is ***related to the student's degree program***. The following information comes from policy guidance recently published by the Department of Homeland Security (DHS). Please note that policy guidance is subject to change.

For students who are not on a STEM extension, this employment may include:

Paid employment: Students on pre-completion OPT may work part time (20 hours a week or less, full time during vacation periods). Students on post-completion OPT must work at least 20 hours per week or full time.

Multiple employers: Students may work for more than one employer, but all employment must be related to the student's degree program and for pre-completion OPT cannot exceed the allowed per week cumulative hours.

Short-term multiple employers (performing artists): Students, such as musicians and other performing artists may work for multiple short-term employers (gigs). The student should maintain a list of all gigs, the dates and duration. If requested by DHS, students must be prepared to provide evidence showing a list of all gigs. Remember that the student's degree program must be in the performance area (music, theatre, etc.)

Work for hire: This is also commonly referred to as 1099 employment where an individual performs a service based on a contractual relationship rather than an employment relationship. If requested by DHS, students must be prepared to provide evidence showing the duration of the contract periods and the name and address of the contracting company.

Self-employed business owner: Students on OPT may start a business and be self-employed. In this situation, the student must work full time. The student must be able to prove that he or she has the proper business licenses and is actively engaged in a business related to the student's degree program.

Employment through an agency: Students on post-completion OPT must be able to provide evidence showing they worked an average of at least 20 hours per week while employed by the agency. Employment agencies can be identified in the "yellow pages" of local phone directories under "Employment Agencies" or by searching "Temporary Employment Agencies" on the internet. Kelly Services and Manpower, Inc are examples of national agencies.

Unpaid employment: Students may work as volunteers or unpaid interns, where this does not violate any labor laws. The work must be at least 20 hours per week for students on post-completion OPT. These students must be able to provide evidence from the employer that the student worked at least 20 hours per week during the period of employment. Not-for-profit agencies and religious organizations are good choices for unpaid employment.

Special employment rules for 17-Month OPT STEM Extensions: Students authorized an OPT STEM extension must work at least 20 hours per week for an E-Verify employer

in a position directly related to the student's STEM degree. STEM students may work multiple jobs, but all the employers must be enrolled in E-Verify. Unpaid or volunteer employment is allowed, incidental to the student's status. This means that volunteer work is allowed but does **not** count as employment for the purpose of maintaining F-1 status under the rules of the 17-Month STEM Extension.

The New OPT Regulations Contain Many Changes! Be Sure You Know the Following:

1. NEW! Filing Deadline I at USCIS!

Your OPT application must be received by the USCIS Processing Center within 30 days of the date that Binghamton's office of International Student and Scholar Services recommends your OPT. The date can be easily determined by examining the date printed at item 10, page 1 of your new OPT I-20.

2. NEW! Filing Deadline II at USCIS!

The new deadline for submitting your Post-Completion OPT application to the USCIS Processing Center is up to 60 days after your degree completion date as indicated on item 5, page 1 of your OPT I-20 (as long as you do not exceed the 30 day limit from the date ISSS recommends your OPT; see Item 1 above). Remember that it takes up to 90 days for the USCIS to process your application form, delaying filing your application until the deadline means that it will be as much as 90 days from the date USCIS receives your application before you will have your Employment Authorization Document (EAD) and can start work.

3. NEW! Days of Unemployment Must Be Counted!

There is now a limit to the number of days you can be on post-completion OPT, unemployed, and still maintain valid F-1 status. Once post-completion OPT is approved, a student cannot exceed a total of 90 days of unemployment beginning with the start date on the EAD card. This includes any travel periods outside the United States while unemployed. The only exception is that periods of up to ten days between the end of one job and the beginning of the next job will not be included in the calculation for time spent unemployed.

4. NEW! Reporting Requirements!

You are required to report any change to your current name or address to Binghamton University's Office of International Student and Scholar Services within ten days of the change

You are required to report any changes in employment information (including periods of unemployment) to Binghamton University's Office of International Student and Scholar Services within ten days of the change

Checking the Status of Your USCIS Application Online

If you have submitted an application to one of the four US Citizenship and Immigration Services (USCIS) Regional Processing Centers (located in Vermont, California, Nebraska, and Texas) you can check the status by going on-line to:

<https://egov.uscis.gov/cris/jsps/index.jsp>

Among the kinds of applications that can be tracked using the on-line system are change of non-immigrant status, H-1B petitions, replacement I-94 card, optional practical training, and employment based on economic hardship.

As long as you have your USCIS receipt notice with the receipt number indicated (for the Vermont Service Center, all receipt numbers start with "EAC...") you can use the on-line system, which is updated daily. The on-line system provides the identical information that can be obtained by using the Service Center phone numbers, and is updated daily.

USCIS also provides a toll-free customer service number at 1-800-375-5283. However, there have been concerns expressed that the operators at the number, who are not USCIS employees and do not have access to your file, do not always provide accurate information. If you are a Binghamton University student or scholar, have submitted an application for any kind of F-1, J-1 or F-2 or J-2 dependent-related benefit and believe you have not received a timely response, please contact staff in the Office of International Student and Scholar Services for assistance.

Applications filed with one of the USICS district offices (including F-1 reinstatement or conversion of 30-day stays on an I-94 card) cannot be tracked on the on-line system.