Visas After Graduation

Presented by the Miller Mayer law firm

and ISSO Staff
Visas After Graduation

• F1 / J1 Work Authorization
  - Sarah Hilsman

• Visas After Graduation
  - Rosanne Mayer
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Work Authorization for F-1 & J-1 Students
Work Authorization for F-1 & J-1 Students

• “Maintaining” status
• F1 Practical Training
• J-1 Academic Training
“Maintaining your status”

To maintain valid status

F1 & J1 students must:

• Enroll full time
• Update your address when you move
• Keep your documents valid: extend I-20!
• Do NOT work off campus without authorization
F1 Off Campus Work Authorization

• After being enrolled full time for 1 full academic year

• Practical Training in your field of study
  – Curricular Practical Training
  – Optional Practical Training
F1 Curricular Practical Training (CPT)

- Must receive academic credit in a course
- Or work must be a required part of degree program
F1 CPT Timing Issues

• May only be used **before** graduation, while still in degree program

• CPT will NOT effect OPT unless you have 12 full months of full time CPT
F1 CPT Application Procedures

• Must have job offer in order to apply

• Pick up CPT application packet from the ISSO or download from our web site: www.isso.cornell.edu

• Bring completed application to the ISSO

• MUST get work authorization prior to working!!
F1 CPT Authorization

- ISSO Advisor will issue you a new I-20 with work authorization on page 2
F1 Optional Practical Training (OPT):

Work Authorization for F-1 Students after graduation
F1 Optional Practical Training (OPT)

- Must have been enrolled full time for 1 academic year (usually students apply right before graduating)
- Practical training in your field/major
- Not employer-specific so you may change jobs during that year
- You are still in F1 status while on OPT
F1 OPT Length of time

- 12 months total per degree level (but not cumulative)
- May be used before you graduate or after—best if save it for AFTER graduation
- Time used before graduation is deducted from the 12 months
- There are two ways to extend OPT beyond the 12 months
F1 OPT Application Procedures: Apply Early

- Do NOT need job offer to apply
- Pick up application from ISSO or download from our web site.
- Bring completed application to the ISSO. We will create a new I-20.
- You will send your application to USCIS.
F1 OPT Application

Procedures: Apply Early

You CAN apply:

- No more than 3 months ahead of graduating (or last day of registration for advanced grad students)
- No later than 60 days past graduating
- Not more than 120 days before the start date you choose
- It can take 3 months to receive OPT card
• May not start working until you receive the EAD card

• And may not start working until the start date listed on the EAD card
Your OPT Time-Line

Apply
3/1/2018

Program end date
05/27/2018

60-day grace period
7/26/2018

You choose your OPT start date—any day within the 60 days after you complete program

Example: 7/1/2018
- Apply no more than 3 months before you graduate,
- Not earlier than 120 days before your chosen start date,
- And no more than 60 days after graduation!
- USCIS must RECEIVE your OPT application no more than 30 days after the date the ISSO advisor recommends your OPT.

12 months OPT
6/30/2019
Extending OPT?

- As you near the end of your OPT, there are two possible ways to extend your OPT time:
  - “H1B Cap Gap” extension
  - “STEM” extension (Science, Technology, Engineering or Math)
H1B Cap Gap Extension

A VERY BRIEF explanation....
H1B Cap Gap Extension

- Because of the limit on the number of H1Bs, called the H1B “Cap”, there may be a gap between the end of your OPT and the beginning of your H1B

EXAMPLE:
- OPT end date: 6/30/2019
- H1B start date: 10/01/2019

USCIS has covered this gap for you
H1B Cap Gap Extension

• If you are on OPT,

• and your employer applies for an H1B for you,

• And you get a receipt notice or an approval

• And your OPT ends prior to October 1st

• Your OPT will be AUTOMATICALLY EXTENDED until October 1st of that year (which will be the start date of your H1B)
STEM extension of OPT

• If you are graduating in a “STEM” field (Science, Technology, Engineering or Math)

• AND, your employer is enrolled in the “E-Verify” program

• You are eligible to apply for an extension of your F-1 OPT of 24 months
STEM extension of OPT

• You may only apply for the STEM extension once you have received and are on your 12 month period of OPT

• You may obtain a STEM extension TWICE in a life time… so if you go back to school for a higher degree, you will have 12 more months of OPT plus another STEM extension
STEM extension of OPT

- Find details of the STEM application on our website here:

- http://isson.cornell.edu/students/working-us/f1-work-post-grad-opt/opt-stem-extension
Reporting Requirements while you are on OPT

• You will be required to notify us of the following information while you are on OPT:
  • your residential address
  • your employer’s name and address
  • your start and end date of every job
Reporting Requirements while you are on the STEM extension of OPT

- job title and your email address
- supervisor’s name and contact info
- 6 month updates of everything
- a “training plan” developed by you and your employer
Limit on days you can be unemployed!

- Only allowed a total of 90 days of unemployment on 12 months of OPT

- Only allowed a total of 150 days of unemployment if you get the STEM extension
What counts as Employment?

• Unpaid employment counts on the first 12 months of OPT!!! (can be part time) e.g. research for your advisor!!!

• “Self employed” business owner counts for the first 12 months of OPT but must have “proper business licenses”
F1 OPT & TRAVEL

ONCE YOU HAVE APPLIED:

• Can travel out of U.S. at spring break and re-enter with usual F1 documents

• After graduation or close to graduation, you MUST have either the OPT card OR the receipt notice for your OPT application

• AND proof of employment in ADDITION to all the usual F1 travel documents
F1 OPT & TRAVEL

Documents required for travel while on Post-completion OPT:

• valid passport
• current unexpired F-1 visa stamp (Getting a new F-1 visa can be a challenge on OPT!)
• I-20 signed within the last 6 months
• EAD (OPT card) or receipt notice
• job offer letter or letter confirming current employment
F1 OPT & TRAVEL

DO NOT re-enter U.S. as a TOURIST (B1/B2 status) or any other visa status, or your OPT will be invalid!

• MUST ENTER AS F-1 STUDENT
Some Common Questions

When should I apply?

What start date should I choose?

Do I need to have a job offer to apply?

What if I don’t yet have a job?
J1 Work Authorization

• “Academic Training”
  – For practical training in your field
  – Either in summer vacation or after graduation

• Download or pick up application at ISSO

• Come to the ISSO to with application
J1 Academic Training

- ISSO issues you work authorization letter for “Academic Training”
- Total time available is 18 months
- Additional 18 months may be possible for postdoctoral research positions
More Questions? Come to the ISSO

B-50 Caldwell Hall

Advising Hours: M, T, T, F: 9-12 & 1-4:30; Wed: 1:00-4:30

www.isso.cornell.edu; isso@cornell.edu