Visas After Graduation

Presented by Rosanne Mayer of the Miller Mayer law firm

and ISSO Staff
Visas After Graduation

• Job Search Resources & F1 / J1 Work Authorization
  - Sarah Hilsman

• Visas After Graduation
  - Rosanne Mayer
Job Search tips

• Talk with the Cornell Career Services advisors in 203 Barnes Hall; 255-5221; career@cornell.edu

• Register in CC Net: www.career.cornell.edu

• Do Mock job interviews with career services

• Talk to your college or field’s career services advisors
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 3
F1 Optional Practical Training (OPT)
F1 Optional Practical Training (OPT)

- After being enrolled full time for 1 academic year
- 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 Timing Issues

• 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 and 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
Program end date: 05/26/2016

60-day grace period: 7/24/2016

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

Example: 7/1/2016

- 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.
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)—currently going through change in regulations!!!!!!
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: 6/30/2017
• H1B start date: 10/01/2017

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

- This regulation is currently under some changes, which are not yet finalized.

- We expect they will be finalized in time to take effect on February 12, 2016, when the current regulation is scheduled to be “vacated”.

- So the following slides are what MIGHT happen but are not yet final regulations.
STEM extension of OPT

• Under the current rule, 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 a 17 month extension of your F-1 OPT
  
• In the NEW RULE, this will likely become 24 months instead of 17 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

- Current rule allows for the STEM extension only once in a lifetime, NEW RULE may allow for this extension TWICE in a lifetime… 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

• The new rule is under a public comment period which ends on November 17, 2015.

• The comments will be reviewed and a new regulation will be published some time after that, but before February 12, 2016, when we expect the new regulation to go into effect.

• The ISSO will send out an announcement about the new regulation when it is final.
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
- NEW RULE may include a “training plan”
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 120 days of unemployment if you get the STEM extension
What counts as Employment?

- Unpaid employment counts !!! (can be part time) e.g. research for your advisor!!!!

- “Self employed” business owner counts 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
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
Questions...?

ASK US!

Come to the ISSO
International Students & Scholars Office
B-50 Caldwell Hall

Hours: Mon, Tues, Thurs, Fri: 9:00-4:30; Wed: 1:00-4:30

On the web: www.isso.cornell.edu

By email: isso@cornell.edu