Visas After Graduation

Presented by Rosanne Mayer of the Miller Mayer law firm

and ISSO Staff
Visas After Graduation

• F1 / J1 Work Authorization
  - Sarah Hilsman

• Visas After Graduation
  - Rosanne Mayer
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** 3/1/2016
- **Program end date** 05/29/2016
- **60-day grace period** 7/27/2016
- **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.
  - **12 months OPT** 6/30/2017
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)
This regulation is currently under some changes, which are not yet finalized.

We expect they will be finalized in time to take effect on May 10, 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

• 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 17 months (old rule) or 24 months (new rule)
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

- The NEW RULE may allow for this 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

- The ISSO will send out an announcement about the new regulation when it is final (probably by March 10, 2016).
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 (might be 150 days in new rule)
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
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