Employment Authorization for F-1 & J-1 Students: An Overview
Presentation Outline

- Employment vs. Volunteering
- On and Off-Campus Employment
  - J-1 students
    - Academic Training
- On and Off-Campus Employment
  - F-1 Students
    - Curricular Practical Training
    - Optional Practical Training
      - Pre-Completion OPT
      - Post-Completion OPT
      - STEM Extension
      - Cap-Gap Extension
Employment vs. Volunteering
What Is Employment?

Do you need authorization to work off-campus?

Department of Homeland Security defines an employee as “An individual who provides services or labor for an employer for wages or other remuneration”. Remuneration can include housing, food, gifts, etc.

Any off-campus employment for F-1 or J-1 students must be authorized!

8 CFR 214.1(e): "A nonimmigrant who is permitted to engage in employment may engage only in such employment as has been authorized. Any unauthorized employment by a nonimmigrant constitutes a failure to maintain status..."
When Is Authorization Required: Volunteering/Internship?

Volunteering is NOT simply working without getting paid! It is much more complex!

To be considered volunteering, the work performed by the individual must meet the following criteria:

- No compensation or expectation of compensation
- The volunteer cannot displace a genuine employee, and the services provided by the volunteer should not be the same services for which he or she was previously paid and/or expects to be hired and paid for in the future
- Services are performed for a non-profit charity and the work is “charitable” in nature
- Services are performed for a state or local government agency and there is a “civic” purpose to the work
J-1 Students: On and Off-Campus Employment Authorization

Important! If CMU did NOT issue your DS-2019 Document, contact your J Program Sponsor for information about employment authorization!
On-Campus

Employment for J-1 Students

- The Office of International Education (OIE) is required to document on-campus student employment for J-1 students in the SEVIS system.

- Therefore, if CMU is your visa sponsor and you are working on-campus, visit our website and fill out the J-1 On-Campus Employment Form.

- On-Campus is defined as working for CMU or for one of CMU vendors, and can only be 20 hours or less during an academic term (i.e. fall/spring).
Off-Campus: **Academic Training**

Employment for J-1 Students

What is Academic Training (AT) and who is eligible?

- AT is work, training, or experience related to a student's field of study
- You must have a job/training offer at the time of application.
- Employment/training takes place with the specific employer(s) noted on the AT authorization
- AT is available both before and after completion of your degree program
- Authorization must be processed **before** your official academic program completion date
- Post-completion AT must begin within the first 30 days after program completion date and must be for a paid position
Off-Campus: **Academic Training**

Employment for J-1 Students

Length of Academic Training (AT)

- For most students: 18 months total (whether before or after completion of studies)
- The total employment/training period may not exceed the amount of time spent in full course of study
  
  E.g., a Master’s student who completed a program in 12 months, is only eligible for 12 months of academic training
- PhD students are eligible for 36 months of AT
Off-Campus: **Academic Training**

Employment for J-1 Students

Application process for Academic Training:

- Job offer letter required!
- Academic advisor recommendation
- Authorization is issued by OIE
  
  Must be processed before the end date on DS-2019 or before the program completion, whichever comes first!

- No fee

For more information about Academic Training:

Go to [OIE web site](https://example.com)
F-1 Students: On and Off-Campus Employment Authorization
On-Campus

• NO special authorization is necessary (on-campus employment only)

• On-Campus is defined as working for CMU or for one of CMU vendors, and can only be 20 hours or less during an academic term (i.e. fall/spring)

• IMPORTANT: On-campus work authorization ends on current I-20 program end date or when program is completed, whichever comes first!
Off-Campus Employment Authorization:

• **F-1 Students**
  • Curricular Practical Training
  • Optional Practical Training
    • Pre-Completion OPT
    • Post-Completion OPT
    • STEM Extension OPT
    • Cap-Gap Extension
Curricular Practical Training (CPT)
Off-Campus:
CURRICULAR PRACTICAL TRAINING (CPT)

What is CPT and Who is Eligible?

- Curricular Practical Training (CPT) is defined as authorization for practical training which is “an integral part of an established curriculum”
- Only available prior to completion of degree program (no CPT in last semester!)
- To be eligible:
  - Must have been a full-time student for one academic year (two full semesters)
  - Must have a job offer at the time of application
  - Must meet academic requirements
- No immigration limit on how much CPT you can have (but 12 months or more of full-time CPT will make you ineligible for OPT – Optional Practical Training)
Off-Campus:
CURRICULAR PRACTICAL TRAINING (CPT)

Types of CPT:

- Required CPT: academic program requires practical work experience in the field of study to graduate
- Optional CPT: the practical work experience is for credit and directly related to your field of study. You must be enrolled in an internship/practicum course and receive academic credit that goes towards your degree requirements
- Part-time CPT: 20 hours or less/week
- Full-time CPT: more than 20 hours/week.

**Use of full-time CPT for one year or more eliminates eligibility for Optional Practical Training. Use of part-time CPT does not affect eligibility for Optional Practical Training**
Off-Campus:
CURRICULAR PRACTICAL TRAINING (CPT)

Application Process for CPT:
• Job offer is required!
• Academic department approval
• Academic course registration
• Authorization is issued by OIE
  o Attend CPT session and submit online form via MyOIE Portal
  o 10 day processing time
  o New CPT I-20 is your CPT work authorization
• No fee (except tuition for internship course)

Want more information about CPT? Go to OIE website
Optional Practical Training (OPT)
Off-Campus:
OPTIONAL PRACTICAL TRAINING (OPT)

What is OPT and Who is Eligible?

- Optional Practical Training (OPT) is an off campus employment authorization for obtaining work directly related to the student’s major field of study in order to gain practical experience in the field.

- To be eligible:
  - Must have been a full-time student for one academic year (i.e. two full consecutive terms)
  - Have used less than 12 months of full-time CPT
  - Have not been previously approved for 12 months of OPT at the same degree level
  - OPT is available both before and after completion of your degree program
Types of OPT

There are four types of Options Practical Training (OPT):

1. Pre-Completion OPT
2. Post-Completion OPT
   *Total time – 12 months; may be split between pre- and post-OPT
3. STEM Extension
   *Total time – 24 months
4. Cap Gap Extension
   *Total time – the time gap between end of post-OPT and start of H-1B status
Off-Campus:
OPTIONAL PRACTICAL TRAINING (OPT)

Pre-Completion OPT

- Begins and ends BEFORE completion of enrollment requirements
- Part-Time: 20 hours per week or less; Full-Time: more than 20 hours per week
- Three types:
  - During annual vacation (summer)
    - You must intend to register full-time for the immediately following term
    - May be part-time or full-time
  - While school is in session (fall & spring)
    - Full-time registration is required during that term
    - May be part-time only (20 hours per week or less)
  - After completion of all course requirements (excluding thesis/dissertation) – for PhD students only
    - Full-time registration is required during that term
    - May be part-time or full-time
Off-Campus:  
OPTIONAL PRACTICAL TRAINING (OPT)

Post-Completion OPT

• Begins and ends AFTER completion of enrollment requirements
• Apply during your final term of study (last term you are registered for required credits)
• Post-Completion OPT start date must be within 60 days after program completion date
• Always authorized as full-time. Must work at least 20 hours/week to maintain status
• During post-OPT, may not be unemployed for an aggregate of more than 90 days.
Off-Campus: Post-OPT
The Application Process has **IMPORTANT** Timelines!!

Based on the "Program End Date" listed on your I-20

- **Not yet eligible to apply for Post-OPT**
  - USCIS Accepts Post-Completion
    - 90 Days Before
- **OPT Applications**
  - Requestable
  - OPT Start Dates
  - 60 Days After
- **No longer eligible to apply for Post-OPT**
Off-Campus:
OPTIONAL PRACTICAL TRAINING (OPT)

Application Process for Pre- and Post-OPT:

- **No job offer required to apply!**
  - Recommendation (new I-20) from OIE
    - Attend a **REQUIRED OPT Session** (for Post-OPT ONLY)
    - Submit e-Form via MyOIE Portal
    - 5-10 business days processing time for new I-20
  - Submit Post-OPT application to USCIS
    - $410 fee + cost of photos & shipping
  - Authorization (EAD Card) is issued by USCIS
    - USCIS processing time may take 3-5 months!

For More Information About OPT:
- Go to [OIE website](#)
# Off-Campus: CPT & OPT Similarities

## CPT & OPT

For off-campus employment

Must complete one academic year full-time, spring and fall (summer does not count)

Work needs to be related to major

Doesn’t matter if work is paid or unpaid
### Off-Campus: CPT & OPT Differences

<table>
<thead>
<tr>
<th>CPT</th>
<th>OPT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Needs to count toward degree requirements</td>
<td>Does not need to count toward degree requirements</td>
</tr>
<tr>
<td>Requires employment offer to apply</td>
<td>Does not require employment offer to apply</td>
</tr>
<tr>
<td>Approved by: OIE in conjunction with Academic Department</td>
<td>Approved by: U.S. Citizenship and Immigration Services</td>
</tr>
<tr>
<td>Cost: Tuition and fees (paid to CMU)</td>
<td>Cost: $410 application fee (paid to government)</td>
</tr>
<tr>
<td>Processing Time: about 10 business days</td>
<td>Processing Time: 3-5 months</td>
</tr>
<tr>
<td>Maximum: as many times as it counts towards degree (e.g. internship course)</td>
<td>Maximum: 12 months*</td>
</tr>
<tr>
<td></td>
<td>*Students in STEM majors may be eligible for additional 24 month extension</td>
</tr>
</tbody>
</table>
Carnegie Mellon University

STEM OPT Extension

[Diagram showing the combination of a 12-month OPT, a 24-month STEM OPT extension, resulting in a 36-month OPT]
Off-Campus: STEM OPT Extension (STEM)

What is STEM OPT and Who is Eligible?

- STEM OPT is a 24-month extension of Post-OPT
- Specific STEM majors only (see government CIP code list)
- Must be employed on post-OPT and apply before post-OPT EAD expires
- Employer must be in E-Verify (a government database)*
- Employer must complete Form I-983 (training plan)
- Must be paid, at least 20 hrs/week, and related to STEM degree; no self-employment allowed

* CMU is not an e-verified employer for STEM OPT purposes; you cannot have STEM OPT based on employment with CMU
Off-Campus: STEM OPT Extension (STEM)

Application Process for STEM OPT:

• Job with e-verified employer is required to apply
• I-983 Training Plan from employer is required to apply
• Recommendation (new I-20) from OIE
  • 10 business days processing time for new I-20
• Submit STEM OPT application to USCIS
  • $410 fee + cost of photos & shipping
• Authorization (EAD Card) is issued by USCIS
  • USCIS processing times may take 3-5 months (employment may continue for up to 180 days after your post-OPT ends with a pending STEM OPT application)

For More Information About STEM OPT:

• Go to OIE website
Cap Gap OPT Extension
Off-Campus: Cap Gap OPT Extension

What is Cap Gap OPT Extension and Who is Eligible?

- Cap Gap is OPT extension based on H-1B visa and intended to cover a possible gap between end of OPT and start of H-1B (October 1).
- There is a limit ("Cap") of H-1Bs each year for private business jobs (not colleges).
- H-1Bs for industry jobs (not university) start only on October 1 of each year.
- Application for H-1B can be submitted to USCIS up to 6 months prior to start date (April 1).
- These date restrictions may cause a "Gap" in employment authorization for students on OPT. Cap Gap OPT extension covers this gap.

Eligible for Cap Gap if:

- H-1B filed by employer before expiration of OPT.
- OPT expiration is between April 1 and October 1.
- H-1B is filed as a "Change of Status" (COS).
CAP GAP Extension Timeline

**Optimistic Post Graduation Employment Training (OPT) Timeline**
- **May 15**: Degree Completion
- **June 1**: OPT Begins
- **May 31**: OPT Ends

**H-1B Visa Timeline**
- **April 1**: H-1B Application Period Begins
- **October 1**: Earliest Date to Begin H-1B
Off-Campus: CAP GAP Extension

Application process for Cap Gap OPT Extension:

• Cap gap extension is **automatic** (if you are eligible)
• Cap Gap I-20 issued by OIE (can be requested remotely)
  10 business days processing time
• No fee

For more information about the Cap Gap OPT Extension:
Go to [OIE web site](#)
Carnegie Mellon University

Additional Information and Resources
Social Security Number

• Social Security number (SSN) is required if you earn wages in the US

• Apply for a Social Security Card as soon as you are eligible
  • CPT – up to 30 days before start date listed on CPT I-20
  • OPT – only from start date on approved OPT EAD

• Not eligible if within two weeks of CPT or OPT end date
Taxes

- Students are subject to all taxes, except Social Security & Medicare

- **Students MUST file tax forms** by April 15 of every calendar year
More Important Information

OIE will host Feige Grundman, a lawyer with Klasko Law, who will discuss H-1B and other employment options.

Wednesday, February 27, 2019
Cohon University Center - McConomy Auditorium
5:00 – 6:30 PM

• www.cmu.edu/oie
  • MyOIE Portal
• www.uscis.gov
• https://studyinthestates.dhs.gov/

Questions about your specific case that cannot be answered online?
Email: oie@andrew.cmu.edu
Quiz Time

☐ TRUE
☐ FALSE
1. "I can work ON or OFF Campus after the end date listed on my I-20/DS-2019 – even though I do not have an Approved EAD Card/New DS-2019 with work authorization?"
2. “I need a Job Offer to apply for Post-Completion OPT?”

FALSE!
3. “I need a Job Offer to apply for CPT (F-1)/AT (J-1)?”

TRUE!
5. “I can begin working before the start-date listed on my EAD Card/DS-2019? It’s volunteering – That’s OK!?”

FALSE!
6. “I do not need to **report** any updates to immigration/OIE,...?”

**FALSE!**
8. “If I get a new or replacement I-20/DS-2019, I should throw my old document in the trash..?"
9. “CPT/OPT/AT does not need to be related to my major field of study?”

FALSE!
10. “The best source of information on immigration regulations at CMU is...
The Office of International Education!”

TRUE!