Optional Practical Training and STEM Extension

Understanding F-1 Students and Their Employment Opportunities

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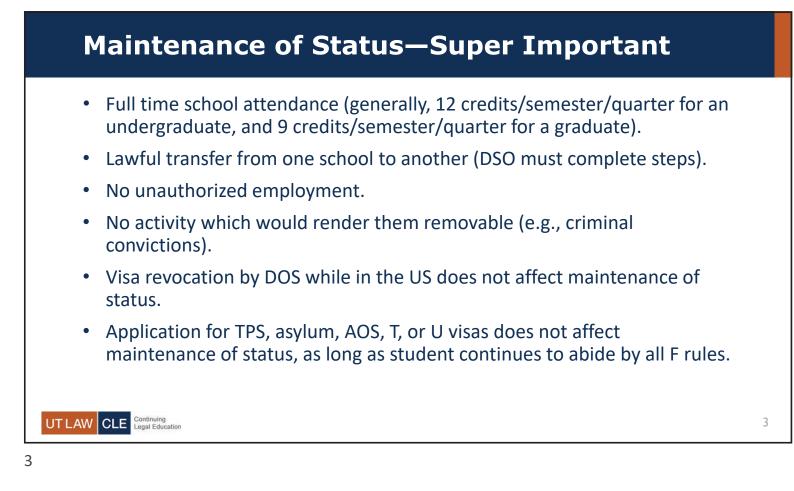
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Quick Overview of F Status and How Obtained

- Must be admitted to full time academic program in US.
- At institution authorized by DHS to admit foreign students.
- Upon admission, school will issue Form I-20, which the student can use to obtain F-1 visa, seek admission (Canadians) or to change status in the US.
- Admitted for duration of status (D/S) meaning that they have no end date on their admission record (I-94).
- If out of status, they don't accrue unlawful presence (ULP) for the purposes of the 3- or 10-year inadmissibility bar unless there is a written finding by USCIS or an Immigration judge (IJ) that they have failed to maintain status.
- Status violations do not result in auto revocation of visa under INA 222(g) unless there is a written finding by IJ or USCIS.





Reinstatement to Student Status

- Student can recover status, despite violations, by making an application for reinstatement to USCIS on Form I-539.
- Must show that violation beyond student's control or failure to reinstate would cause student extreme hardship.
- No reinstatement if student engaged in unauthorized employment.
- Generally, must be filed within five months of violation, but those filed outside this window are often granted.
- Student may continue to attend school while waiting for a decision but may not enjoy any student-related employment benefit. LONG processing!
- Alternative: travel. If valid visa, no need for new visa, just I-20. Beware CPT. If no valid visa may be tougher. Travel restarts OPT/CPT "clocks".
- Alternative: finish degree in US out of status, leave.

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Student Employment: Seven Common Programs

- 1. On campus employment
- 2. Internship with an international organization or DOD
- 3. Off campus employment for economic necessity
- 4. Curricular practical training
- 5. Optional practical training
- 6. STEM extension of post-completion OPT
- 7. Special Student Relief

Note: most of these programs have hourly limitation, but there is no "crosswalk" between limitations of any program, except CPT and OPT

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Student Employment: Seven Common Programs

1. On-campus employment:

- On the school's campus, either directly for the school or for a private contractor providing student services, <u>OR</u>
- On campus of an educationally affiliated institution which must be associated with the school's established curriculum <u>or</u> related to contractually funded research projects at the post-graduate level. 8 CFR 214.2(f)(9)(i).

20 hours per week during school/40 hours during breaks and holidays. Authorized by the I-20 hosting school. No "crosswalk" with any other employment program.

2. <u>Internship at an international organization or DOD</u>: Same hourly limitations as on campus. No "crosswalk" with any other employment program.</u>



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