

Understanding F-1 and J-1 Student Work Authorization Options

TOPICS:

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Presented by: Office of International Affairs

Test your knowledge

Understanding F-1/J-1 Work Authorization

1. OIA has to authorize all on-campus employment.
True or False
2. What type of work should F-1 students engage in when on CPT?
3. An eligible F-1 student majoring in Economics can apply for a total of ____ months of OPT.
 - a. 10
 - b. 12
 - c. 18
 - d. 20
4. How many months of Academic Training can a PhD graduate use?

Brief Overview: F-1 and J-1 Student Status

I: Student Status Types

UChicago sponsors two types of non-immigrant student statuses:

F-1 Student Status

- Students enrolled full time in a **specific degree** program (e.g. BA, MA, PhD, MD) and some exchange program
- Non-immigrant student
- F-1 student can bring spouse/children; they are also issued documents and are in **F-2** Status
- May be eligible for **Optional Practical Training (OPT) & Curricular Practical Training (CPT)** work authorization
- **Documents:** I-20, F-1 Visa, I-94 entry record

J-1 Student Status

- Non-immigrant status used for international **exchange**; must have outside funding
- May be subject to two-year **Home Residency Requirement**: Student must be in home country for two years before applying for immigrant status
- J-1 Student can bring spouse/children; they are also issued documents and are in **J-2** status
- Eligible for **Academic Training (AT)**
- **Documents:** DS-2019, J-1 Visa, I-94 entry record

Understanding F-1/J-1 Work Authorization

II. Severe Economic Hardship

Students who experience economic hardship for reasons out of their control (death of sponsor, collapse of currency, etc.) can apply for off-campus work authorization.

- Direct student to OIA for application process.

III. On-Campus (F-1 and J-1)

Work paid **by** and not **through** UChicago

- Exceptions (students should check with OIA to confirm):
 - the work provides direct services to students and is located on campus, or
 - the work is with an affiliate of the University
- Limitations: students can work **20 hours/week** while class in session, full time in summer quarter and breaks
- Work is an **automatic** benefit with no further work authorization required by OIA or USCIS
- **Eligibility** is through the duration of their I-20/DS-2019. It begins once the student checks-in with OIA. Ends on I-20/DS-2019 end date.

Special Issues

International students should be compensated for on-campus positions the same way a domestic student would be. Before accepting an international student for an unpaid position, be sure to confirm that it would be unpaid for anyone who accepted the job.

Scenario: A computer science student who is also a research assistant is graduating after spring quarter, but he has applied for his OPT to begin in early August.

Will she be able to continue working as a research assistant in June and July? Why or why not?

IV. Curricular Practical Training -CPT (F-1 Student Only)

Employment which is required for all students in a degree, for a credit-bearing course that will count towards a degree, or for an approved cooperative education opportunity. CPT is employer and date specific, so a student must have a job offer before applying for CPT. The work performed must be related to student's field of study. CPT is authorized on a quarterly-basis.

- CPT can be **degree-based**, **course-based** or **cooperative education** and the type of CPT requirement affects the conditions and the application process. Different academic units have different CPT eligibility requirements.
- Part-Time or Full-Time
- Student becomes eligible after completing one year of full-time academic study (at least 3 quarters). Eligibility ends on the student's I-20 end date.

Application Process

Authorization from OIA is required for CPT and the student may begin working only after receiving his or her Form I-20 with the CPT authorization and only during the dates listed.

Students should submit the following documents; prior to employment start date, to apply for CPT:

- Work Authorization Request Form (student completes)
- Employer Letter (Template available on OIA Website)
- Proof that your employment is eligible for CPT.
 - For a **degree** requirement: Provide a letter from the chair of your department, academic adviser, or Dean of Students referring to the employer's letter and to the **degree** requirement, and confirming that your job will satisfy that requirement, in full or in part.
 - For a **course** requirement: Provide a letter from the faculty member responsible for the course referring to the employer's letter and to the **course** requirement, and confirming that your job will satisfy that requirement, in full or in part (see Faculty Member CPT Recommendation Form template on OIA website).
 - For **cooperative education** opportunity, provide Metcalf Award Letter from Career Advancement (College) or letter from Booth

Special Issues

- 12 months of full-time CPT makes student ineligible for OPT

Scenario: A statistics PhD student has completed 2 years of study at UChicago and has landed a great summer internship. She is hoping to apply for CPT.

How can she determine if she is eligible for CPT?

V. Optional Practical Training- OPT (F-1 Student Only)

This is a work authorization benefit for F-1 students, who have been full time enrolled for one academic year, which allows them to gain practical experience in opportunities directly related to their field and level of study. Degree students are eligible for twelve months of OPT per degree level. STEM students are eligible to apply for an additional 17-month STEM extension.

Before program end date (Pre-completion OPT):

Part-time while classes are in session (20 hours or less per week, cannot be averaged)
Full-time or part-time during breaks or vacation quarters

Master's/Doctoral Students ONLY: Full-time or part-time after courses finished, while working on thesis

After program end date (Post-completion OPT):

Granted on a full-time basis only (over 20 hours a week)

All previous periods of OPT at the same level are deducted from the 12-month total. Part-time OPT is counted at a half-rate. **Example**: four months part-time OPT is subtracted from the total as two months.

Application Process:



Two-step process:

1. Student requests **OIA recommendation** by submitting the following:

- OIA Request Form
- **Verification of Completion Form- Completed by student's department**
- Form I-765, "Application for Employment Authorization"

2. Student applies to **USCIS for authorization**

- 3-4 month to receive approval in the form of an Employment Authorization Document (EAD)
 - Cannot begin employment until card is in hand and effective date has been reached
- USCIS correspondence is by US mail (Notification of Receipt, Approval & Request for more information)

Special Issues:

- **Maintaining Status while on OPT**: Still F-1 students sponsored by UChicago. Students are required to update OIA within 10 days of any address or employment changes and they also cannot accrue more than 90 days of unemployment.
- **Cap-Gap**: Students with H-1B application pending before OPT expires will have their OPT automatically extended to Sept 30 (day before H-1B start date). This is only for employers who are subject to the H-1B cap.
- **STEM-Extension**: One-time 17-month extension of OPT for F-1 students who earned a STEM degree field. OIA has link to STEM eligible majors on our website. Based off of actual degree/major, not coursework.

Scenario: A second year Booth student used three months of **CPT** for his summer internship in his first year. Now he is graduating and wants to use all of his available **OPT** time. He selects 08/01/2014 as this start date and 05/31/2015 as his end date.

Why did he select these start and end dates?

VI. International Organization (F-1 Student Only)

Work authorization for a F-1 student who has been full time enrolled for one academic year and has a **job offer** from a USCIS recognized [international organizations](#) (link to list is available on OIA website).

- Employment does not have to be related to studies.
- This will not count against OPT time.
- Eligibility ends on I-20 end date.
- Student must apply for EAD through USCIS, which is a two-step process that takes 3 -4 months.
 - Student must have job offer to apply

VII. Academic Training- AT (J-1 Student Only)

AT offers J-1 students an opportunity to apply what they have learned during their course of study. For that reason, like OPT, work performed on AT must be directly related to the student's educational goals and objectives.

Duration

- **Bachelor's, Master's and Exchange Students:** 18 months or the length of time in program, whichever is shorter.
- **PhD Students:** 18 months, plus an additional 18 months after completion of the PhD program for a total of 36 months (not to exceed the total time in J-1 status).

Timing

Students can apply for both pre- and post-completion Academic Training. Unlike OPT, both part time and full time AT are counted on a one-to-one ration (e.g. two months full time AT is equal to two months part time AT).

- **Pre-completion** AT can be part time or full time, but must not interfere with studies
- **Post-completion** AT is always full-time.
 - The request should be received by OIA **prior to expiration of the DS-2019**.

Application Process

Authorization for Academic Training is granted by OIA. Students should submit the following to apply for AT:

- Work Authorization Request Form
- Employer Letter (Template Available on OIA Website)
- Academic Adviser Recommendation Form (Template Available on OIA Website)

Special Issues

- For post-completion AT, employment should begin (or authorization will start counting) no later than 30-days after the current program end date.
- Post-completion AT should be remunerated. If it is not, or if the salary is not sufficient to cover living expenses, the student should present additional evidence of funding with AT application.

Scenario: A J-1 student in the 9-month MAPSS program receives a one-year offer of employment from a consulting company and really wants to accept it.

What problems, if any, might he encounter if he accepts the position?

VIII. Social Security Number

Social Security Number:

- F-1/J-1 students are only eligible if they have employment (on- campus or off-campus employment)
- F-1 students on OPT do not need to have a job offer to be eligible for a SSN but will need to have the Employment Authorization Document (EAD).
- New students must wait 10 days after they have checked-in with OIA before they can apply

Additional Notes: