

Golden Gate University LAW International Student Services (ISS)

F-1 Students: Working in the US

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Agenda

■ Types of Legal F-1

Employment

- On-Campus
- Off-Campus

■ Application Process

- CPT – Curricular Practical Training
- OPT – Optional Practical Training

■ Travel Outside the US

Important!



Types of F-1 Law Student Employment

- **On-Campus Employment – paid work related to educational purpose of university**
- **Off-Campus Employment – paid work related to field of study**
 - **Curricular Practical Training (CPT) Pre-completion**
 - **Optional Practical Training (OPT) Post-completion**

On-Campus Employment

On-Campus Employment

- No more than 20 hours a week when school is in session
- Full time during any break periods
- Not available after graduation

On-Campus Employment does not require work permission from US Citizenship and Immigration Service (USCIS). Make an appointment with GGU School of Law (ISS) if you need to obtain a Social Security Number for on-campus employment

Off-Campus F-1 Employment Overview

- **Curricular Practical Training (CPT) - training experience that forms “an integral part of established curriculum”**
- **The employment must either be:**
 - 1) **Required of the Degree Program/ Mandatory, Credit/No Credit: GGU School of Law, JD Honors Lawyering Program**
 - 2) **Offered by the Academic Department/must receive credit: GGU School of Law, LLM US Legal Studies Program**
- **CPT course must be offered by the department (LLM 395 CPT) & clearly be related to the student's field of study**
- **NOTE: Failure to register for credit in 2nd scenario may result in violation of status**

CPT Eligibility Criteria

- The student has been in legal status for an academic year (2 semesters) unless early participation is required by the department
- Job offer is required, and the employment must clearly be related to the student's field of study.
- Advisor signature and CPT class registration are required for all off-campus law clerk positions.
- Part-time during School Session (≤ 20 hours a week)
- Full-time during school official holidays (> 20 hours a week)
- CPT does not require work permission from US Citizenship and Immigration Service (USCIS)
- The I-20 Form will be endorsed at GGU School of Law (ISS) by one of the advisors.
- CPT must be endorsed for each employer

GGU LAW (ISS) CPT Application Process

Paperwork submitted to GGU School of Law (ISS) for processing MUST include:

- I-538 Form to request start & end dates (CPT Packet)
- Offer letter from legal employer (CPT Packet)
- Completed and signed CPT application form (CPT Packet)
- For CPT application process, please make an appointment with GGU LAW (ISS)

- For more information about CPT, please check:
 - CPT vs OPT Table
 - F-1 CPT Employment Table

Off-Campus Employment

- **Optional Practical Training (OPT)**

- **OPT is temporary work authorization that allows you to gain paid work experience directly related to your major field of study at a US law firm or organization**
- **Optional Practical Training requires work permission from US Citizenship and Immigration Service (USCIS)**
- **Major types of OPT:**
 - **Pre-Completion – Not common at GGU School of Law**
 - **Post-Completion – Must be completed within (14) months of graduation (the program end date on your I-20 Form)**
- **Maximum standard OPT time: Twelve (12) months FULL-TIME**
- **Twenty-nine (29) months in STEM cases, see OPT extension**

OPT Eligibility Criteria (Part 1)

You are eligible for OPT if:

- You have been in legal student status for an academic year (2 semesters) by the time you begin to work
- You have NOT already done 12 months of OPT for the same degree level
- You have NOT completed 12 months of full-time CPT
- You have NOT returned from a leave of absence, and have not completed one academic year in valid F-1 status
- Employment is related to your program of study

OPT Eligibility Criteria (Part 2)

You are eligible for OPT if:

- You are still in F-1 student duration of status D/S
- USCIS receives your OPT application less than thirty (30) days after your program end date on your I-20 Form
- You do NOT transfer to another school as releasing SEVIS record to a new school cancels OPT/EAD work authorization on date of release)

Other Important Matters (Part 1)

- You do NOT need a job offer to apply for OPT
- Your OPT start date must be within sixty (60) days of the completion date of your I-20 Form
- OPT for law students cannot be longer than 12 months
- OPT must be completed within 14 months of the academic program end date on I-20

Other Important Matters (Part 2)

- You may legally remain in the US while your OPT application is being processed
- You cannot work until you receive your EAD card and the dates are valid
- You cannot take classes while on OPT except for incidental classes or one law school specialization course per term
- After graduation, you cannot work on campus unless you have OPT authorization (job must be related to your field of study)
- You have a 60 day grace period after your EAD card expires to prepare to return home, transfer to a new academic program in the US, or change your status

Other Important Matters (Part 3)

- You may not accrue an aggregate of more than ninety (90) days of unemployment during any post-completion OPT carried out under the standard post-completion OPT authorization
- After your H-1B effective date, you cannot work under your OPT work authorization any more.
- You must contact GGU School of Law (ISS) to let us know you are no longer in F-1 status. Mail a copy of H-1B Notice of Approval to GGU LAW (ISS), 536 Mission St, Room 3303, SF, CA 94105
- Update changes to your local & e-mail address in GGU4YOU
- *IMPORTANT:* All F-1 students on OPT are now required to report to GGU LAW (ISS) any change in name or address of your employer, and any interruption of employment while on OPT. This is in addition to the requirements that were already in place for F-1 students on OPT to report any changes in their legal name or address.
- (Please send an e-mail to: Jpluebell@ggu.edu)

OPT Extension to 29 months for “STEM” students

- Effective April 4, 2008 the 12-month limit on F-1 Optional Practical Training (OPT) can be extended for an additional 17 months (for a total of 29 months)
- ONLY for students holding degrees in certain STEM fields (Science, Technology, Engineering, Mathematics): Actuarial Science, Chemical Engineering, Computer Science, Engineering, Biological & Biomedical Sciences, Math & Statistics, Military Technologies, Physical Sciences, Science Technologies, Medical Scientist (MS, PhD)

E-Filing the OPT (I-765) Application

- Submitting the OPT application electronically (e-filing) may not necessarily produce the EAD card any faster
- There could be complications with the “biometric” fingerprint scheduled appointment set by the immigration service.
- (Only E-File if you are unable to file by mail and are extremely pressed for time!)
- For more information about E-Filing, please check the USCIS website at:
<http://www.uscis.gov/e-filing>

OPT Application Checklists

GGU LAW (ISS) Checklist for F-1 Practical Training:

1. Completed degree conferral form (signed by advisor or graduate law administrator)
2. Completed and signed I-538 Practical Training request form

Please read carefully the OPT FAQ available at:
GGU LAW (ISS), 536
Mission Street, Room
3303, SF, CA, 94105

USCIS Checklist for F-1 Practical Training:

1. Cover letter
2. Copies of all I-20 Forms
3. Completed Form I-765 Application for Employment Authorization
4. Fee for processing form I-765 in amount of \$340.00
5. Two identical frontal color passport photographs
6. Photocopy of passport
7. Photocopy, back and front, of your I-94 arrival departure card

Address field on I-765 Form

- Use your Current Mailing address only if you will be living there for the next six (6) months
- If you change your address while your application is pending, you must file Form AR-11 within ten (10) days of moving to a new address.
- It is advisable to submit the Form AR-11 online through the USCIS Online Change of Address website: <http://www.uscis.gov/ar-11>
- Be sure to update your address in GGU4YOU within ten (10) days of moving

USCIS Notice of Action

- **Has a tracking number – the WAC #** (Western Adjudication Center) which can be used to track the application online:
<https://egov.uscis.gov/cris/jsps/index.jsp>
- **Has a “received date”**
 - This is the date the California Service Center (CSC) acknowledges receiving your application.
 - The CSC can be contacted by GGU LAW (ISS) if the OPT has not been approved by 90th day from the received date.
- **Has a “notice date”**
 - This is the date the CSC sent the Notice of Action letter to you.
 - *If no Notice of Action is received 2 weeks after the application has been received, then contact the CSC at: CSC.nonnotice@dhs.gov and request that a Notice be sent to you.*
 - *This Notice will contain the WAC tracking number for your case.*

Security Checks & OPT Processing

- OPT application may be subject to security check procedures and this may delay the processing time of your OPT application.
- Applications subject to security check procedures may be sent to Washington D.C. for further review.
- A security check can delay your application by 4-8 weeks, and sometimes longer
- The security check can not be expedited
- International educators in the field have recently students from Iran and China (in sensitive fields) who have had delays in obtaining their EAD card in a timely manner.
- There is no way of knowing who will be subject to a security check
- You could be subject if you are:
 - Currently subject to NSEERS (National Security Entry-Exit Registration System)
 - Study in a field listed in the “Technology Alert List”
 - National or citizen of a country considered high risk to US

Travel outside the US (Part 1)

- Do NOT travel without EAD card.
- After graduation, travel outside the US may be riskier if your OPT application is pending or if your OPT is approved but you do not have a job
- It may be difficult to obtain a new F-1 visa while on OPT if you cannot prove ties to home country
- You may reenter the US to search for employment if you have a proof of job interview and a valid EAD (Important to assess whether you are prepared for risk)

Travel outside the US (Part 2)

In order to reenter the US during OPT, make sure you have the following evidentiary documents:

- Valid Passport
- Valid F-1 Visa
- I-20 Form endorsed for OPT
- I-20 Form with signature on page three no more than six (6) months old
- EAD/OPT work authorization card
- Official job offer from legal employer
- Proof of funding (sponsor letter, salary)

H-1B Cap-Gap Relief for F-1 Students

What is the H-1B Cap-Gap?

- Effective April 4, 2008, "**Cap-Gap**" is an automatic extension of duration of status (D/S) and employment authorization to the beginning of the next fiscal year (**FY**)
- For **F-1** students who are on post-completion Optional Practical Training (OPT) and have an approved or pending **H-1B** petition

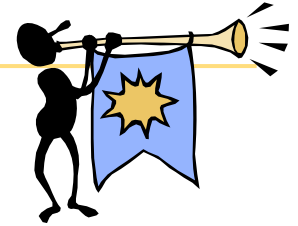
NOTE: **FY = Government Fiscal Year** (The fiscal year for the US government begins on October 1 in a given year and ends on September 30 in the next calendar year).

H-1B Cap-Gap Relief for F-1 Students

- Extended duration of status (D/S) and work authorization applies to all students on OPT, not just STEM students.
- No application is required for this benefit.
- The extension of duration of status and work authorization will automatically terminate upon the rejection, denial, or revocation of the H-1B petition filed on the student's behalf.
- Immigration attorneys recommend that you do not travel internationally in the time period between when your EAD expires and your H-1B status begins, you may have difficulty re-entering the United States. Please check with your lawyer before you travel out of US.
- For more information, please see GGU LAW (ISS), 536 Mission Street – Academic Building, Room (3303), SF, CA, 94015

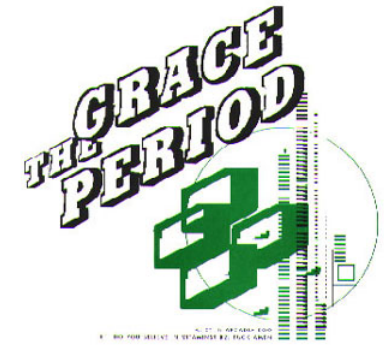
Thank you!

APPENDIX: What is F-1 student “Duration of Status” (D/S)?



- The time during which an F-1 student is pursuing a full course of study
- OR engaging in authorized practical training following completion of studies
- The student is considered to be maintaining status if she or he is making normal progress toward completing a course of study.

APPENDIX: F-1 Grace Period



- **60-day Grace Period**
 - You have a 60-day Grace Period after completion of a course of study and any authorized practical training to prepare for departure from the United States, start a second academic program at GGU School of Law, or to transfer to another school or institution.

APPENDIX: How do you maintain F-1 student status at GGU School of Law?

- **Maintain a full-course of study**
- **Get approval in advance for any reduced courseload**
- **Make sure your I-20 Form always reflects your current degree and level**
- **Transfer when you begin a new major or level**
- **Make sure that GGU has your current address**
- **Apply for employment and travel in advance and in a timely manner**