

CPT OPT & H-1B

<https://international.colostate.edu/issr/resources/employment/student-employment-resources/>



Colorado State University
OFFICE OF INTERNATIONAL PROGRAMS

CPT: CURRICULAR PRACTICAL TRAINING

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Curricular Practical Training (CPT):

Regulation 8 C.F.R. § 214.2(f)(10)(i)

- (i) *Curricular practical training.* An F-1 student may be authorized by the DSO to participate in a curricular practical training program that is an integral part of an established curriculum. Curricular practical training is defined to be alternative work/study, internship, cooperative education, or any other type of required internship or practicum that is offered by sponsoring employers through cooperative agreements with the school. Students who have received one year or more of full time curricular practical training are ineligible for post-completion academic training. Exceptions to the one academic year requirement are provided for students enrolled in graduate studies that require immediate participation in curricular practical training. A request for authorization for curricular practical training must be made to the DSO. A student may begin curricular practical training only after receiving his or her Form I-20 with the DSO endorsement.

What is CPT?

- CPT is required or optional employment that is an INTEGRAL part of an established curriculum as listed in the immigration regulations. It must have a strong and measureable connection to the student's academic program.
- Must be approved by ISSS after they review your request to determine if it is part of the curriculum or just employment in your field.
- Employment which is just in your field of study does not qualify for CPT! It must be an established part of your academic curriculum.
- CPT can only be done before completion of your degree program.
- Graduate students who miss the graduate school's graduation deadline are considered to have completed their program and are no longer eligible for CPT the following semester (even though you are required by the graduate school to register for Continuous Registration).

General Criteria for F-1 CPT

- Maintaining F-1 status.
- Enrolled full-time at a service-approved college, university, or seminary for at least 1 academic year prior to beginning CPT.
- Graduate students may qualify earlier for CPT only if required by their academic program.
- CPT that is not listed as a degree completion requirement will be limited to 3 terms (including summer) of CPT authorization per degree level by ISSS. Your academic department may have stricter limitations. The exception to this is students working on thesis/dissertation research.

Part-Time vs. Full-Time CPT

Part-Time CPT (20 hours per week or less)

- Will not affect eligibility for OPT.

Full-Time CPT (More than 20 hours per week)

- Students who use 12 months of full-time of CPT will lose eligibility for OPT.

CPT Application Packet

- Completed Request for CPT Authorization application form (available on ISSS website)
- Completed & signed Academic Advisor Form
- Completed Employer Form
- Completed application should be turned in to ISSS a minimum of 2 weeks prior to desired employment start date

Request for CPT Authorization Form

- Choose your start and end dates.
- Authorization can only be granted for one semester at a time, with the exception of programs overlapping with winter and summer break.
Note: If you are participating in a residency program that requires CPT, approval is only needed once a year.
- Select full-time or part-time CPT.
- Sign to verify that you have read and understand all the instructions on page 2 of the CPT application packet.

CPT Academic Advisor Form


- Academic advisor must outline the learning objectives of the employment and explain how the opportunity is an 'integral part of the student's established curriculum'.
- Will need to know who will be evaluating the CPT to determine if learning objectives were met.
- Signature is required by the student's Academic Advisor.

CPT Academic Advisor Form

Four Possible Reasons for CPT:

- The employment is required for the student's degree. *Must be documented as such in an official university publication. Example: [Construction Management requirements](#).*
- The student will earn internship or independent study credit. *Students must be registered for the appropriate credit before the CPT can be authorized.*
- The employment will provide research that facilitates the successful completion of student's thesis or dissertation. *Student must be registered for CR or thesis/dissertation credit during the Fall and Spring terms.*
- The employment will yield a project for a particular course that is required by the student's degree program. *This could include a paid internship that is one of several options required for a specific course*

CPT Employer Form

- Job title and duties
 - Number of hours per week
 - Start and end dates of employment
 - Physical address of employment
 - Supervisor contact information and signature
- 

Additional Considerations

- You may not begin CPT until you have a new I-20 authorizing the CPT employment.
- You may not work before the start date or past the end date listed for your CPT authorization.
- Employment for the primary purpose of gaining work experience and financial compensation does not qualify for CPT.
- Students must maintain full-time academic enrollment or have an authorized reduced credit load for the semester during which CPT will take place.
- If required coursework has been completed, students are only required to register for an internship course, thesis/dissertation credit, or Continuous Registration (CR).

OPT: OPTIONAL PRACTICAL TRAINING

<https://international.colostate.edu/iss/resources/employment/student-employment-resources/>



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OPTIONAL PRACTICAL TRAINING:

8 C.F.R. § 214.2(f)(10)(ii)(A)


(ii) *Optional practical training* –

(A) *General.* Consistent with the application and approval process in paragraph (f)(11) of this section, a student may apply to USCIS for authorization for temporary employment for optional practical training directly related to the student's major area of study. The student may not begin optional practical training until the date indicated on his or her employment authorization document, Form I-765. A student may be granted authorization to engage in temporary employment for optional practical training

WHAT IS OPT?

- OPT is temporary employment for practical training in your field of study (the major/program listed on your I-20)
- OPT is a benefit of your F-1 status. It is not a separate status.
- OPT is available at each progressing degree level.
- OPT can be approved for up to 12 months of employment authorization.
- OPT requires approval from USCIS (United States Citizenship and Immigration Services).
- Can be done either before (pre-completion) or after (post-completion) your degree program.

PRE COMPLETION OPT:

- Used for employment before your academic program is completed.
 - Unemployment is not counted.
 - Limited to 20 hours per week during fall and spring semesters.
 - Does not qualify for STEM extension.
 - May extend I-20 if extra time is needed.
 - Pre-Completion OPT time is subtracted from Post-Completion eligibility.
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POST COMPLETION OPT:

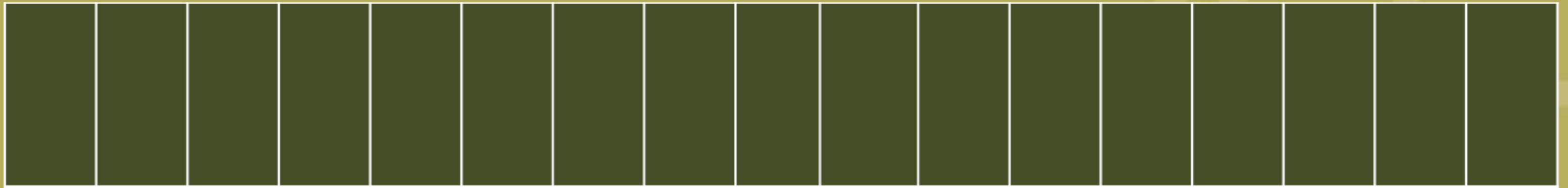
- Used for employment after academic program is completed.
- Unemployment counts (limited to 90 days).
- Must work full-time (20 hours per week or more).
- May be able to apply for STEM extension.
- Eligible for H-1B cap gap extension.
- Cannot extend I-20 if degree is not completed.
- Graduate students may be able to apply during thesis/dissertation period.
- The rest of this presentation will focus on post-completion OPT, as post-completion is far more common. See an international student advisor with questions about pre-completion OPT.

TIMING OF OPT APPLICATION

- Before applying for post-completion OPT, you must determine your program completion date.
Undergraduate students=graduation date
Graduate students=either defense date or graduation date
- Graduate students who miss the graduate school's graduation deadline must use a program completion date within the semester they completed their defense. Even though you are required by the graduate school to register for Continuous Registration the next semester, for immigration purposes you are considered to have completed your program.
- You can apply for OPT up to 90 days before and up to 60 days after your program completion date.
- You must choose your requested OPT start date. This can be as early as the day after your program completion date or as late as 60 days after your program completion date.

OPT TIMELINE:

EACH BOX REPRESENTS 1 MONTH



90 days
before program
end date:

Earliest date to
apply for OPT



Program end
date



60 days
after program
end date:
Application
must be
received by
USCIS



14 months
after program
end date:
OPT must be
completed,
regardless of
when it started

SCENARIO 1: YOU WILL GRADUATE DECEMBER 20TH AND WANT TO START WORKING IMMEDIATELY



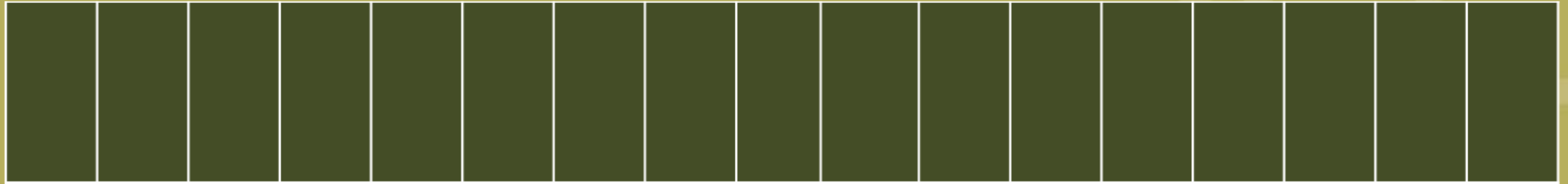
September 19:
Earliest date
Applications
Accepted by
USCIS

December 18
Program ends

December 21:
OPT starts

December 20,
2020:
OPT ends

SCENARIO 2: YOU WILL GRADUATE END OF THE TERM AND WANT SOME TIME OFF BEFORE YOU START WORKING



September 19:
Can apply

December 18:
Program ends

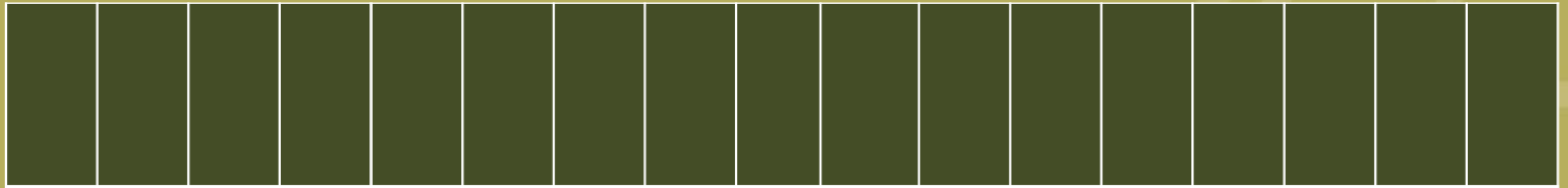
February 18:
OPT Start date

February 17,
2021:
OPT ends

Should apply
before mid-
October

SCENARIO 3: YOU WAIT UNTIL THE LAST MINUTE TO APPLY

This scenario is allowed, but **not recommended**, as it will not give you a chance to maximize your OPT benefit



December 18:
Program ends



Early February 2021:
Apply for OPT

Choose February 18
as start date



Sometime in
May 2021?:
OPT approved

Start working



February 17,
2022:
OPT ends

HOW TO APPLY

- Complete the OPT eForm (available on ISSS website).
- You do not need a job offer to apply for OPT but can include an offer letter with your application if you have one.
- Submit completed application to ISSS two weeks in advance.
- Please note that USCIS has been processing applications slowly in recent months and has not been expediting applications that are already pending, even with job offer letters. We recommend applying early, especially if you want to work shortly after graduation.

APPLICATION CHECKLIST

- OPT eForm (available on ISSS website).
- Completed I-765 form
- Copies of passport, visa, and I-94
- 2 new passport sized photos (taken within the past 30 days)
- \$410 check or money order made out to U.S. Department of Homeland Security
- Copies of any previously issued EAD cards

I-765 APPLICATION

- The address given will be where your EAD card will be sent. The US Post Office will not forward government mail.
- If you don't know where you will be living in 3 - 5 months, you can use the ISSS office address.
- Please see the ISSS application packet for more information on how to complete the I-765.
- Make sure to sign between the lines.

HOW TO APPLY

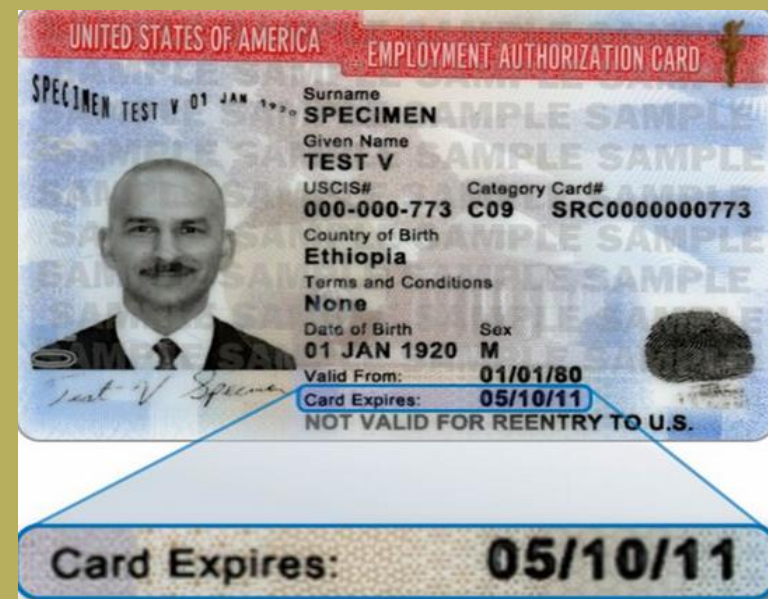
- Pick up your new I-20 when you receive an email stating it is ready.
- Sign and date your new I-20 (original and copy).
- Keep the original I-20 and mail the copy of your signed I-20 with the complete OPT application.
- ISSS will review your materials and create a new I-20, but you must mail the application.
- Your OPT application must be received within 30 days of the date your new I-20 was created.
- Your OPT application must be received no later than 60 days after your program end date.

AFTER YOU APPLY

- A few weeks after you submit your application, you will receive a notice (I-797) in the mail from USCIS that will include your receipt number.
- Go to the USCIS.GOV “case status online” website and enter your receipt number. It will show you the status of your application, and will update once it’s been approved.
- It is in your best interest to NOT call USCIS National Customer Service to inquire about your application or to request an expedite. This can actually lengthen your application processing time.
- Contact an international student advisor if your application has been pending for longer than 120 days.

AFTER RECEIVING YOUR EAD CARD

- Send ISSS a copy.
- Do not start work before receiving your EAD or before the start date on the EAD.
- Do not work after the expiration date.



MAINTAIN STATUS DURING OPT

- You must have a job or training opportunity that is directly related to your degree.
- It is up to you to determine if the training is related to your degree. The ISSS Office does not decide if your training is related. You need to feel comfortable justifying the work you are doing if you are ever questioned by an immigration official.
- If you change your status prior to the end date on your OPT, please send ISSS copies of your new immigration documents.
- After you complete your OPT, submit a departure eForm (available on the ISSS website).

TYPES OF EMPLOYMENT PERMITTED

- Regular paid employment (can be one employer or multiple employers)
- Payment by multiple short-term employers
- Work for hire
- Self-employed business owner (consult with an attorney if you want to pursue this option)
- Employment through an agency
- Unpaid internships
- Volunteer work (remember this option!)


EMPLOYMENT REQUIREMENTS OF OPT

- During OPT, your F1 status is contingent upon employment.
- You are permitted up to 90 days of unemployment during OPT. During periods of unemployment, weekends and holidays are counted toward this 90 days.
- During periods of employment, weekends and holidays are not counted toward the 90 days.
- To stop the unemployment clock, you must submit an OPT reporting eForm to ISSS at the beginning of your employment and every 3 months.
- Every day without a job reported to SEVIS counts as unemployment. Working less than 20 hours per week also counts toward unemployment.
- On the 91st day of unemployment, you would be out of status and need to depart the U.S.

REPORTING REQUIREMENTS OF OPT

- OPT is a benefit of F1 status, so the ISSS office will continue to maintain your SEVIS record throughout your OPT period.
- You must submit an OPT reporting eForm to ISSS within 10 days of any changes to the following information:
 - Employer (start OR stop working)
 - Mailing address or email address
 - Change of legal name
- Even if nothing has changed you must submit an OPT reporting eForm every 3 months, starting as soon as your OPT is approved.
- Every day without a job reported to ISSS or SEVIS counts as unemployment! Your SEVIS record could be auto-terminated if you reach 90 days without reporting employment.

MAINTAIN RECORDS

- Secure a letter from each employer with the following information:
 - Company name and address
 - Job title
 - Supervisor contact information
 - Description of the work and how it is related to your field of study
 - Dates of employment and the number of hours per week
 - This is especially important for volunteer work!
- 

INTERNATIONAL TRAVEL

- Travel outside of the U.S. while your OPT application is pending is not advised. There is increased risk involved.
- Travel once your OPT has been approved is acceptable but you must:
 - Carry your EAD card
 - Have a valid F-1 visa (multiple entry and unexpired)
 - Have a valid passport (valid at least 6 months into the future)
 - Get an updated I-20 with a recent travel signature (less than 6 months old)
 - Carry a letter of employment (recommended)

GRACE PERIOD AFTER OPT

- If you maintain your F-1 status throughout your OPT period, complete your OPT, and do not exceed your unemployment time, you are entitled to a 60 day grace period starting on the employment end date.
- During this time you can receive a new I-20 to begin a new academic program (within 5 months), transfer to a new school, apply for a change of status, or travel and depart the U.S.
- During the grace period, no work is allowed.
- If you decide to stop OPT or accumulate more than 90 days of unemployment, you are not eligible for a grace period.

OPT STEM EXTENSION

<https://international.colostate.edu/iss/resources/employment/student-employment-resources/>



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OPT STEM EXTENSION

- F-1 students who completed a program of study in an eligible STEM (Science, Technology, Engineering, and Math) field may apply for a 24-month extension of post-completion OPT.
- The list of eligible majors can be found here:
<https://www.ice.gov/sites/default/files/documents/Document/2016/stem-list.pdf>.
- The 24 month extension requires a separate application and fee to USCIS.
- During the 24 month extension period, students and their employers must fulfill additional reporting obligations that were not required during the initial 12 month period of OPT.



OPT STEM EXTENSION ELIGIBILITY

- You are currently participating in approved post-completion OPT and have maintained your F-1 immigration status throughout your post-completion OPT period
- You have earned a degree in a program of study that is included on the STEM list
- You have not been approved for 2 previous OPT STEM extensions
- You have a paid employer that is enrolled in E-Verify.



OPT STEM EXTENSION EMPLOYER

- Your STEM OPT employer must be enrolled and in good standing with USCIS's E-Verify employment eligibility verification program
- Your STEM OPT employer must provide you with formal training and learning objectives
- Your employer must work with you to complete and certify Section 3 of the Form I-983 before you apply for the OPT STEM extension AND again during your STEM extension if there are any material changes to your training/learning plan
- Your employer must review and sign your 12-month self-evaluation and your final evaluation before you submit them to ISSS
- If you lose your job, your employer must report the loss of employment to ISSS within 5 days



OPT STEM EXTENSION TIMING

- You can apply for the STEM extension up to 90 days before the expiration date of your post completion OPT
- Your application for the STEM extension must be received by USCIS prior to the expiration date of your post-completion OPT
- As long as your 24-month STEM extension application is received by USCIS prior to the expiration date of your post-completion OPT, you can continue working for up to 180 days while your STEM extension application is pending



OPT STEM EXTENSION CHECKLIST

- Completed 24 month OPT STEM extension application packet (available on ISSS website)
- Copies of any EAD cards
- Copy of diploma showing the STEM major
- Form I-983 Training Plan
- Completed I-765 application
- Copies of passport, visa, and I-94
- 2 new passport photos (taken within the last 30 days)
- \$410 check or money order made out to U.S. Department of Homeland Security



I-983

- The Training Plan for STEM OPT Students, or Form I-983, outlines the mentoring, training, and evaluation plan you will follow during your practical training period.
- ISSS must review your Form I-983 to ensure that it is complete before we can recommend you for the STEM OPT Extension
- Here is the Form I-983:
<https://www.ice.gov/sites/default/files/documents/Document/2016/i983.pdf>
- Here are instructions for completing the Form I-983:
<https://www.ice.gov/sites/default/files/documents/Document/2016/i983Instructions.pdf>



MAINTAINING STATUS

- You must have paid employment for at least 20 hours per week during the STEM extension.
- You cannot be unemployed for longer than 150 days during your total period of OPT (this includes up to 90 days during regular post-completion OPT and up to an additional 60 days during the STEM extension)



REPORTING REQUIREMENTS

- You must submit an OPT reporting form to ISSS every 3 months or within 10 days of any changes to the following: legal name, residential or mailing address, employer name, employer address, and/or start OR end of employment
- You must complete the “Evaluation of Student Progress” portion of the Form I-983 and submit it to ISSS within 12 months of your OPT STEM start date
- You must complete the “Final Evaluation of Student Progress” portion of the Form I-983 and submit it to ISSS at the end of your OPT STEM extension
- If you change jobs, you must submit a new Form I-983 (signed by your new employer) to ISSS within 10 days




H-1B OVERVIEW

<https://international.colostate.edu/iss/resources/employment/student-employment-resources/>

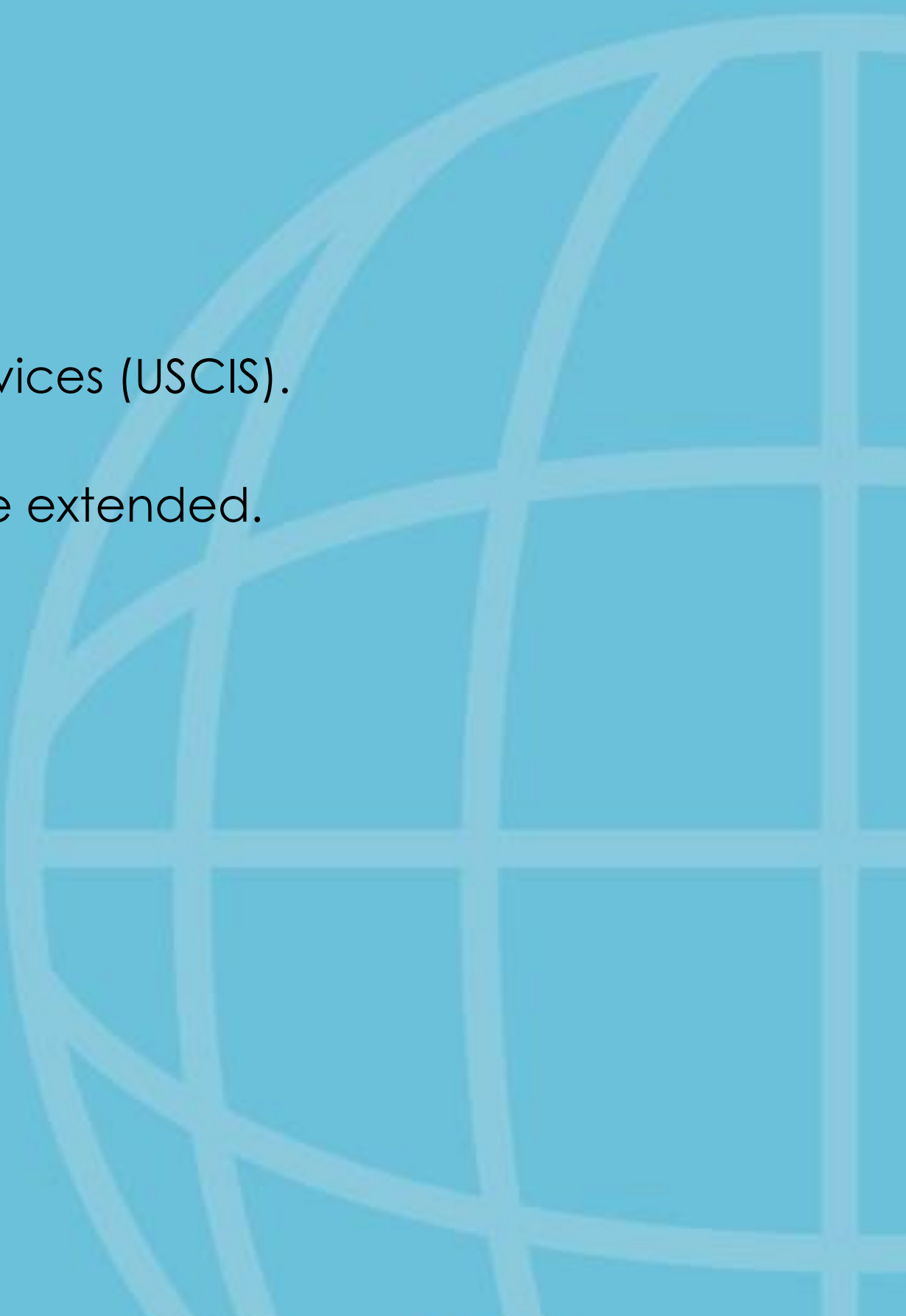


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HOW IS H-1B STATUS DIFFERENT?

- Temporary worker status (No longer a student status)
 - Purpose: To allow U.S. employers to hire foreign nationals in 'specialty' occupations
 - Specialty occupations are positions requiring highly specialized knowledge and a bachelor's degree or higher in that specific area of study.
- 

HOW IS H-1B STATUS DIFFERENT?

- Your employer must apply for you.
 - It must be approved by U.S. Citizenship and Immigration Services (USCIS).
 - It may be initially approved for up to three years, but can be extended.
 - Typically, a maximum of six years eligibility.
 - It's job specific! (employer/position/location specific).
 - Holding the status is dependent on continued employment.
- 

CHALLENGES TO H-1B

- Finding a willing employer
- J-1s may not be eligible (two-year home residency requirement, but waiver possible)
- H-1B cap for private industry employers
 - *65,000 per fiscal year
 - *20,000 Advanced Degree Exemption (First 20,000 petitions with beneficiaries holding a Master's or higher degree from a U.S. institution of higher education don't count against the cap.)
- Timing – Cap-subject employers file H-1B petitions based upon the Federal Government's fiscal year. (Petitions are filed for an October 1st start date.)

AVOIDING THE H-1B CAP

- Cap-exempt employers:
 - *Higher education employers
 - *Non-profit organizations related to an institution of higher education
 - *Non-profit research organizations
 - *Governmental research organizations



H-1B CAP GAP

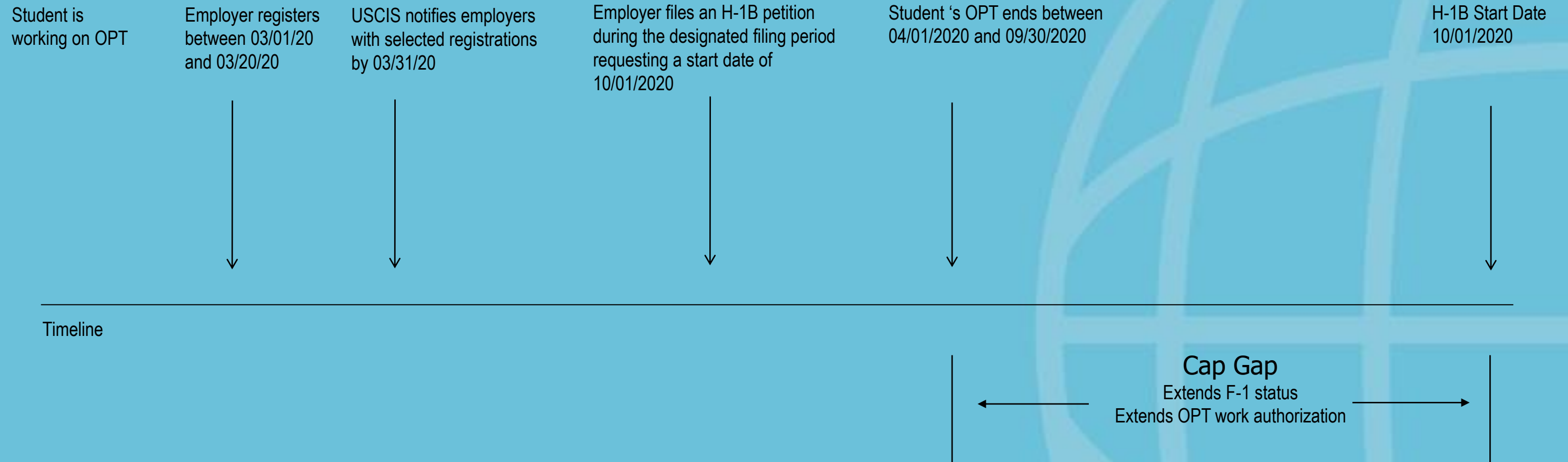
- The period in which an eligible F-1 student's status is automatically extended to bridge the gap between the end of F-1 status and the start of H-1B



NEW FOR THIS YEAR

- Cap-subject employers intending to file an H-1B petition must register during the registration period from March 1 to March 20. (\$10 fee)
- Registration must include specific information about the employer and the prospective H-1B employee.
- USCIS will notify all employers with selected registrations by March 31.
- The Notice will provide employers a designated filing period during which they can file a full H-1B petition for the prospective H-1B employee.

H-1B CAP GAP EXAMPLE



TO QUALIFY FOR THE CAP GAP EXTENSION OF OPT

- The student's OPT (initial OPT or OPT STEM extension) must be coming to an end between April 1 and September 30

AND

- The student must be the beneficiary of an H-1B petition that:
 - *Has been timely filed by the employer
 - *Is subject to the annual H-1B cap
 - *Requests an employment start date of October 1st
 - *Requests a change of status

ADDITIONAL GUIDANCE FOR THE H-1B CAP GAP EXTENSION

- The OPT cap-gap extension is granted at no additional cost. Students may request a new I-20 noting the extension by submitting the I-797 H-1B receipt notice to ISSS.
- Cap gap extension is terminated if the H-1B petition is rejected, denied, or revoked.
- For those on OPT, the limitations on days of unemployment continue during the cap gap extension.

THANK YOU

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