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Presenters
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Students
ways
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global
present
challenge
difference
active
Gap
knowledge
establishing
setting

F-1 Student Transitional Issues

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BOSTON
UNIVERSITY

From Student to Employee: Helping Them Leave the Nest



Today's Topics

OPT advising

STEM process

Cap-Gap challenges

Non-H-1B options

Travel issues

Reporting practices



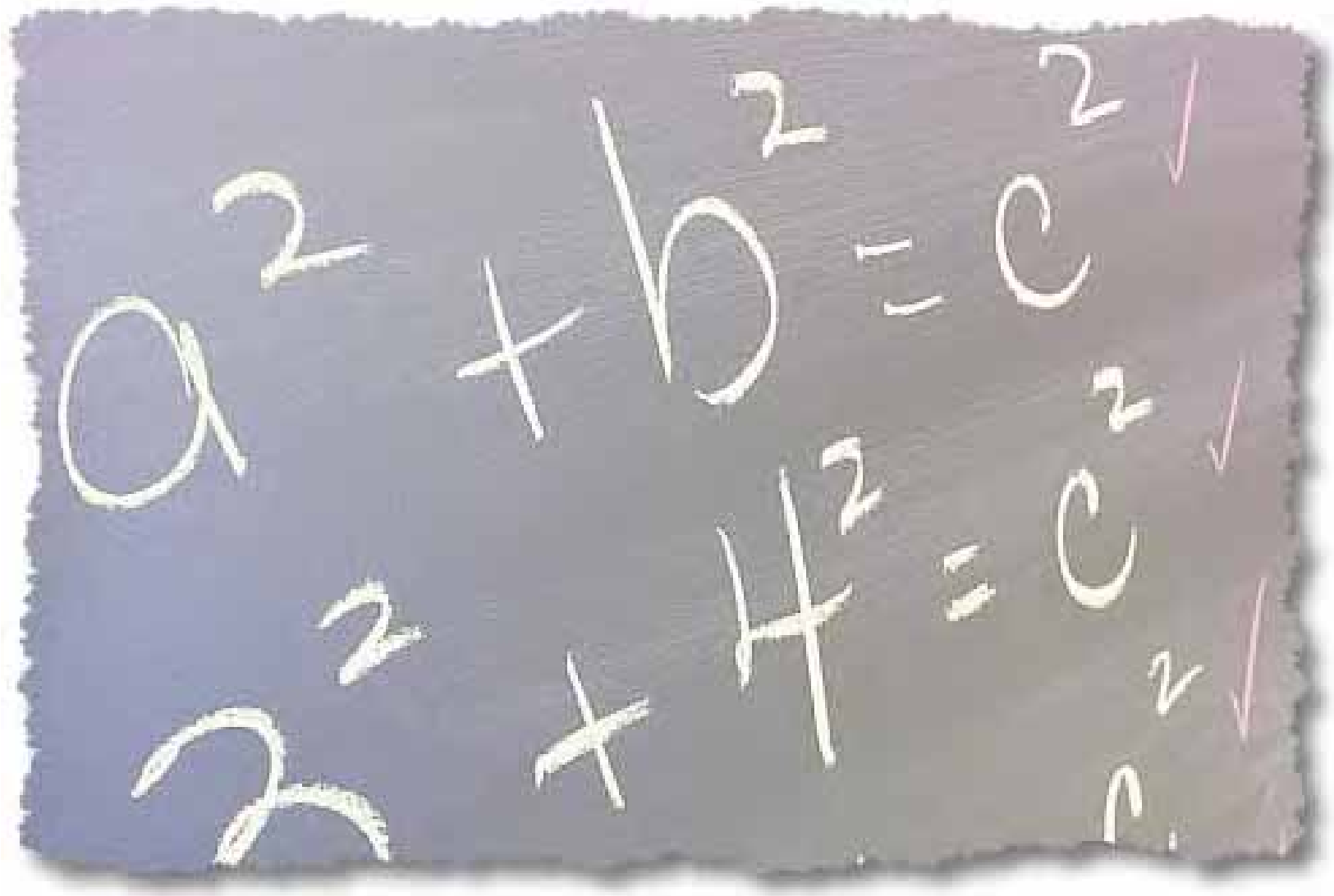
Getting them there



**TOUGH
DECISIONS
AHEAD**

**choosing that
start date**

OPT Variables



The image shows a chalkboard with two handwritten equations. The top equation is $a^2 + b^2 = c^2$ and the bottom equation is $x^2 + y^2 = c^2$. Both equations have a red checkmark to their right.

$$a^2 + b^2 = c^2$$
$$x^2 + y^2 = c^2$$

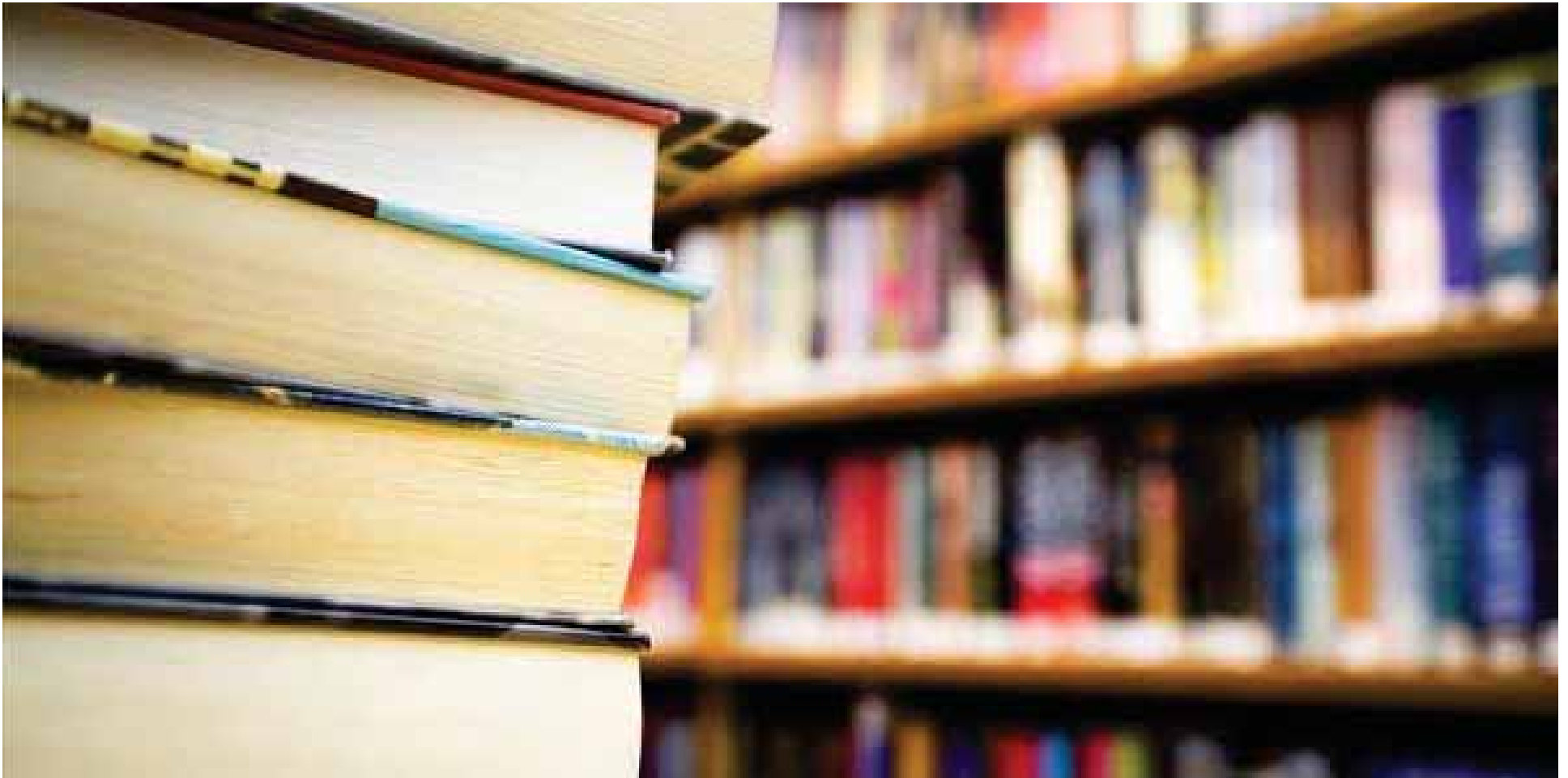


Failure to launch

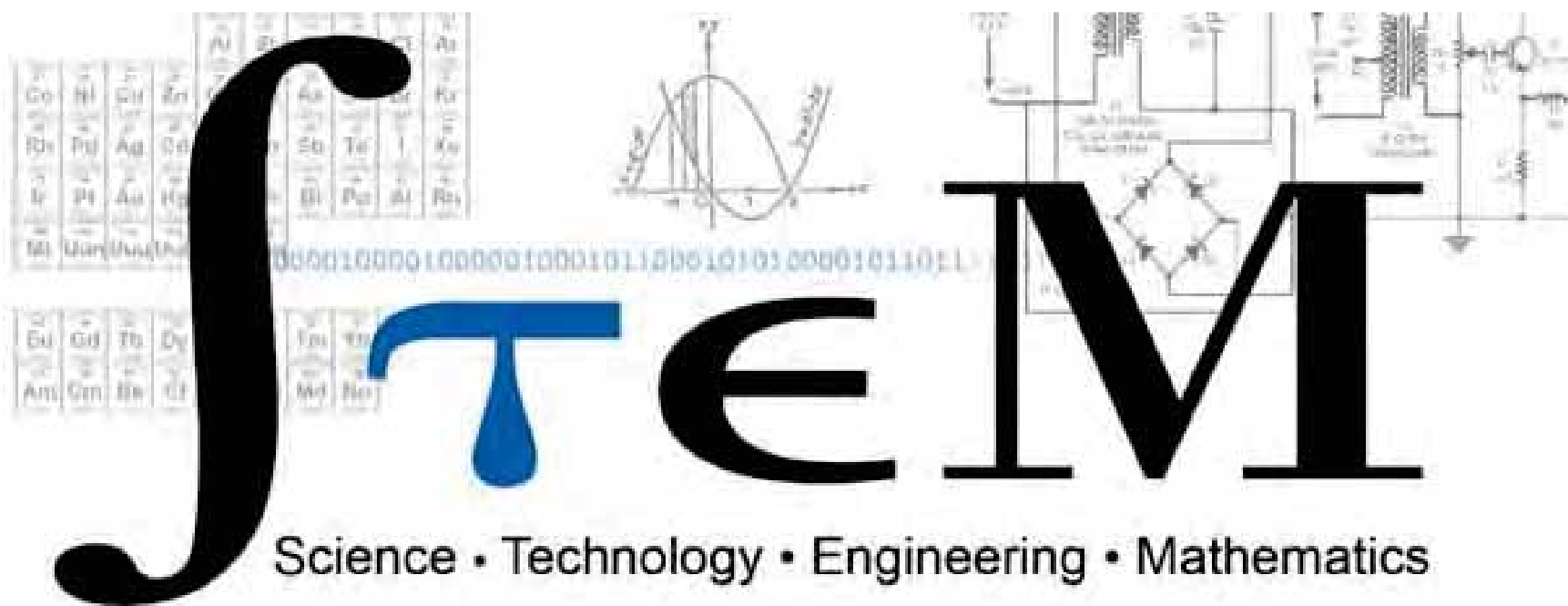


**KEEP
CALM
AND
REMEMBER
THE RULES**

Pitfalls of academic ambition... or lack thereof



Are we there yet?



CIP Codes

E-Verify

Special Issues

Challenging the Rush to H1B

What are CIP codes

- Classification of Instructional Programs – Dept. of Education
- How are CIP Codes Assigned
- Working with your institution's IPEDS Keyholder

CIP Codes + SEVIS

- What is the relationship between the two?
- Batch vs. RTI

Changes

- When do codes change?
- When does the designation list change?
- Communicating changes to the STEM Designated Fields

Advising

- How do you explain STEM designation to students



What are your responsibilities?

Nearly 500,000 U.S. Employers are enrolled in E-Verify

Enrollment is free

uscis.gov/e-verify

Educating the Student

- Verifying that the E-Verify number is correct
- Changing employers
- Multiple employers
- Continuing Employment with a pending EAD

Changing employers while the 17-month extension application is pending.



Employer Agreement

How far do you go?

Educating the Employer

- Employer Agreements
- Reporting termination of employment
- Continuing Employment with a pending EAD

BOSTON UNIVERSITY
International Students & Scholars Office
Telephone: 617/358-3565 • 888 Commonwealth Avenue, Second Floor • Boston, Massachusetts 02215
iss@bu.edu • www.bu.edu/isso • Facsimile: 617/358-1170

Employer Information and Agreement To Facilitate a 17-Month STEM Extension of OPT

Student's Name: _____ BU I.D. #: U

I request my employer to complete the information and agreement below so that I may apply for an extension of Optional Practical Training (OPT) employment authorization as permitted by F-1 immigration regulations.

Student's Signature

To the Employer: On April 8, 2008, the Department of Homeland Security published an interim final rule (Federal Register, Vol. 73, No. 68) permitting students in F-1 immigration status to extend their Optional Practical Training employment authorization for an additional 17 months provided all the following criteria are met:

1. The student must have earned an academic degree in one of the specific STEM (science, technology, engineering, mathematics) fields listed in DHS's STEM Designated Degree Program List.
2. The student is currently in a period of approved F-1 Optional Practical Training.
3. The student is employed by – or has been offered employment by – an employer who is registered with the Department of Homeland Security's E-Verify program.
4. The employer "agrees to report the termination or departure of an OPT employee to the DSO at the student's school or through any other means or process identified by DHS if the termination or departure is prior to [the] end of the authorized period of OPT. Such reporting must be made within 48 hours of the event. An employer shall consider a worker to have departed when the employer knows the student has left the employment or if the student as not reported for work for a period of 5 consecutive business days without the consent of the employer, whichever occurs earlier." [8 CFR § 214.2(f)(10)(i)(C)(4)]

The student named above wishes apply for the OPT extension benefit. By providing the information below, and by your signature, you are verifying that your company/organization is registered with E-Verify and that you agree to notify Boston University's International Students & Scholars Office via email (isso@bu.edu) or via fax (617/358-1170) within 48 hours if this student departs your company/organization or terminates employment.

Company name as registered with E-Verify: _____

E-Verify company identification number: * _____

**If the company is using a designated agent to perform E-Verify, provide a valid E-Verify client company number*

I certify that the above information is accurate and that I am qualified to commit this company/organization to the reporting agreement described above.

Supervisor's Name: _____

Title: _____

Address: _____ Phone: _____

City: _____ State: _____ Zip: _____

Signature: _____ Date: _____



Degree not yet awarded?

October 6 Memorandum

Summary Conclusion: F-1 students engaging in post-completion OPT are eligible for a 17-month STEM extension even if they have not yet completed the thesis requirement or equivalent for their STEM degree.

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of the Director (MS 2500)
Washington, DC 20535-2000

U.S. Citizenship and Immigration Services

October 6, 2013 PM-602-0099

Policy Memorandum

SUBJECT: 17-Month Extension of Post-Completion Optional Practical Training (CPT) for F-1 Students Enrolled in Science, Technology, Engineering, and Mathematics (STEM) Degree Programs

Purpose
The purpose of this policy memorandum (PM) is to clarify the eligibility requirements for a 17-month extension of Post-Completion OPT for F-1 students enrolled in STEM degree programs.

Scope
This PM applies to all USCIS employees.

Authority
8 CFR 214.2(f)(10)(ii)

Issue
Whether F-1 students engaging in post-completion OPT under 8 CFR 214.2(f)(10)(ii)(A) are eligible for the 17-month STEM extension under 8 CFR 214.2(f)(10)(ii)(C) if they have not yet completed the thesis requirement or equivalent for their STEM degree when applying for the STEM extension.

Summary Conclusion
F-1 students engaging in post-completion OPT are eligible for a 17-month STEM extension even if they have not yet completed the thesis requirement or equivalent for their STEM degree.

Applicable Law
8 CFR 214.2(f)(10)(ii)(A)(3) states:

(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.

SEVIS: "Prior to recommending a 17-month extension for Optional Practical Training (OPT), you must ensure the student earned a STEM designated bachelors, masters, or doctorate degree."



Employment: **What is ok? What isn't?**

Multiple Employers

Work for Hire

Self-Employment

Agency or Consulting Firm

Is unpaid or volunteer work acceptable during the extension period?

Navigating SEVIS Issues

- Second Major in STEM field
- Extension function not visible in SEVIS record
- Date mismatches on I-20 and EAD



Advising the Student No Longer on your Campus

What's your plan?

- Online Tutorial
- Phone Appointment
- E-mail
- Follow Up

Working with other
USCIS Service Centers



The Race to the H1B Finish Line



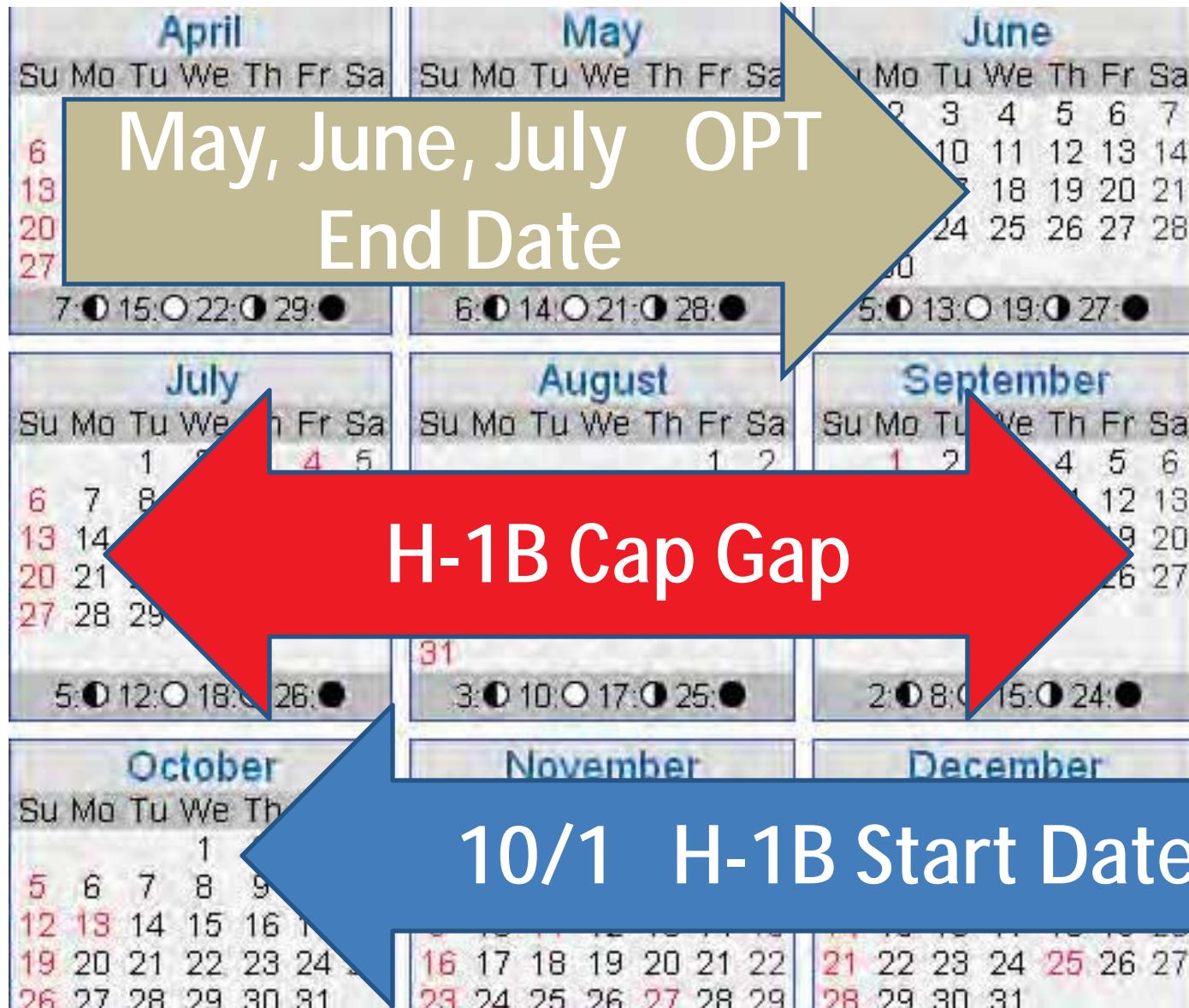
Arguments for STEM extension

- Extend potential for US work authorization
- Flexibility to change employers

Are we there yet?

H-1B CAP GAP

What is the H-1B Cap-Gap?



What is H-1B Cap-Gap?

8 C.F.R. § [214.2\(f\)\(5\)\(vi\)](#)

H-1B cap-gap benefit provides automatic extension of duration of status (D/S), and post-completion OPT work authorization for an F-1 student who:

1. is the beneficiary of a timely-filed H-1B petition requesting change of status and
2. has an H-1B employment start date of October 1

Cap-Gap benefit applies to all qualified students on post-completion OPT and 17-month OPT STEM extension.



Challenges to Advising

**During OPT
Workshops**



**Information
Overkill**

**During OPT
Work Period**



**Off-Campus Pop.
Individual Advising**

Advising Tools/Methods

Cap-Gap
Webpage

Pre-
Completion
OPT Advising

Cap-Gap
Handouts

Cap-Gap
BLURB

Post-
Completion
OPT
Workshops

Mass
Email

OPT
Listserv

Identifying Alumni w/ COS to H-1B



Why Identify?

Self-Identify

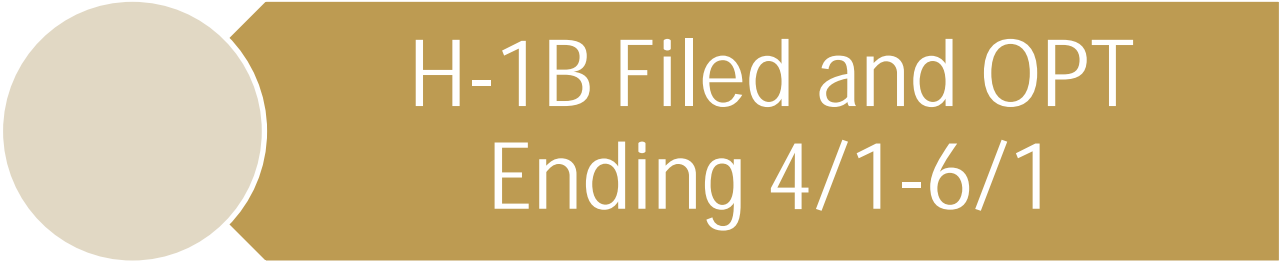
COS Approved Alerts

"Status Verify" Alerts

Tricky Situations



Prior Cap-Subject H-1B



H-1B Filed and OPT
Ending 4/1-6/1



CLAIMS and SEVIS

Tricky Situations

- Prior cap-subject H-1B
 - Student may not be subject to cap and eligible for cap-gap extension
 - Advise to seek legal counsel
- H-1B Filed and OPT ending 4/1-6/1
 - Use the “Cap-Gap Extension” function in SEVIS
 - A statement from the employer that the student is the beneficiary listed on a properly filed H-1B petition and proof of delivery to USCIS showing the date of receipt.
- CLAIMS and SEVIS
 - Cap-Gap Benefit not applied.
 - Cap-Gap Benefit applied where not eligible
 - Datafix!

Are we there yet?

H-1B Alternatives



Exercise Caution



J-1

TN

E-3

H-1B1

E-1

E-2

O-1

P-1

P-2

P-3

Q-1

R-1

L-1

Travel Issues



ICE Travel FAQs

2. Reentry for F-1 Nonimmigrants Traveling Outside the United States



This section of the FAQ applies to continuing F-1 students who travel outside the United States for five months or less.

Students should consult their Designated School Official (DSO) prior to traveling. Your DSO generally works in the International Student Office. You must have a current SEVIS Form I-20 endorsed for travel and your DSO needs to be able to verify that your SEVIS record is accurate and up-to-date.

- 2.A. What are the basic requirements for an F-1 to reenter the United States after traveling abroad on pleasure or personal business?
- 2.B. What if I have an expired passport or one that will expire in less than six months?
- 2.C. What if my F-1 student visa has expired?
- 2.D. As a continuing student, will I need to pay the SEVIS I-901 fee if I travel outside the United States?
- 2.E. I wish to travel to Canada, Mexico, or one of the islands (other than Cuba) adjacent to the United States. Can I return if my visa is expired?
- 2.F. Which islands are defined as "adjacent islands"?
- 2.G. Do I need a valid visa to visit Puerto Rico or the U.S. Virgin Islands?
- 2.H. How do I know if I have a terminated record in SEVIS?
- 2.I. I want to travel outside the United States, but my SEVIS record is in terminated status. Can I return if I travel?
- 2.J. Can I travel outside the United States if I have a Form I-485 adjustment of status application pending?
- 2.K. Can I reestablish F-1 student status by obtaining a new initial Form I-20 and reentering the United States?
- 2.L. Can I reenter during the 60-day period after finishing my program or OPT?
- 2.M. Can I reenter if my request for OPT is pending?
- 2.N. Can I reenter if I left while on OPT?
- 2.O. Are there any other requirements for travel outside the United States?

http://www.ice.gov/sevis/travel/faq_f2.htm

ICE Travel FAQs

2.L. Can I reenter during the 60-day period after finishing my program or OPT?

No. The 60-day “grace” period is only to prepare to leave the country.

2.M. Can I reenter if my request for OPT is pending?

Yes, but traveling during this time should be undertaken with caution. USCIS may send you a request for evidence while you are away, however, so you would want to make sure you have provided a correct U.S. address both to your DSO and on the application and would be able to send in requested documents. Also, if USCIS approves your OPT application, you will be expected to have your EAD in hand to re-enter the United States. Like a request for further information, USCIS can only send the EAD to your U.S. address.

2.N. Can I reenter if I left while on OPT?

If USCIS has approved your OPT you will be expected to have your EAD in hand to re-enter the United States, in addition to your Form I-20, valid passport and visa, and a letter of employment if you have one. If you exceed the limits on unemployment while outside the United States, you will not be eligible to re-enter the United States in F-1 status.

Facilitating Student Reporting

How proactive are you or can you be?

The Basics:

- Employer Name and Address
- Unemployment
- Changes in employment
- Local address
- Departure from the U.S.
- Change of status

Record keeping recommendations
beyond SEVIS based reporting

Managing STEM Six-Month
Reporting Requirements



