

## Employment

There are four possible ways that F-1 students can be legitimately employed, according to the BCIS regulations. Under the specified conditions, an F-1 student can be employed in the following ways:

1. **On campus**
2. Off campus by being granted **Economic Hardship** privileges.
3. Off campus by being granted **Curricular Practical Training**
4. Off campus by being granted **Optional Practical Training**

### **A Note of Caution**

Working improperly or without authorization is a serious violation of your status. Due to several tracking systems now established in the US, working illegally can be easily traced by BCIS. This tracking is often used when a student re-enters the country, applies for Optional Practical Training or applies for a change in status (such as an H1B visa or Permanent Residency). A record of illegal employment will not only cause you to immediately lose your status, but it may lead to deportation and being barred from reentering the US for up to 10 years. Therefore, it is essential that you consider these ramifications and carefully read over the information provided here because **it is ultimately your responsibility to comply with all Immigration regulations that apply to F-1 students.** You can always ask the Director of International Education for guidance if you have any questions.

### **EMPLOYMENT-ON CAMPUS**

An F-1 student who has been issued a Form I-20 by a specific university may work on that campus **up to 20 hours a week** when school is in session and full time (20+ hours) during the complete weeks when classes are not in session (this includes the ability to work in the summertime).

In addition, a student who has been issued an I-20 to begin a new program and who intends to enroll for the next regular academic year, term or session at the institution that issued the Form I-20 may work on campus up to 30 days before their classes begin.

An F-1 student may engage in any on-campus employment, but must not exceed 20 hours a week of work. If this occurs, s/he will **automatically** fall out of status and be terminated in the SEVIS system. **It is a student's responsibility to keep track of his/her hours.** For this reason, they should NOT allow anyone else to sign off on his/her timecard for them. This includes their supervisors! **A student who falls out of status or is waiting for a pending change of status to F-1 is not eligible to work on campus until he/she is reinstated by BCIS.** A student may not engage in on campus employment after completing a course of study.

## **ECONOMIC HARDSHIP**

The BCIS may process an application for severe economic hardship work permission if an F-1 student has been in status for one full academic year, is in good standing as a student and is carrying a full course of study. In order to apply for this, please follow the procedures listed below with the Director of International Education.

### **PROCEDURES:**

- a) Student discusses situation with the Director of International Education and submits letter and any relevant supportive documentation to BCIS explaining that the economic hardship was unforeseen and beyond the student's control, and that the jobs on campus are not sufficient to meet his/her needs. The Director will review this letter.
- b) Student completes [Form I-538](#).
- c) Student completes [Form I-765](#) and pays fee of \$120.00 (this must be on a bank check or money order and must be written out to the Bureau of Citizenship and Immigration Services).
- d) Student sends his/her I-20, student letter, I-538, I-765 and the \$120.00 fee to the district BCIS Service Center.

Employment authorization is automatically terminated whenever the student fails to maintain status.

## Curricular Practical Training

### Definition

Curricular practical training can be used by students who need to work off campus as a part of their degree. It takes place simultaneously as the student is completing coursework for a degree and cannot be granted without having an offer letter from an employer.

F-1 students who have been lawfully enrolled in the college for one academic year **may** be eligible for curricular practical training. Curricular practical training includes alternate work/study, internship, and cooperative education. **The training program should be an integral or important part of your curriculum (meaning you must be registered for credits at all times when you are completing curricular training).**

Training which is not required by your degree program may meet the requirements for curricular practical training if you receive academic credit for the employment experience. FSC recognizes internships and co-op work experience as curricular practical training. However, your coursework always takes precedence, and an internship is not a substitute for classes.

*(Optional Practical Training, unlike Curricular Training, may be used for work experience that is optional and not for credit. See the section on F-1 Optional Practical Training for more information.)*

*If you have a training opportunity, which involves employment, check with the International Education Office to discuss the qualifications for curricular practical training or optional practical training.*

### Part-Time vs. Full-Time Curricular Practical Training

#### *Part-time Curricular Training*

Employment for 20 hours or less per week while you are also enrolled full-time is considered “part-time” curricular practical training. The employment authorization written on page three of your I-20 form will specify permission to engage in “part-time” training. You must be careful to limit your work to no more than 20 hours per week. You must be simultaneously enrolled in classes full-time during the school year in order to maintain lawful status. Also, please note that you cannot do part-time curricular training and work as a graduate assistant at the same time.

#### *Full-time Curricular Training*

Employment for more than 20 hours per week is considered “full-time” curricular practical training and the employment authorization on your I-20 form will specify permission to participate in “full-time” curricular training. While in full-time curricular training, you need not be enrolled for classes for the summer. **If you participate in twelve months or more of consecutive full-time curricular training, you will not be eligible for any of your optional practical training.** You are not allowed to take curricular practical training instead of classes during

the regular academic year. Your degree is the reason you are granted an I-20. Curricular training must be a part of your curriculum.

### **Employment Eligibility Verification**

When you begin work, you and your employer must complete a form entitled “Employment Eligibility Verification” (BCIS Form I-9), which the employer retains. The I-9 must be updated each time you receive a renewal of your work permission. Your I-20 will have an employment authorization on page three. An employer does not have to meet Labor Department “Attestation” requirements when employing students under curricular practical training.

### **Social Security and Other Taxes**

In general, F-1 students who have been in the US less than five years are exempt from Social Security (F.I.C.A.) taxes. Your earnings are subject to applicable federal, state and local taxes. Students must file a tax return on or before April 15 each year, which will determine if any of the withheld taxes can be refunded. An F-1 student on curricular practical training does not need Social Security and Medicare taxes withheld from his/her salary.

### **FSC Student Eligibility Requirements**

- You must be matriculated and enrolled on a full-time basis in a degree or program.
- You must have been in F-1 status for one academic year and should have maintained your status.
- The work must be related to your major field of study and should be an important part of your studies.
- You must register for an internship or practicum course and receive academic credit for the work experience.
- Students are eligible to apply for full-time CPT in the summer.
- Students are eligible to apply for full-time CPT during the school year only if they have taken all of their courses and are working on their thesis.
- With your department chair's approval, you may apply for part-time curricular practical training during the school year, but you need to be enrolled as a full-time student at the same time.

## **Application and Authorization Checklist**

Students who wish to participate in curricular practical training must bring the following to the International Education Office:

### **CPT Checklist**

- ❑ Obtain an **offer letter** from your employer which states your title, responsibilities, and beginning and end dates of the employment. The letter must be on company letterhead with the company's address on it.
- ❑ If you are a graduate student, please fill out and sign the **Graduate/Independent Study/Practicum/Thesis Form**. Have it signed by your academic advisor or program chair. This form is available in the Graduate School & Continuing Education office and on the GCE website at <http://www.fsc.edu/gce/StudentForms.html>
- ❑ Register for the internship by filling out a white **Registration Card** (also available at the same site). Pay for the internship. Drop this form, along with the Graduate/Independent Study/Practicum/Thesis Form and a copy of your offer letter to Jessica DuPont in the GCE. It will take her 3-5 business days to process.
- ❑ Complete the top section of a **Department Approval Form** (found on our website at <http://www.fsc.edu/intled/currentforms.html>). Have your advisor complete bottom section and sign it.
- ❑ Fill out and submit a **SEVIS Request Form** (also found on our website at <http://www.fsc.edu/intled/currentforms.html>)
- ❑ Submit the SEVIS Request Form, along with a copy of your job offer letter, proof of payment for the course credits, and the Department Approval Form to the Office of International Education.

Your new I-20 providing you with eligibility to legally work off campus with CPT should be ready within 5 working days.

*Note: MBA students must register for a 3-credit internship; Computer Science students can register for either a 1, 2 or 3 credit internship.*

There is no fee to process a curricular practical training request. **You cannot start working until your practical training has been authorized on your I-20.**

You must be careful not to continue employment beyond the date authorized on your I-20 unless you apply for and are granted a program extension.

## Optional Practical Training

### Definition

Optional Practical Training is designed to provide you with an opportunity to gain actual employment experience in your chosen profession for a maximum of one year. You do not have to have a job in your field set up in order to be granted OPT by BCIS. Its purpose is to “round off” or complement your academic work. Most students utilize Optional Practical Training after they graduate. You can however, take a part of this training during summer vacations before you graduate or you can do your OPT while you are working on your thesis. **You must apply for OPT before you complete your program of study.**

### Eligibility Requirements

The work must be directly related to your major field of study and it must be appropriate for someone having your level of education. The work may be full-time or part-time, and may occur anywhere in the United States. If you were authorized for previous periods of OPT, that period will be deducted from the 12 months available, the remainder will be the amount of practical training recommended. **Also, any student who has accumulated 12 months or more of curricular practical training is NOT eligible to apply for OPT.** If you meet the following criteria you are eligible to apply for Optional Post-Completion Practical Training for up to 12 months after you complete your studies at each academic level:

- You have been in F-1 status for at least 2 full semesters and have not violated the terms of that status in any way.
- You are completing a degree program (not necessary for OPT used during vacations).
- You have not had 12 months or more of full-time curricular practical training authorized.
- You have not previously used 12 months of OPT at your current academic level (i.e. Masters Degree in another field), or you were authorized for a period of less than 12 months.

### Application Deadline

You must apply for Optional Practical Training **before** you complete your program of study. Due to delays in processing, you should consider applying three months before the date you wish to start.

### SEVIS Reporting Requirements

When you are completing your OPT, you are still considered to be an F-1 student and are therefore subject to the address/phone reporting requirements according to the BCIS regulations. Please be sure to stay in contact with the OIE and let us know via [the web link](#) if you have any address or immigration changes.

### Making a Decision Regarding Participation in OPT

**Only One Twelve-Month Period of OPT is Available for each degree level.** You are allowed to have this type of employment permission only once for each degree level. An advanced degree allows you 12 additional months of OPT. You can break the twelve

months up into sections, but you have to pay the application fee each time you wish to use a section. If you obtain permission for OPT after a Masters in Computer Science degree, for example, and plan to continue study for another masters degree in a different area, you will not be eligible for OPT after completion of your second masters program. Only three types of F-1 students have OPT rights restored after those rights have once been used: (1) students who spend at least 5 months outside the US and return in F-1 status; (2) students who change from F-1 to another status, spend at least a year in the other status and then change back to F-1 status and (3) students who are going for a second, more advanced degree in the US.

**Authorization May Not Be Rescinded.** Once authorization to engage in practical training after completion of studies is granted, it may not be rescinded or canceled. This means that after OPT is authorized by the BCIS, unexpected delays in completing degree requirements, inability to find an appropriate job or loss of a job may result in loss of otherwise eligible time to work. Once permission to work for twelve months has been given, it is gone regardless of subsequent occurrences.

### **Actual Date Optional Practical Training Employment May Begin**

You will have a 60 day grace period before your F-1 status expires that can be used after you complete your program of studies (before your OPT) or after your OPT has ended. You should choose your dates according to what you believe is most realistic in terms of getting a job.

*You may not begin work until all three of following requirements are satisfied: (1) you have obtained an EAD from the Immigration Service, (2) the date is reached when the EAD authorizes employment to begin and (3) you have actually completed all requirements for your program of study.*

### **Change of Employer after Optional Practical Training Has Been Authorized**

You may change employers after you have begun authorized employment provided the new job is (1) directly related to your major field of study and (2) is appropriate for someone having your level of education.

### **Travel Outside the US**

Once you apply for practical training, you cannot enter the US without an EAD. This means that travel will be impossible from the time you send your documents to BCIS until you receive your EAD (if a time emergency arises assistance may be available. Please see the Director). So routine travel, even to Canada, should not be considered until you receive your EAD.

While on Optional Practical Training if you travel outside the US you must have your EAD card, a letter from your employer verifying that you have a job (if not, financial support documentation), Form I-20 with a recent International Student Advisor's signature, as well as a valid passport and F-1 visa stamp, in order to re-enter the United States.

## Application Procedures

### OPT Checklist

- ❑ Fill out a [SEVIS I-20 Request Form](http://www.fsc.edu/intled/currentforms.html) (found at <http://www.fsc.edu/intled/currentforms.html>) and submit this to OIE so that a new SEVIS I-20 can be created for you to include with your application.
- ❑ When you pick up your new SEVIS I-20, ask for an OPT packet and assemble the following items to send to BCIS:
  - Two photographs as specified in the information sheet which can be picked up at OIE
  - I-765 “*Application for Employment Authorization*” Form (also found on our website at <http://www.fsc.edu/intled/currentforms.html>)
  - Certified bank check or money order for \$180.00 payable to **Department of Homeland Security** (do not abbreviate)
  - Photocopy of pages 1 & 3 of SEVIS I-20
  - Photocopy of the front and back of all previous I-20’s
  - Photocopy of both sides of I-94 card
  - Photocopies of passport & visa identification pages (be sure to photocopy your new expiration date on your passport if your passport has been extended)
- ❑ Mail the above documents Certified Return/Receipt to:

**Bureau of Citizenship & Immigration Service**  
Eastern Regional Service Center  
75 Lower Welden Street  
St. Albans VT 05479-0001

**Note:** You must submit an application for an “Employment Authorization Document” (EAD) to the BCIS office having jurisdiction over the place you are living at that time.

Processing time can take from 4-10 weeks. When BCIS receives your application, they will send you a receipt. Please keep this in a safe place. The receipt will say that it can take up to 80 days to process your application but this is a form letter and does not accurately reflect processing time. Once BCIS has approved your application, they will



send you your EAD. They will send it to the address you list on your Form I-765 so think carefully about the address you use. **Official BCIS mail is not forwarded by the post office** so if you move after applying, make arrangements with your roommates to deal with your mail or notify BCIS of your change of address. You cannot start employment until your application has been approved and you have received your Employment Authorization Document (EAD).