

REGULATIONS ON EMPLOYMENT FOR F-1 STUDENTS

The most common types of employment available to F-1 students are on-campus employment and practical training (either curricular or optional).

ON-CAMPUS EMPLOYMENT

This is the only work allowed to F-1 students without special permission from USCIS. Students may work part-time¹ on the premises of the school that issued their currently valid I-20, while they are attending that school and maintaining their F-1 status. A student may be employed by the school or by a commercial firm that operates on the campus to provide direct services to the student body (i.e. Aramark food service).

Restrictions and exceptions:

- an F-1 student may not begin working more than 30 days prior to the start of classes upon *initial* entry
- on-campus work is limited to 20 hours per week while school is in session
- students are permitted to work full-time (up to 40 hours per week) during official school breaks, including summer, only if they are eligible and intend to register for the next academic term
- a student may NOT engage in on-campus employment during the 60-day grace period after completing the course of study unless it's authorized as OPT
- students transferring to a new school may work only on the campus of the *transfer-out* school until the SEVIS record is released; they may work only at the *transfer-in* school after the SEVIS record is received
- students who are temporarily attending two institutions concurrently may work only on the campus of the school that issued the currently valid I-20

OFF-CAMPUS EMPLOYMENT

1. Severe Economic Hardship

Employment based on severe, unforeseen economic necessity requires recommendation from the DSO and approval from USCIS, which then issues the Employment Authorization Document (EAD card). This employment benefit is intended only for situations beyond the student's control, which were unforeseen at the time the student applied to the school, and after all other potential employment opportunities have proven insufficient. According to the federal regulations, examples include "loss of financial aid or on-campus employment without fault on the part of the student, substantial fluctuations in the value or currency or exchange rate, inordinate increases in tuition and/or living costs, unexpected changes in the financial condition of the student's source of support, medical bills, or other substantial and unexpected expenses." —8 CFR 214.2 (f) (9) (ii) (C) Work may be on or off-campus in any job for up to 20 hours per week while school is in session or full time during official school holidays. Hardship employment does not affect appropriate on-campus work or future eligibility for employment authorizations like CPT or OPT.

Requirements:

- student must have been in F-1 status for at least one full academic year (two full terms) before applying
- must be able to document circumstances causing the economic need (the student can write a statement describing the unforeseen hardship situation and, if possible, attach backup documentation—for example, a letter from home telling of a change in family circumstances, proof of a major currency devaluation in the student's country, loss of the family business, death in the family, substantial tuition increase, etc.)
- must explain why other employment options are unavailable or insufficient (a simple statement might suffice) and how the hardship is beyond the student's control / not due to student's own fault

¹ For F-1 employment, less than 20 hours a week is part-time; any more than 20 hours a week is considered full-time.

- meet with DSO to complete the proper forms and submit documentation to USCIS for approval. (See Severe Economic Hardship Employment Application) Unfortunately, the application fee is \$180.00.

Restrictions:

- the student cannot begin employment until he/she receives the EAD card from USCIS. This often takes several weeks (2-3 months)
- authorization is granted in one-year intervals; students must reapply to renew authorization for another year (for uninterrupted work authorization, reapply in time to receive new EAD before prior one expires)
- off-campus SEH employment is terminated when the student transfers from one school to another or when the need for this type of employment ceases

2. Employment with an International Organization

F-1 students are eligible for part- or full-time off-campus employment with a qualified international organization. The student must have a written offer of employment from the organization, must apply for and receive an EAD card before beginning employment, and must maintain a full course of study in F-1 status during the period of employment. For a list of the qualified international organizations, see <http://foia.state.gov/masterdocs/09fam/0941024X1.pdf>. Contact the DSO for application procedures.

3. Curricular Practical Training (CPT)

This type of off-campus employment is approved for F-1 students who wish to engage in temporary work to gain practical experience in their field of study. For CPT, the work performed must be an “integral part of an established curriculum” of the student’s degree program. The regulations list the examples of “alternate work/study, internship, cooperative education, or any other type required internship or practicum which is offered by sponsoring employers through cooperative agreements with the school.”—8 CFR 214.2 (f) (10) (i)

Definitions:

The definition of legitimate CPT is generally interpreted to include the following:

- training that is required of all students in the degree program OR
- training that is required for a particular course or track within an established degree plan (the course may be an elective or optional course listed in the catalog for fulfillment of that degree, not necessarily a course required for every student).
- at a minimum, the course will carry academic credit, be listed in a school’s regular bulletin of course offerings (catalog), and have a faculty member assigned to teach the course.

Conditions:

- student must have been lawfully enrolled on a full-time basis for a full academic year to be eligible, and work must be completed before the program end date
- student must have an offer in hand from the employer for work qualifying as curricular practical training
- student may engage in CPT only for the specific employer, location, and span recorded in SEVIS by DSO
- as part of the application, the DSO must receive an official letter from the student’s advisor stating the curricular nature of the training, the particular course for which the student will get credit, and the name of the faculty member assigned to the course; student should be enrolled for the credit while employed
- student must file a completed CPT application with the DSO for approval in SEVIS before employment begins (See CPT application)
- no fee or USCIS approval is necessary for CPT; the final approval rests with the DSO
- CPT can be granted for part-time or full-time employment and for multiple periods during the course of study; however, use of full-time CPT for more than one year eliminates eligibility for OPT

4. Optional Practical Training (OPT)

Like CPT, OPT is off-campus employment approved for F-1 students who wish to engage in temporary work to gain practical experience in their field of study. The main difference is that OPT is not connected to any particular course and may be granted for a period of up to 12 months after completion of studies. However, OPT *must* still be in the student's area of study and commensurate with the level of education achieved. At each educational level (bachelors, masters, etc.), students are allowed a total of 12 months of full-time OPT which can be split into pre- and post-completion segments. At present, OPT application fee is \$180.00

Conditions:

- student must have been lawfully enrolled full-time for a full academic year before being eligible for OPT
- employment must be directly related to and commensurate with the level of the course of study (*i.e., a pre-pharmacy major may work in the actual pharmacy at Walgreens but not as a regular store clerk; an accounting major may work in a bank or as a bookkeeper but not as a receptionist at an accountant's office; a journalism major can work as a photographer or fact-checker but not a deliverer, driver, etc.*)
- although it is currently not necessary to have a job offer in order to apply for OPT, the student is expected to work or be actively seeking employment after the OPT EAD is issued; only full-time OPT can be requested after completion of program
- students must apply for and receive an EAD card *before* employment can begin (See OPT application); applications often take 2-3 months to be approved by USCIS, so apply early
- students who are applying for post-completion OPT must mail all materials in time for USCIS to receive and confirm the application as whole and complete *before* the program end date on the I-20
- a student on OPT may work for more than one employer and/or change employers during OPT provided that each position is directly related to and commensurate with the field of study
- a student currently authorized for OPT is still responsible for reporting to the DSO any changes in his/her name or address, or any disruption of employment; the DSO still maintains the SEVIS record

Restrictions:

- student may engage in full-time OPT only after completion of his/her program or during official breaks
- if school is in session (not including summer), pre-completion OPT must be part-time, in which case it only counts toward the 12-month total at 50% (*i.e., 2 months of part-time is equivalent to one month of full-time*)
- if the student has already had 12 months of full-time *CPT*, he/she is not eligible for OPT at this level
- even if the student has received an EAD card, he/she may not begin working until the start date is reached, and work must end on the end date
- OPT done after completion of studies must be completed within a 14-month period following the program end date
- if a student on OPT transfers to another institution, at the same or higher level of education, the OPT authorization is immediately canceled when the SEVIS transfer-in occurs, and all remaining OPT time at that educational level is forfeited, or lost
- regarding travel and re-entry to the US and post-completion OPT: a student who has a valid EAD card and a job or job offer should not experience difficulty reentering the US after a temporary absence; if the student hasn't received the EAD card yet, or has no valid job or job offer, travel outside the US is not advised and the student assumes all risk

Failure to comply with the employment regulations as listed above and as discussed with the DSO may result in loss of legal F-1 status, rejection of future benefits or immigration/residency-related requests, and possibly removal from the US.