SUNY POLYTECHNIC INSTITUTE

MAINTAINING F-1 STATUS AFTER POST COMPLETION OPT APPROVAL

> ***IMPORTANT***
>
> **Remember: It is your responsibility to maintain lawful F-1 Status during your post completion OPT period.**
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> The International Student Services Office can advise and inform you of requirements, however, it is YOUR responsibility to submit all requests and information promptly to allow for the maximum indicated processing times, if applicable.

- **Submit a copy of your EAD card to HERE so we may add this to your records.**
  - You only need to submit this once
- **You may only work during the dates listed on your EAD card.**
- **You must work Full Time**
  - Full Time is *more than* 20 hours per week
  - You may engage with multiple employers, if all employment meets OPT requirements, to meet/surpass the full-time requirements.
- **All employment must be directly related to your SUNY Poly program of study**
  - This does not mean "related to a course you completed", but to your overall major program of study.
  - It is your responsibility to determine how your job responsibilities are related to your program of study.
- **Employment may be paid or unpaid.**
  - Please make sure you review the information about volunteering vs unpaid employment (next page), carefully to ensure you are meeting guidelines.
- **Employment may be long or short term.**
  - Students may engaged in long term, salaried positions, or short term, contract positions or internships, as long as all other employment requirements are met.
- **Multiple employers may be authorized**
  - All employment must be related to your program of study, reported in the SEVP Portal, and the *total hours per week of all employment is 20 hours or more.*
- **Self employment may be authorized**
  - Your work must be related to your program of study.
  - Please be aware, however, self employment is NOT authorized for the 24 month STEM OPT Extension.
- **You may accrue up to 90 days of unemployment during your entire OPT authorization period**
  - The "90 days" are cumulative over the entire period of OPT.

- **All changes in employment must be reported within 10 days of the change occurring**
  - See reporting instructions below.
- **If you have applied for a change of status to H1B**
  - You may submit your official receipt or approval notice, and request a reprint of your Form I-20, HERE

REPORTING REQUIREMENTS

Students must self-report all employment within 10 days of the change occurring into the SEVP Portal

- You will receive an email from SEVP after your OPT approval to set up your account
  - *The ISS does not set up your account for you*
  - The email used is the email you used when you applied to SUNY Poly.
    - It is likely not your SUNY Poly email.
  - Check your SPAM folder in case this email from SEVP is misdirected
  - If you do not receive the email *and* your EAD start date has passed, email ISS@SUNYPoly.edu and request to have this link re-sent to you.
- You must report ALL changes in employment, including:
  - New employment
  - End of previous employment
  - Changes to current employer (work address, supervisor, etc.)
  - Changes in Employment site address
    - Please note: SEVP is very finicky with addresses!
      - SEVP uses information from the US Postal Service to verify addresses.
      - Make sure you are entering the address *exactly* as it is listed with USPS (usually a quick google search of the address will show you the correct format, or you may wish to verify this with your company's Human Resources Office.)

IMPORTANT

The SEVP Portal will prevent employment information entry if you do not report within 10 days of the date of the event change.

If you fail to report your employment within 10 days and the SEVP Portal will not allow submission of employment information, you must email the ISS at ISS@SUNYPOLY.edu.

> ***IMPORTANT***
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> **If you require a reprint of your Form I-20 with OPT approval/employment information:**
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> - *Make sure you have updated your SEVP Portal with employer information before submitting a request for a reprint.*
> - You may request a reprint [HERE](#)
> - *Reprint requests may take 5-7 business days to process.*
> - *Your new Form I-20 will be sent to you via email once issued.*

TRAVELING OUTSIDE OF THE U.S

All F-1 Students who depart the U.S. and wish to re-enter in F-1 Status to resume their studies or OPT/STEM OPT employment are required to have a travel authorization signature on their Form I-20.

Students traveling within the U.S. are not required to have a travel authorization signature.

IMPORTANT

Students may depart the U.S. at any time, even if they do not have a travel authorization signature.

Travel authorization signatures are only required when you return to the U.S. You may submit a request for a travel authorization signature AFTER you have already departed the U.S.

ABOUT TRAVEL OUTSIDE OF THE U.S.

Travel authorization signatures may be viewed on page 2 of your Form I-20.

- **Your travel authorization is valid for:**
    - 6 months from the date of signature if you have completed your program of study and are engaged in post completion OPT or STEM OPT employment authorization.

If you have not yet completed your program of study but your OPT application is pending with USCIS:

- *Students may choose to travel and re-enter the US prior to their program end date while their OPT application is pending with USCIS at their own discretion.*
- **Travel will not cancel an OPT application pending with USCIS**
    - However, if you are outside of the U.S. and USCIS sends you a Request for Further Evidence (RFE), you will not be present to address this request in a timely manner and may jeopardize your OPT application.
    - Additionally, travel and re-entry so close to the end of your program may raise questions with Customs and Border Patrol.
    - Students may wish to carry copies of course syllabus, class schedules, etc. to demonstrate to CBP that their return to the US for the last few weeks of their program is critical for their graduation and completion of their degree.

If your program has ended but you have not received your OPT approval and EAD card:

- *Unless it is an emergency, do not travel while your OPT is pending if your I-20 program of study has ended.*
- **You will not be able to re-enter the U.S. as an F-1 Student after your program end date until your OPT is approved, and you have your EAD card in hand.**

- USCIS could send a Request for Further Evidence (RFE) to your U.S. address while you are abroad, which requires a response as soon as possible after issuance.
- **If your OPT is approved while you are outside the U.S.,** you will be required to have your EAD in hand to re-enter the country.
  - USCIS cannot mail your EAD outside of the U.S.
  - If you leave the U.S. after your I-20 has expired but before your OPT is approved, you will have to wait until your OPT is approved and you have received your EAD before returning to the U.S. Someone will have to mail you your EAD to your home country (consider the risks of losing the EAD in the mail).

HOW TO REQUEST A TRAVEL AUTHORIZATION SIGNATURE

Students should only request a travel authorization signature if:

- They will be traveling in the near future, or, are already outside of the U.S. and are planning their return travel to the U.S.
  - Your travel plans do not have to be scheduled before you request a signature, you may request a signature in anticipation of travel.
- The signature on page 2 of their current I-20 was issued more than 12 months (for currently enrolled students), or 6 months (for students with OPT/STEM OPT) prior to their intended return to the U.S., or
- There is no travel authorization signature on page 2 of their current I-20

To obtain the Form I-20 with Travel Authorization Signature:

- **Submit the F-1 Student: Travel Signature Request form**
- **Upon approval, your Form I-20 with travel authorization signature will be sent to you via email.**

IMPORTANT

In order to be fair to all students, applications to the ISS are processed in the order received and will not be expedited.

- **ISS processing time is up to 5-7 business days. Students will receive an email with their Form I-20 with travel authorization on page 2 attached.**

*There is no need to contact the ISS to inquire about the status of your request or to inform us of your submission. We do not expedite requests and process them as quickly as possible, in the order it is received. Once your request is processed, you will be notified through the email address provided. *

NEXT STEPS for TRAVEL OUTSIDE THE U.S.

- **You must print and sign your Form I-20 document prior to your return to the U.S.**

- **You must present your most recent, signed Form I-20, along with your Visa and Passport, upon entry to the U.S.**
    - CBP will not accept a Form I-20 on your phone or any other digital device.
- **Don't forget: It is your responsibility to keep all copies of your Form I-20, even after a new copy is issued to you!**

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IMPORTANT

All students are responsible for being aware of current federal/local travel guidelines and requirements when traveling.

The ISS cannot guarantee re-entry to the U.S. in any circumstance.

It is the responsibility of the student to review all travel requirements and ensure all required documents are in order. Entry to the US is determined by [Customs and Border Protection (CBP)](.).

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APPLYING FOR THE STEM OPT EXTENSION

Students who have graduated from SUNY Poly with a STEM degree may be eligible for a 24-month extension of their post completion employment authorization.

Full instructions for STEM OPT Extension applications can be found online at www.sunypoly.edu/iss

To determine your eligibility for the 24-month STEM OPT Extension:

1. **Students must currently have approved post-completion OPT *and* properly maintaining F-1 status.**
2. **Students must have successfully completed a degree from an accredited, SEVP-certified, U.S. institution in a program included on the [DHS STEM Designated Degree Program List](.) within the last 10 years.**
    a. You must use the CIP code for your SUNY Poly program of study to determine your STEM eligibility.
        i. *You can find your program CIP code on the first page of your I-20, under Program of Study.*
    b. Not all SUNY Poly degrees are eligible for the STEM extension. Make sure you check the DHS list carefully to ensure you are eligible.
3. *Students must be working for, or have accepted employment with, a U.S. employer that is enrolled with [E-Verify.](.)*
    a. *Employment must be directly related to the students' major field of study.*
    b. *You cannot be self-employed.*
    c. Students must be employed FULL TIME at more than 20 hours per week.

> ***IMPORTANT***
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> ***If you are eligible for the STEM OPT Extension and wish to apply for this benefit:***
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> **USCIS must receive your STEM Extension application package:**
> - *Before* the expiration of your current post-completion OPT or cap-gap, and
> - *No sooner* than 90 days before your OPT end date, and
> - *No later* than 60 days from the date the ISS adviser recommended the STEM OPT in SEVIS and issued the I-20.

To apply for the 24 Month STEM OPT Extension:

> ***IMPORTANT***
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> **Make sure your SEVP Portal is updated with your current employment information before submitting your STEM OPT Extension Application to the ISS office.**

1. **Review eligibility requirements listed above and be sure you qualify for the STEM OPT Extension before you apply.**
2. **Complete the STEM OPT Extension Request Form and upload all required documents.**
   a. A copy of the completed Form I-983 Training Plan, signed by both you and your employer (electronic signatures are accepted).
      i. For instructions on how to complete Form I-983, please visit the Study in the States OPT Hub. You should also keep a copy for your own records.
         1. Your Designated School Official's (DSO) name and contact information can be found on your Form I-20.
         2. The "SEVIS School Code of School Recommending STEM OPT" (including 3-digit suffix): BUF214F10259000 (also on your I-20).
      ii. Review the information provided by Homeland Security: Study in the States if you have any questions about the I-983.
      iii. This document must be COMPLETED when you submit your request to the ISS.
         1. Incomplete I-983's will be rejected, and you must resubmit your application request.
   b. A copy of your Diploma
   c. A copy of your Transcript
   d. A copy of your current EAD Card
   e. A copy of your most recent I-94.
      i. You may retrieve your I-94 online HERE.
   f. Following review, the ISS will issue you an updated Form I-20
      i. Your STEM OPT EXTENSION REQUESTED FORM I-20 will be sent to you via email

ii. Review this document carefully to make sure your information is correct

> ***IMPORTANT***
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> **To be fair to all students, applications to the ISS are processed in the order received and will not be expedited.**
>
> - **ISS processing time is up to 5-7 business days. Students will receive an email with their STEM OPT Extension Requested Form I-20 attached.**
>
> **There is no need to contact the ISS to inquire about the status of your request or to inform us of your submission. We do not expedite requests and process them as quickly as possible, in the order it is received. Once your request is processed, you will be notified through the email address provided. **

Volunteering vs. Unpaid employment?

Remember: Any off-campus employment for F-1 or J-1 students must be authorized prior to starting the employment.

Without proper work authorization, off-campus employment is a violation of your F-1 or J-1 requirements. The consequences could include loss of legal immigration status in the U.S., possible deportation by the U.S. Department of Homeland Security and great difficulty in any future attempts to acquire a visa to enter the U.S.

Unpaid Employment or Volunteering?

A common misconception is that the only difference between volunteering and unpaid employment is that employees are paid, and volunteers are not. However, simply being an unpaid worker does not necessarily mean that you are a true volunteer.

- *F-1 regulations allow students in their first year of post-completion OPT to volunteer.*

What is a volunteer?

According to the U.S. Department of Labor, a volunteer is an "individual who performs service… for civic, charitable, or humanitarian reasons, without promise, expectation or receipt of compensation for services rendered." In addition, a volunteer cannot displace a genuine employee. This means that you cannot "work for free" in a position that normally would be paid.

- **Volunteer services are those performed for public service, religious or humanitarian objective.**
    - Examples of volunteer work include serving lunch at a homeless shelter, walking dogs at the animal shelter, organizing a youth group trip for a church, building a house for Habitat for Humanity, etc.
- **F-1 and J-1 students are permitted to volunteer without work authorization.**
    - Students should carefully review this information in order to be sure that their intended role meets the definition of "volunteering" and is not actually "unpaid employment"
    - For F-1 students on OPT, true volunteer work can count toward their weekly hourly requirement, as long as it is related to their major of study.

Most other work is considered to be employment, and must be for pay. The only exception is made for official training programs where the employer has an established student intern program. In this situation, the trainee/intern must not take the place of a paid employee. *Per US labor law and NJIT policy, all employment at NJIT, for an academic department, an administrative office, or a professor, must be paid.*

The U.S. Department of Labor is concerned with both the protection of jobs for United States citizens *and* with the prevention of exploitation of workers. They have created laws to ensure that employment which should be paid employment is not done for free.

While both you and the employer may be happy with an unpaid arrangement (for example, you may be eager to work even on an unpaid basis in a company in order to gain job experience or stop the OPT "unemployment clock"), this may be considered an unfair arrangement in cases where the work is normally performed by a paid person and both the company and the employee are benefiting from the employment.

> **All students should consider this information carefully when considering any volunteer or unpaid employment opportunity.**
>
> **It is the student's responsibility to ensure their employment fulfills their authorization requirements.**