



MAINTAINING F-1 STATUS AFTER STEM OPT EXTENSION APPROVAL

IMPORTANT

Remember: It is your responsibility to maintain lawful F-1 Status during your post completion OPT period.

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.

All F-1 Students with STEM OPT Employment Authorization must adhere to the following:

- **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**
 - The only exception is if you have H1B Cap-Gap after your STEM OPT period has ended (see H1B information at the end of this document for more details)
- **You must work Full Time**
 - Full time is more than 20 hours per week
 - You may be employed with multiple employers, if all employment meets STEM OPT requirements and the total hours worked with all employers must be greater than 20 per week
- **Your STEM employer(s) must be registered in the federal [E-Verify](#) system.**
 - Students must work with their employer directly to ensure they are registered with E-Verify.
- **All employment must be directly related to your SUNY Poly program of study**
 - This does not mean “related to a course you completed”, but rather, to your overall major program of study.
 - It is your responsibility to determine how your job responsibilities are related to your program of study.
 - The ISS will not review your employment to determine if your job relates to your degree.
- **You may NOT be self-employed during your STEM OPT Extension authorization period.**
 - Even if you were self-employed during your initial post completion OPT authorization.

- **You may accrue up to 150 days (about 5 months) of unemployment during your entire OPT & STEM Extension authorization period**
 - The “150 days” are cumulative over the entire period of OPT *and* STEM OPT Extension.
 - If you accrue any unemployment time during your initial OPT authorization, this will be deducted from the 150 days total
- **All changes in employment must be reported by the student within 10 days of the change occurring**
 - The ISS may take up to 21 days (about 3 weeks) to report employment changes/information to SEVIS once this is submitted by the student to the ISS, as per federal allowance.
 - *The ISS will not expedite processing for any student submissions or reports. It is the student's responsibility to submit these reports promptly. Failure to meet federal reporting deadlines is the responsibility of the student.*
 - *See detailed reporting instructions below.*

EMPLOYMENT REPORTING REQUIREMENTS

- Students must [report all employment changes](#) within 10 days (click link for reporting form)
 - You will no longer be able to change/enter employment information in the SEVP Portal
 - You must report ALL changes in employment, including:
 - New employment
 - End of employment
 - Changes to current employer (work address, supervisor, etc.)
 - *All changes must be accompanied with an updated Form I-983*
- Students must submit a “[6 Month STEM OPT Report](#)” every 6 months (click link for reporting form)
 - These reports are due *every 6 months* for the duration of the 24-month STEM OPT period
 - The first report must be submitted 6 months after the start date of your STEM OPT authorization (on your STEM EAD card)
 - *This report must be submitted even if no changes in employment have occurred*
 - This report must include an updated page 5 of the I-983 at the 12- and 24-month submissions.
- **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](#)

****IMPORTANT****

If you require a reprint of your Form I-20 updated with OPT approval/employment information:

You may request a reprint of your Form I-20 [HERE](#)

Make sure you have submitted any employment information updates BEFORE requesting an updated Form I-20.

IMPORTANT

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 for requests, and up to 21 days for employment updates.**

****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. ****

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 your STEM OPT application is pending with USCIS and your initial 12 month OPT has not ended:

- ***Students may choose to travel and re-enter the US prior to their initial 12 month OPT end date while their STEM OPT application is pending with USCIS at their own discretion.***
- **Travel will not cancel a STEM OPT application in process 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 STEM OPT application.
 - Additionally, travel and re-entry so close to the end of your initial OPT may raise questions with Customs and Border Patrol.
 - Students may wish to carry copies of their job descriptions, letters from supervisors, etc. to demonstrate to CBP that their return to the U.S. for the last few weeks of their initial OPT is critical for their educational progress.

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

- ***Unless it is an emergency, do not travel while your STEM OPT is pending if your initial 12 month OPT has ended.***
- **You will not be able to re-enter the U.S. as an F-1 Student after your OPT end date until your STEM OPT is approved, and you have your STEM OPT 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 STEM OPT is approved while you are outside the U.S.,** you will be required to have your STEM OPT 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 initial OPT has ended but before your STEM OPT is approved, you will have to wait until your STEM OPT is approved and you have received your STEM OPT 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!**

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 \(CBP\)](#).

ENDING STEM OPT AUTHORIZATION

IMPORTANT

STEM OPT Extension Authorization ends on the date indicated on the USCIS-issued EAD card.

Students may not continue to legally work after this date, unless otherwise authorized (see below for more information).

Students ending STEM OPT Extension Authorization may elect to do one of the following:

- 1. Students may depart the U.S.**
 - a. Within 60 days of STEM OPT Extension end date
 - b. At any time prior to the STEM OPT Extension end date
 - i. If students depart the U.S. during their STEM OPT Extension and do not intend to return to the U.S. to resume employment during their authorization, students must submit an “End of Employment” report (follow the employment reporting instructions above).
- 2. Students may begin a new program of study**
 - a. With SUNY Poly
 - i. Must apply with the SUNY Poly Office of Admissions
 - ii. Must be admitted to a new program of study
 - iii. Must submit all required documentation to qualify for an updated Form I-20 within 60 days of STEM OPT Extension end date.
 - iv. ***If the STEM OPT Extension authorization has not already ended, students must cease employment on the date their new coursework begins.***
 1. ***Employment ends even if the STEM OPT Extension EAD card indicates an end date in the future.***
 - b. At another institution
 - i. Students must apply, and be admitted, to another institution prior to requesting a SEVIS record transfer
 1. SUNY Poly cannot assist with this process in any way
 - ii. Student must request a transfer of their SEVIS record to their new institution within 60 days of STEM OPT Extension end date
 - iii. ***If the STEM OPT Extension authorization has not already ended, students must cease employment immediately once their SEVIS record is transferred from SUNY Poly.***
 1. ***Employment ends even if the STEM OPT Extension EAD card indicates an end date in the future.***
- 3. Students may change immigration status out of F-1 Student**
 - a. May apply to change status before STEM OPT Extension end date, or within 60 days of the end date on the EAD card.
 - b. Many students will work with their employer to apply for H1B Specialty Worker status
 - i. See below for more information about H1B applications and procedures
 - c. *The ISS cannot advise on change of status procedures or options*

- i. Students may elect to work with an attorney if they wish to change their status out of F-1.

H1-B and CAP-GAP INFORMATION

IMPORTANT

The ISS Office cannot advise on H1B applications, requirements, or procedures.

All students interested in changing status from F-1 Student to H1B Specialty Worker must consult with their employer and/or legal counsel.

The H-1B status is temporary employment authorization for a nonimmigrant who performs services in a specialty occupation. An employer may petition United States Citizenship and Immigration Services (USCIS) for H-1B status on behalf of an employee/prospective employee if the candidate holds "theoretical or technical expertise in specialized fields." USCIS is the government agency responsible for adjudicating H-1B petitions and granting H-1B status.

What is the CAP-GAP Extension?

USCIS typically begins accepting applications for H1B status on April 1, however, the application process can be quite lengthy, therefore, individuals approved will not transition to H1B status until October 1.

For many F-1 Students, OPT or STEM OPT Extension employment will end in late spring/early summer. To cover the period between the end of OPT/STEM OPT employment authorization and the start of H1B status on October 1, USCIS grants students a "CAP-GAP Extension" of employment authorization, to allow them to continue employment until their transition to H1B Status.

Do you qualify for CAP-GAP Extension?

Students may be eligible for the CAP-GAP Extension if:

- Your employer files an H-1B petition in a timely manner with USCIS with an employment start date of Oct. 1.
- You are maintaining your F-1 status on the date your potential employer files your H-1B petition.
- You are in an authorized period of post-completion OPT or STEM OPT extension on the date your employer files your H-1B petition.
- USCIS receives the H-1B petition in a timely manner and issues a receipt for it

ADDITIONAL RESOURCES

- [Study in the States](#) is an official website from the Department of Homeland Security that provides additional information for international students in the U.S.
 - The [STEM OPT HUB](#) is a free resource for all students applying for or currently engaged in STEM OPT Extension Employment.
 - There is information on this site specifically to guide students in the application process for STEM OPT, as well as for student employers who have questions about the requirements as an employer.
 - [H1B Status and the Cap Gap Extension](#) provides information for students about H1B processes and requirements, and Cap Gap details.
- [USCIS](#) provides detailed instructions and information about the I-765 Employment Application Document and procedures.
- Employment resources:
 - [Preventing discrimination in the workplace](#)
 - [Immigration and employee rights](#)
 - [Department of Labor: Fact Sheets](#)