



Employment in F-1 Status

Law Cites 8 CFR § 214.2(f)(9) “Employment”

8 CFR § 214.2(f)(9)(i) “On-Campus Work Authorization”

8 CFR § 214.2(f)(9)(ii) “Off Campus Work Authorization”

8 CFR § 214.2(f)(9)(iii) “Employment With an International Organization”

8 CFR § 214.2(f)(10) “Practical Training”

8 CFR § 214.2(f)(10)(i) “Curricular Practical Training (CPT)”

8 CFR § 214.2(f)(10)(ii) “Optional Practical Training (OPT)”

8 CFR § 274A 13 (d) “Interim EAD Card”

EMPLOYMENT

Students in F-1 status may be eligible for many types of employment, each of which is discussed below. Designated School Officials need to understand the benefits and limitations of all of the employment options in order to appropriately advise students. In some situations, more than one type of employment authorization may be possible; in other cases, a student may not be eligible for any type of employment authorization other than on campus. In all cases, employment benefits discussed herein terminate when the student fails to maintain F-1 status or in the event of a strike or labor dispute.

On-campus employment and employment for curricular practical training are considered to be employment with a specific employer incident to status and do not require BCIS adjudication. All other types of employment such as Optional Practical Training, Internship with an International Organization and Severe Economic Hardship, do require BCIS adjudication.

Aliens from the Federated States of Micronesia or the Marshall islands may also obtain employment authorization from BCIS based on the agreements between the U.S. and the former trust territories.

On-Campus Employment

Eligibility for on-campus employment

- Students in F-1 status are eligible to work on campus incident to status. Authorization is based on the end date on the Form I-20 or actual completion date whichever occurs first. On campus employment eligibility is automatically rescinded when a student has violated his/her status, terminated or transfers.
- Employment is limited to 20 hours per week while school is in session' full-time employment is allowed during the annual vacation or when school is not in session.
- Employment may occur either on the school premises, including commercial firms that provide direct services to students on campus, or at an off campus location that is “educationally affiliated” with the school

- Student must be pursuing a full course of study, or, if employed during the annual vacation, intends to register for the next academic term at the school.
- For Students making their initial entry, employment may begin no sooner than 30 days prior to the start of classes.
- Students who complete their course of study may continue working on campus if they have been issued a Form I-20 for a new program and intend to enroll in that program for the next term at the same institution.
- Students who are transferring may only work on the campus that has jurisdiction over the student's SEVIS record.
- Canadian and Mexican border commuter students are not permitted to work on campus.
- Work cannot displace a U.S. worker.

Off-Campus Employment-Severe Economic Hardship

Students who experience severe economic hardship due to unforeseen circumstances may request employment authorization from BCIS. If authorized, an Employment Authorization Document (EAD) will be issued for a period of one year only. Employment is limited to 20 hours per week when school is in session and full-time during the student's annual vacation. This authorization is automatically rescinded if the student fails to maintain status, transfers to another school, changes level of study and/or is granted a program extension.

Eligibility for Severe Economic Hardship

- Student in F-1 status may request authorization to work off campus provided that the student is in good academic standing and is engaged in a full course of study.
- The student must have been in F-1 status for at least one full academic year.
- The student must document that the employment authorization is necessary due to severe economic hardship such as loss of financial assistance or on campus employment, substantial currency devaluations, increases in tuition and fees, death in the family, political strife in home country, etc.,.
- The student must also document that on campus employment is either unavailable or insufficient to meet the student's financial needs.

Internship with an International Organization

With an offer of employment from a recognized international organization, a student in valid F-1 status may obtain off-campus employment authorization under the "internship with an international organization" provision of the F-1 regulations. Students who are studying in cities where recognized international organizations are located, primarily the New York/Washington, D.C. metropolitan areas, are more likely to benefit from this option but anyone who is able to secure a job offer from one of the recognized organizations can utilize this type of employment authorization. There is no minimum time in status requirement for employment with an international organization but the student cannot begin employment until he/she has obtained an employment authorization document from a BCIS Service Center. 19 CFR 148.87 provides a list of Recognized International Organizations.

Optional Practical Training for F-1 students

Optional Practical Training (OPT) offers F-1 students an opportunity for temporary employment directly related to their major area of study. This training is not part of the academic curriculum.

Eligibility

Students become eligible if they have maintained their F-1 status for at least an academic year (two semesters) prior to applying by enrolling full-time and possessing a valid I-20. Approved full-time study abroad may also be counted toward the required two semesters as long as the student completed one semester in the U.S. prior to studying abroad.

Time Permitted on OPT

A maximum of twelve months of full-time optional practical training per degree program level (bachelor's master's, doctor's) may be granted to F-1 students. If part-time OPT is granted (twenty hours per week or less), it is deducted from the remaining OPT at half the full-time rate. Students become eligible for an additional twelve months with each higher degree level. Should a student participate in twelve months of full-time curricular practical training in a program of study, they lose the opportunity to pursue optional practical training in that degree program. All practical training must be completed within fourteen months of the program end date.

Applying for OPT

Eligible students may apply for part-time optional practical training when school is in session and full-time during summer or other vacation periods. It must be full-time if this temporary employment follows the completion of a degree program. F-1 students that have completed all of their course work with the exception of a thesis or dissertation may apply for full-time post completion optional practical training.

Applicants must apply for all practical training prior to completion of their degree program or they will lose the opportunity to participate. For purposes of OPT applications, students should note that U.S. Immigration considers the degree completion date as the date that all requirements for the degree program are met and not the date that a degree is conferred (graduation). Therefore, students completing their degrees during the middle of a semester must have their OPT application materials at United States Citizenship and Immigration Services (USCIS) before their degree program end date. Since it may take over ninety days to receive work authorization from USCIS, students should plan accordingly.

Updated Employment Regulations:
<http://www.ice.gov/sevis/factsheets>