The information provided in this presentation is specifically for informational purposes. It is not intended to help you advise students or scholars on immigration matters. Each situation is very unique in immigration, so please refer students and scholars with immigration questions to Global Services.

The Main Employment Authorizations in a Glance

- **F-1 Status**
  1. On-Campus Employment
  2. Curricular Practical Training
  3. Optional Practical Training

- **J-1 Status**
  1. On-Campus Employment
  2. Academic Training
  3. Scholar

- **H-1B Status**
Important Information on Volunteer/Unpaid Internships

Unpaid internships and volunteer work may not be authorized for certain visa types. So keep in mind:

- The position must meet the Department of Labor definitions for true volunteer work and unpaid internships;
- Volunteer work is when the person donates time to a non-profit agency and there is no training plan or expectations of performance;
- An unpaid internship is when an organization offers to train someone in a field, develops a training plan and goes out of their way to assist in learning about the field.

Remember: if the position performs a job that someone else has been paid for in the past, it is not volunteering or an internship. It is unpaid employment and does not meet Department of Labor requirements.

F-1 On Campus Employment Regulations

- Students in valid F-1 status are eligible for on campus employment.
  - No additional authorization from Global Services or USCIS is required.

- Limitations on hours:
  - No more than 20hs/week.
  - Exception: During school breaks (Spring, Summer, and Winter), F-1 students can work more than 20hs/week on campus, even full-time.
F-1 On Campus Employment Regulations

- Assistantships
  - The majority of assistantships are 0.5 FTE so 20hrs/week.
  - This means students on assistantships are NOT eligible for additional on campus employment without explicit authorization from Global Services or USCIS.
  - Exception: School holidays when classes are not in session, as mentioned in the previous slide.

F-1 Curricular Practical Training (CPT)

- What is CPT? CPT is an internship authorization for paid and/or unpaid internships that occur off-campus and are part of a student’s program of study.
- Who authorizes CPT? Global Services is able to authorize CPT upon documentation of curricular nature of internship from the student’s Academic Advisor.

CPT Important Facts!

- There are two types of CPT:
  - Full Time (FT) CPT – More than 20hrs/week.
  - Part Time (PT) CPT – 20hrs or less/week.
- CPT is authorized on a term by term basis, as enrollment in appropriate courses must be verified as part of CPT approval process.
CPT and Enrollment

- For CPT to be authorized, the internship must be connected to a relevant class (or research credits) that the student is concurrently enrolled in.
  - **Exception:** If the internship is a documented requirement for every student in the program (Examples: HBM 1000 hours, PhD Clinical Psychology) and the department does not require concurrent enrollment.
- Global Services considers participation in FT CPT for an entire semester to be FT enrollment for immigration purposes.

Basic Immigration Eligibility for CPT

- Student must be in valid F-1 Status.
  - Student must have been enrolled in a lawful, full-time status for at least one academic year before start of CPT.
- Time in a language training program does not count towards eligibility towards CPT or OPT.
  - U.S. government currently considers Pathway Programs to be Language Training programs, so time in Pathway Programs does not count towards the one academic year requirement.

CPT Authorization Example
Curricular Eligibility for CPT

There are four main ways that an internship can be considered part of the student’s documented program of study.

1. Requirement for Program: A documented requirement for all students pursuing a specific degree.
2. Alternate Course Requirement: Meets elective credit requirements. Internship is tied to a credit bearing class (internship, independent study).
4. Co-operative Agreement: If a department has cooperative agreements with specific companies.
   - Student is recommended to speak with academic advisor to determine if there is an internship option available. Student should also meet with International Student Advisor to determine immigration eligibility for OPT.

CPT on campus

- In general, CPT and assistantships do not mix.
- Students who will need to pursue an off campus internship in the next semester are encouraged to switch to time slip appointments and communicate clearly with their department BEFORE applying for internships/jobs.
- Curricular Practical Training was designed as an off campus authorization and on campus use is very closely monitored as the government wants to make sure it is not being used to circumvent the 20hrs/week on campus work limitation.
- If a student needs to complete CPT on campus, he/she should speak with an International Student Advisor as soon as possible.

Optional Practical Training (OPT)

- What is OPT? Optional Practical Training is an employment authorization students can apply for to pursue internships related to their major area of study.
- Who authorizes OPT? OPT is authorized by the U.S government (USCIS) and requires a fee of $410 for each application.
**Types of OPT**

At WSU you will see these types of OPT:

- **Post-completion OPT**: OPT carried out in the 12 months after program completion. This is full time (twenty-one hours a week or more). This option applies to all students who graduate with a degree.

- **STEM extension OPT**: Students in qualifying STEM fields (list published by USCIS) can apply for a 2 year extension of their OPT.
  - The Receipt Notice of this application can be used for I-9 purposes up to 180 days after the expiration of the previous OPT EAD card.

**Important Facts about OPT**

- Applications are processed by USCIS and take approximately 90-110 days for them to review.
- Unpaid internships are allowed for the first year of OPT.
- Before a student can begin working, they must apply, be approved and receive an Employment Authorization Document (EAD) card from USCIS.
- On the EAD card a start date will be listed. The student cannot begin work before that date.

**EAD Card Example**

![EAD Card Example Image]
WSU Faculty/Staff Encounters with OPT

There are 3 different ways that a WSU faculty or staff member will encounter OPT.

1. Current WSU student applying for OPT and you are the academic advisor:

2. Non WSU-graduates working on campus using their OPT.
   Example: UW grad on a postdoc at WSU
   • Non WSU students will need to speak with their advisor from the school who issued their I-20.

3. WSU graduate participating in OPT on campus
   • Some WSU graduates will continue on as employees at WSU using their OPT authorization. (Postdocs for example).

Important notes:
• After a student completes program of study, he/she cannot continue on campus employment until OPT has been approved and start date on EAD has passed;
• Any unpaid work that an OPT participant takes part in needs to meet the requirements of the Department of Labor for unpaid internships.

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WSU Faculty/Staff Encounters with OPT (cont.)

3. WSU graduate participating in OPT on campus
   • Some WSU graduates will continue on as employees at WSU using their OPT authorization. (Postdocs for example).

Important notes:
• After a student completes program of study, he/she cannot continue on campus employment until OPT has been approved and start date on EAD has passed;
• Any unpaid work that an OPT participant takes part in needs to meet the requirements of the Department of Labor for unpaid internships.

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2 year STEM Extension

- STEM Extensions require the student to complete a form called the I-983 with their supervisor on campus.
- The I-983 requires the student and supervisor to put together a training plan for the two year extension.
- All students participating in STEM extensions must be in paid positions.
Different J-1 categories

The main difference between Scholars and Students is the purpose of their stay in the U.S: full-time enrollment in a degree program, or to conduct collaborative research;

- **J-1 Scholars**
  - Short-term Scholar: maximum of 6 months stay in the U.S
  - Research Scholars/Professor: maximum of 5 years stay in the U.S
  - Student Intern: maximum 1 year of stay in the U.S

- **J-1 Student**
  - J-1 Non-Degree
  - J-1 Student Bachelor
  - J-1 Student Masters
  - J-1 Student Doctorate

J-1 Student on Campus Employment Regulations

- Students in J-1 student status are eligible for on campus employment (including assistantships) but first they must apply for authorization through Global Services.
- Authorization is only able to be given on a yearly basis, so students need to report at least once a year to keep authorization valid.
- If student is sponsored by outside agency (i.e. Fulbright or USAID), authorization must be granted by the sponsoring agency, not WSU.

J-1 Student Academic Training

J-1 students are eligible for an internship/work authorization called Academic Training:

- Can be used during academic program or directly after program.
- Can be used for paid or unpaid internships/employment.
- Training is directly related to his/her major and the student is in good academic standing.
- Students must request **AND** be approved for AT before their DS-2019 expires.
### J-1 Student Academic Training Length

- Undergraduate and Master’s Degree Students: 18 months or the period of the full course of study in the United States (whichever is less).
- Doctoral Students: 36 months or the period of the full course of study in the United States (whichever is less)
- Length of Academic Training is accumulative of all segments of academic training.
  - Example: A Doctoral student participates in AT for one summer (three months). They will then have 33 months left for after graduation.

### J-1 Academic Training DS-2019

- J-1 Scholars are sponsored this type visa for the purpose of collaborative research and exchange, or temporary employment (Postdocs for example).
- Extensions can be processed inside the U.S up to the maximum length of stay of their category.
- Scholars can only work at WSU (different than AT) and their DS2019 must reflect accurate programs dates and financial support.
H-1B

- This type of visa is usually sponsored for permanent, full-time positions (such as tenure/tenure track) and approved by USCIS;
- The position also must require at least a Bachelor’s degree in a specialty occupation. Both the position description and the foreign national credentials must be screened for eligibility;
- Length:
  - Up to 6 years of stay in the U.S. Can only be petitioned for 3 years at a time.
- Processing times: Around 6 months;
- Extensions can be processed inside the U.S up to the maximum length of stay.
- The foreign national can only work at WSU

H-1B Approval Notice

Other sponsored visa types

These can be rare to encounter, so please contact Global Services for guidance:
- TN (Trade NAFTA): Canadians and Mexicans
- O-1 – Individuals with Extraordinary Ability or Achievement
- E-3 – Australians
Additional Questions?

Feel free to contact our office if you have any questions about the content of this presentation. We are happy to help 😊

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