

Cornell University International Students and Scholars Office

B-50 Caldwell Hall
Ithaca, New York 14853-2602
Telephone: 607.255.5243
Fax: 607.255.2778
Email: isso@cornell.edu
Web: <http://www.isso.cornell.edu>

U.S. Visa Categories

Nonimmigrant (Temporary)

- A Diplomats
- B Visitors (business/pleasure)
- C Transit
- D Crewmen
- E Treaty trader/investors
- F Academic students
- G International organization
- H Temporary workers
- I Journalists and media
- J Exchange visitors
- K Fiances or fiancées of U.S. citizens
- L Intracompany transferees
- M Vocational students
- N Parents or children of special immigrants
- O Persons of extraordinary ability
- P Athletes or entertainers
- Q International cultural exchange visitors
- R Religious workers
- S Federal witnesses (“sneaky snitches”)
- T Victims of trafficking in persons
- TN NAFTA professionals (Mexico / Canada)
- U Certain crime victims
- V Certain spouses and children waiting for green cards

Immigrant (Permanent)

Not Subject to Numerical Limitation Immediate relatives of adult U.S. citizens

- Children
- Spouse
- Parents

Special immigrants and others

Subject to Numerical Limitation

Family-sponsored immigrants
226,000 per year

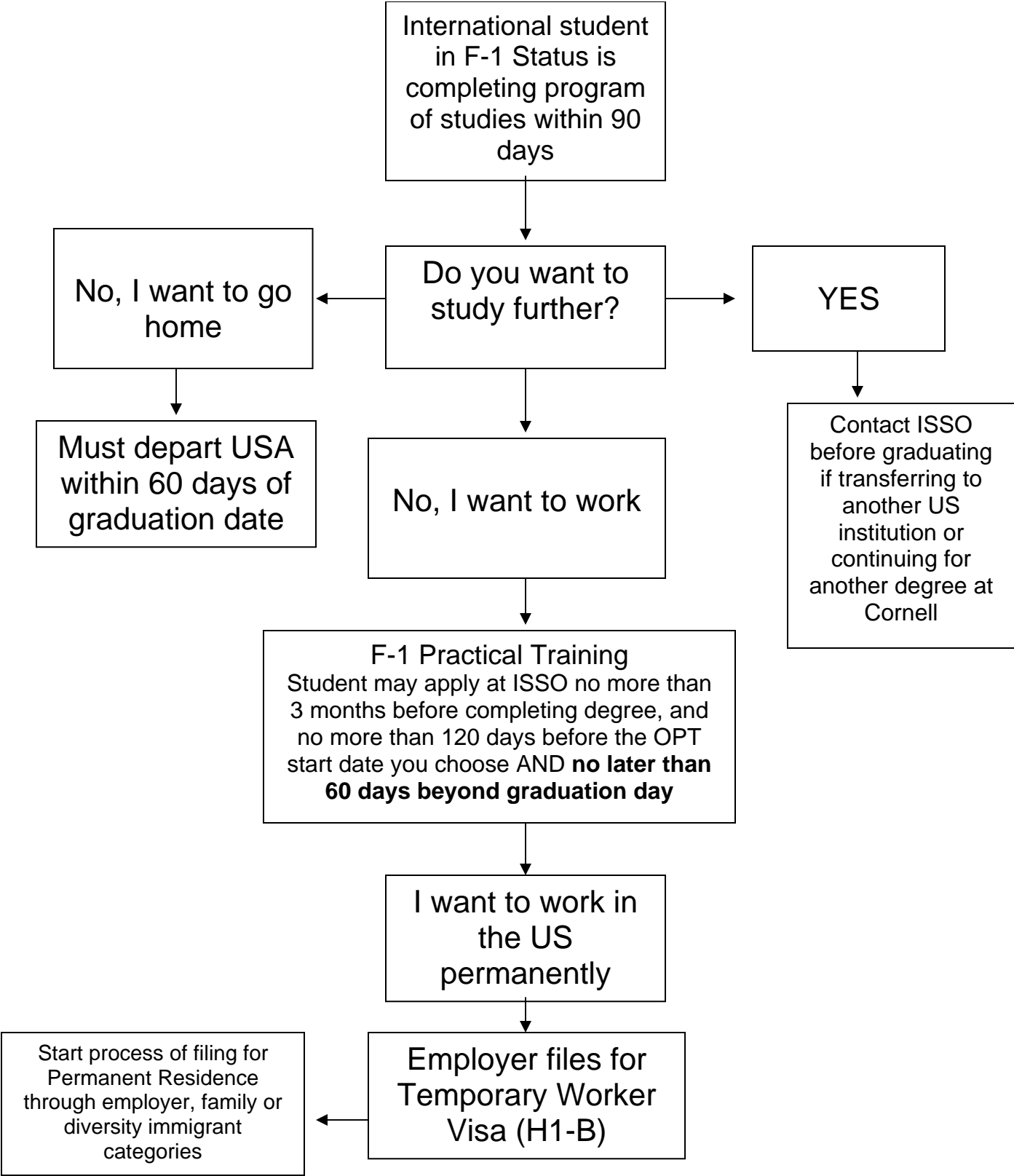
Employment-based immigrants
140,000 per year

Diversity immigrants
50,000 per year

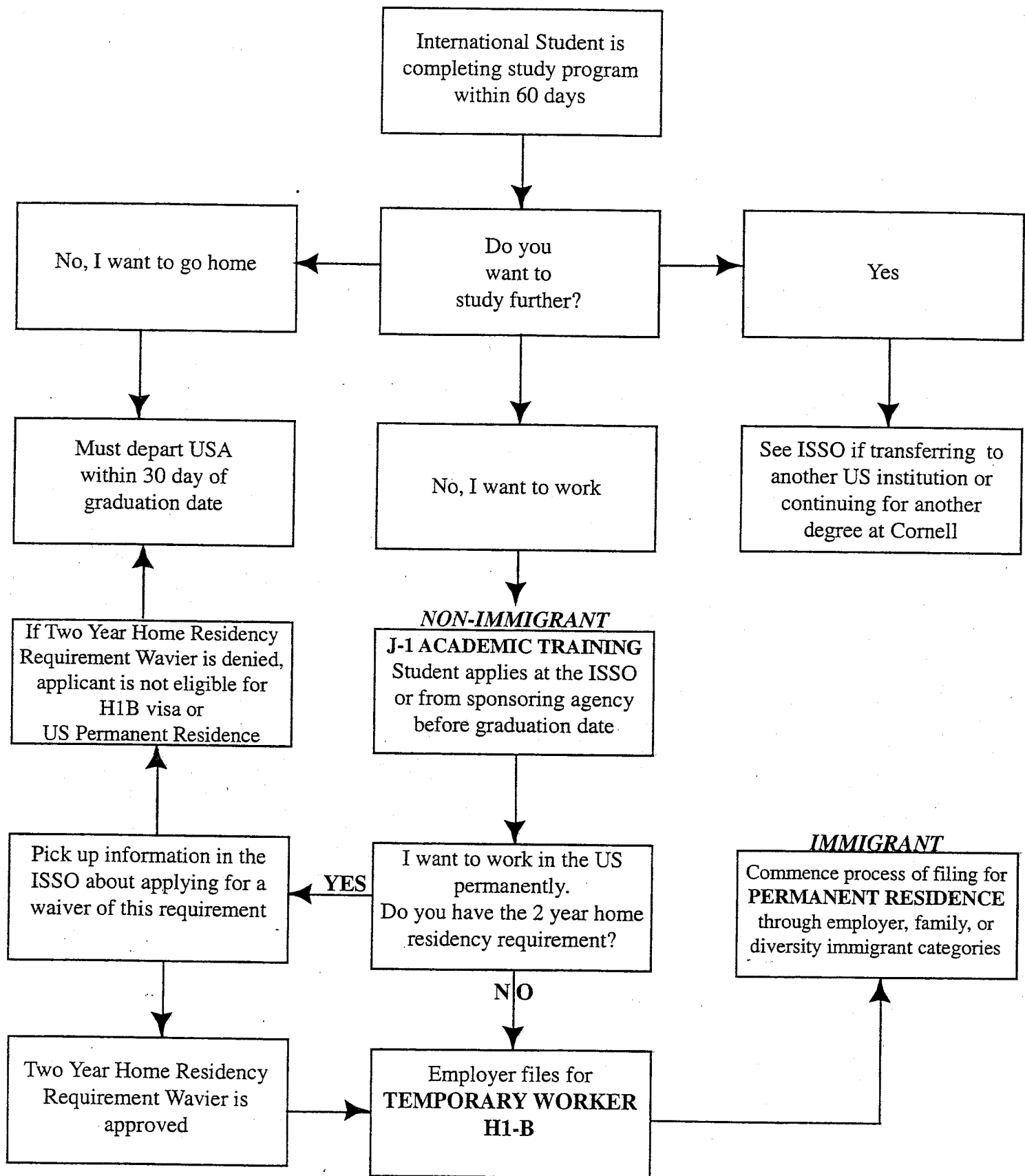
Foreign state limit
Minimum of 25,620 per year

Dependent area limit
Minimum of 7,320 per year

Visa Options after Completion of Studies for F1 Students



Visa Options After Completion Of Studies For J1 Students





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F-1 Work Authorization

F-1 Students: Work Authorization Options:

U.S. immigration regulations restrict work authorization for international students. In general there are two types of employment: on-campus and off-campus employment.

On-Campus Employment: Enrolled F-1 students may work on the campus of their educational institutions. If you are in F-1 status, when classes are in session or if you are registered with the Graduate School for the summer, you may work **ONLY** 20 hours per week. During your vacation periods (winter breaks and 2-3 weeks at the end of the summer prior to fall registration) you may work full time.

Advantages:

- does not need to be related to your field of study
- you may begin working as soon as you are a student

Disadvantage:

- limited to on-campus employment opportunities

Off-campus Employment

After being enrolled for one full academic year, F-1 students are eligible to apply for off-campus employment in the major field. This could be full-time during the summer and the winter semester break, or part-time (limited to 20 hours of total employment per week, including any on-campus work) during the academic year. There are two types of off campus work authorization called "practical training."

Curricular Practical Training (CPT):

Curricular practical training allows you to be paid for work in your field of study **BEFORE** you graduate. In addition to requirement that you have been enrolled for a full academic year, the work must either be **REQUIRED** for your degree program or you must receive credit in a course for the work. This employment may be an internship, cooperative education job, a practicum, or any other work experience. Students may work part-time (20 hours per

week or less) during the academic year or full-time during semester breaks.

Advantages:

- application is through the ISSO and does not have to be sent to the immigration service
- is not subtracted from your 12-months of optional practical training, unless you work cumulatively full-time 12 months or more

Disadvantages:

- you must receive academic credit for your work or it must be required for your degree

Applications are available at the ISSO or on our website:

www.isso.cornell.edu/immigration/f1/curricular.php

Optional Practical Training (OPT):

Optional practical training allows you to work in your major area of study and is authorized by the United States Immigration and Citizenship Services (USCIS). After being enrolled for a full academic year, you are eligible to apply for OPT in your field of studies. You may receive one 12-month period of optional practical training for each higher degree you receive (but not cumulatively). It may be used **before or after** completion of studies. Students in certain fields of study may also apply for a 17 month extension of this OPT (see details below).

OPT can be used full-time during the summer and the winter semester break, or part-time (limited to 20 hours of total employment per week, including any on-campus work) during the academic year. However, the time spent with this type of employment authorization before you graduate will be reduced from your 12 months of optional practical training after completion of studies. After graduation, OPT is authorized for full time only (not part time).

Advantages:

- does not have to be for-credit nor required for your degree program

- little paperwork for the employer

Disadvantages:

- must mail in your application to the USCIS with \$340 fee
- takes about three months to get the approval

Applications are available at the ISSO or on our website:

www.isso.cornell.edu/immigration/f1/opta.php

17-month extension of OPT for students in certain fields:

F-1 students on OPT who have received a degree in the fields referred to as “STEM” fields (science, technology, engineering, or mathematics), will have an opportunity to apply for a one time 17-month extension of their regular 12 month OPT period. Criteria for the 17 month extension are:

- Your employer must be enrolled in the “E-Verify” program (see information links below).
- You must have graduated and be working in one of the “STEM” fields listed below
- You must have maintained status while on OPT

More information and procedures at:

<http://www.isso.cornell.edu/immigration/f1/f1newoptreg.php>

Working for International Organizations:

F-1 students are also eligible to do an internship with certain international organizations. In order to do this, F-1 students need to apply for an employment authorization document through USCIS.

Requirements:

- The employment is for an internship with a recognized international organization and is within the scope of the organization's sponsorship.
- The student has been enrolled for at least one full academic year.
- The employment must be within the field of study
- To apply for EAD send the following to USCIS
- a written certification from the organization stating that the proposed employment is within the scope of the organization's sponsorship
- an I-20 with signature by the ISSO staff within the last 30 days
- a completed Form I-765
- application fee of \$340

Advantages:

- does not have to be for-credit nor required for your degree program
- does not take away from your 12 months of optional practical training after completion of studies

Disadvantages:

- must mail in your application to the USCIS with \$340 fee it takes at least 3 months to get the approval

Remember, NEVER work without PRIOR authorization!

Any Questions? Come visit us at the ISSO.

ISSO, B-50 Caldwell Hall
255-5243, FAX: 255-2778

Advising Hours:

Monday, Tuesday, Thursday, Friday: 9-12:00; 1:00-4:30; Wednesday 1:00-4:30
Or on the web at: www.isso.cornell.edu



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F-1 OPT – FREQUENTLY ASKED QUESTIONS

1. What is F-1 Optional Practical Training?

Practical training is the opportunity to apply knowledge gained in your degree program to off-campus work in your major field. OPT is authorized by the U.S. Citizenship and Immigration Services (U.S.C.I.S.). This authorization can take 3 to 4 months to obtain. The maximum amount of time granted to work on F-1 OPT status is 12 months per degree level plus a possible 17 month extension for those who qualify (see FAQ #11 below). You may use some or all of the available 12 months of practical training during your course of study or save the full twelve months to use after you graduate. You may apply up to 90 days before your graduation date and **the immigration service MUST RECEIVE your application NO LATER THAN 60 days beyond your graduation date or 60 days beyond the end date of your I-20 (WHICHEVER IS EARLIER)** or, if you are an advanced graduate student, **NO LATER THAN 60 days beyond the last day that you are registered as a student.**

2. What are the Eligibility Requirements for F-1 Optional Practical Training?

To be eligible to apply for optional practical training, you must: (1) have been in full time student status for at least one academic year, and (2) be maintaining valid F-1 status at the time of the application.

3. If I complete one degree program, take 12 months of practical training, and then begin a second course of study, am I eligible for an additional 12 months of practical training?

Yes, as of January 1, 2003 the new regulations governing F-1 students state that you are eligible to apply for another 12 month period of Optional Practical Training after changing to a **higher degree level**. This does not apply to a second master's degree.

4. How can I use optional practical training while I am still in my program?

You may use OPT while you are still in your degree program as follows: (1) part-time while school is in session, (2) full-time during annual vacation periods, and/or (3) full-time after you completed all course requirements for the degree and have a thesis requirement remaining. These periods of OPT used before you graduate will be deducted from the total allowable period of 12 months. Part-time OPT will be deducted at one-half the full-time rate.

5. How long does it take to get authorization for OPT and when should I apply?

Authorization for OPT is granted by U.S.C.I.S. and can take 2 - 3 months to obtain. Therefore it is important that you apply for the authorization well in advance of the date you wish to start working. You may apply up to 90 days before your graduation date and **NO LATER THAN 60 days beyond your graduation date or end date of your I-20 (WHICHEVER IS EARLIER)** or, if you are an advanced graduate student, **NOT LATER THAN 60 days beyond the last day that you are registered as a student.** You also can NOT apply MORE than 12 days before the start date that you choose.

6. Do I need to have a job to apply for optional practical training?

You do **NOT need to have a job offer** before applying for optional practical training.

7. Do I need to have a job while I am on optional practical training?

Yes. The new regulation requires that you do have employment while on your OPT period. You are required to update the ISSO if you do not have a job, and you are only allowed to have a total of 90 days of unemployment in your 12 month period of OPT or 120 days if you apply for and receive the 17 month extension. Please update the ISSO by completing the OPT report form on the web: <http://www.isso.cornell.edu/immigration/fl/optreport.php>

8. Does the job I have while on OPT have to be paid employment, or can it be unpaid?

For regular post-completion OPT, the employment does NOT have to be paid employment. Therefore, a student who is self-employed (including performance majors with regular "gigs"), interning or volunteering in a position directly related to the academic field would be considered "employed" for the purposes of OPT employment. **For the 17-month STEM extension, employment must be traditional paid employment.**

9. Can I begin working before I receive the Employment Authorization Document?

You may NOT begin employment before you receive your EAD from U.S.C.I.S.; working before practical training has been authorized by the U.S.C.I.S. constitutes illegal employment that will jeopardize your legal status in the U.S.

10. Do I have to do anything with the ISSO while I am on OPT?

Yes! Immigration regulations REQUIRE that while you are on OPT, you **MUST** notify the Cornell ISSO when you change your address **AND / OR** when you are NOT employed by filling out our OPT update form on the web at: <http://www.isso.cornell.edu/immigration/f1/optreport.php>

11. What is the 17 month OPT extension?

A new regulation, published April 8, 2008, allows F-1 students on OPT who have received a degree in the fields listed below, referred to as “STEM” fields (science, technology, engineering, or mathematics), to apply for a one time 17-month extension of their regular 12 month OPT period. **You will NOT apply for 29 months up front.** The 17 month extension will allow students to have continuous work authorization at least through October 1st of any given following year, in case they do not get an H1B visa in their first year after graduating. Students who timely file an application for the 17-month OPT extension will be able to continue employment while the extension application is pending, until a final decision on the I-765 or for 180 days, whichever comes first.

12. I think I qualify, how do I apply for the 17 month extension?

FIRST: Students graduating now with degrees in these fields will first apply for the regular 12 month period of OPT as usual.

THEN once you have begun your first 12 months of OPT: Once you have begun your first 12 months of OPT, if you meet the following criteria, you can apply through the ISSO office for your 17 month extension of your OPT. You CAN apply for this 17 month extension any time DURING your first 12 months of OPT.

CRITERIA FOR THE 17 MONTH EXTENSION:

- Your employer must be enrolled in the “E-Verify” program (see information links below).
- You must have graduated and be working in one of the fields listed below referred to as “STEM” fields
- You must have maintained status while on OPT

13. What are the “STEM” fields?

Actuarial Science, Computer Science Applications, Engineering, Engineering Technologies, Biological and Biomedical Sciences, Mathematics and Statistics, Military Technologies, Physical Sciences, Science Technologies, Medical Scientist (MS, PhD) For more info see our website at: <http://www.isso.cornell.edu/immigration/f1/f1newoptreg.php>

14. What is “E-Verify”?

E-Verify is an Internet-based system operated by U.S. Citizenship and Immigration Services (USCIS) in partnership with the Social Security Administration (SSA). E-Verify is currently free to employers and is available in all 50 states. E-Verify provides an automated link to federal databases to help employers determine employment eligibility of new hires and the validity of their Social Security numbers. More information is available at: www.uscis.gov.

15. Are there any other requirements while I am on the 17-month extension?

In addition to reporting address changes and periods of unemployment, students on the 17 month extension of OPT period will also have to report name and address of their employer, any changes in employer AND they will have to complete a report to the school every six months while on the 17 month extension. We will send out email reminders. You will report to us using the OPT report form at: <http://www.isso.cornell.edu/immigration/f1/optreport.php>

TRAVEL and OPTIONAL PRACTICAL TRAINING

16. Now that I've turned in my application, can I travel outside the U.S. while I wait for the card to come?

After you graduate, in order to re-enter the U.S. you must have the following: OPT card (or receipt notice for the OPT application), your valid passport, a **current F-1 visa stamp**, I-20 signed within the last six months, **AND your job offer letter or proof of employment.**

Before you graduate, you should be able to get back in to the U.S. without the OPT card as long as it is still long enough in advance of your graduation (at least one month). If you have to travel, talk to an advisor at the ISSO before you leave.

17. I want to leave the U.S. for a little while during the time my OPT application is in process, but I need to return before the card will have arrived. I have a tourist visa (B – 2) that is valid for 10 years. Can't I just enter the U.S. on my tourist visa while I'm waiting to get the EAD card, then start work with the card once I get it?

If you leave the U.S. and re-enter with a B visa, you will have an I-94 card that shows that you have been admitted under B status, and you will have lost your F-1 status. Hence, your OPT application and card will be **invalid**. If you intend to continue working on your OPT, **NEVER** enter in any other immigration status except F-1.

18. What documents do I need to re-enter the U.S. while on OPT?

You will need your I-20 that has been endorsed on the travel line by the ISSO within the last 6 months; the OPT card from the U.S.C.I.S. (or the receipt notice for your OPT application), your valid passport, a **current F-1 visa stamp**, **AND your job offer letter or proof of employment.**

19. What if I have applied for the 17 month extension but I have not yet received the card, can I travel out of the U.S.? No, the immigration service advises that you do NOT try to re-enter the country until you RECEIVE the new OPT card.

20. The visa stamp in my passport has expired, but I need to travel outside the U.S. while on OPT. Do I need to get a new visa stamp at an embassy?

If you are going to Canada or Mexico, and staying for less than 30 days, you could re-enter the U.S. on your expired F-1 visa stamp, with your I-94 card, a valid passport, your EAD card, an I-20 that has been signed by the ISSO within the last 6 months, **AND your job offer letter or proof of employment** as long as: 1) you do not apply for a visa while in Canada and 2) you are NOT a national of Iran, Syria, Sudan, Cuba or North Korea. **If you are traveling elsewhere**, you will need to go to a U.S. embassy or consulate and seek a new visa stamp. **Please come in to the ISSO** to discuss your visa application with an advisor as the consulates often change the requirements for visa applications for students on OPT.

21. In what ways is my application to the embassy for a new visa stamp affected by being on Optional Practical Training?

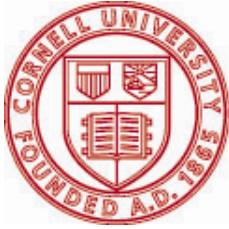
The risk of denial of an application for a renewed visa stamp for Optional Practical Training is higher than while you are in your active student program, as it may be seen as an avenue for gaining permanent residence in the U.S.. The F-1 student visa requires that the applicant must intend to return to the home country at the end of the program, and if the embassy official is not convinced of your intention to return home, the visa application will be denied. If you need to apply for a new visa, please see an advisor in the ISSO to make sure you have the most up to date information about what documents are required.

22. What documents do I need to show at the embassy for a new visa stamp under OPT?

You need to take a valid passport, the EAD card or receipt notice for your application, an I-20 created by the ISSO for your OPT application, **AND your job offer letter or proof of employment.** The official job offer letter should state that the job is truly temporary and will end before or by the end of your practical training time. You should also be prepared to discuss how this job experience will apply to the job market in your home country, and how you intend to apply it there.

23. Do I still need to get the travel line on my I-20 signed by the ISSO during the year of OPT?

Yes, during the OPT year, if you travel outside the U.S., you need to have the travel line signed every six months. If you are not located in Ithaca, mail the original I-20 to the ISSO for endorsement, leaving plenty of time for mailing delays both ways.



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ACADEMIC TRAINING FOR STUDENTS IN J-1 STATUS

[Please note that this handout is intended for J-1 students on the Cornell J program. If you are a J-1 student but your DS-2019 is issued by an agency or institution other than Cornell, you must contact your program sponsor to gain authorization for academic training.]

What is Academic Training?

Academic training is the name of employment authorization available to J students. Academic training authorization is for employment directly related to your major area of study. It is authorized by the J-1 program sponsor who issues your DS-2019 form (Cornell, Fulbright, etc.). It is designed for students to apply knowledge and skills learned at school in a working environment.

Who May Engage in Academic Training?

All J-1 students in degree or non-degree programs may apply for academic training either during the course of study or after completion of studies. Students may work part-time while school is in session and full-time during the summer and winter breaks.

Approval from your J-1 Program "Sponsor"

To qualify for "academic training," you must first obtain approval in writing from the ISSO or your DS-2019 sponsor. If your J-1 sponsor is another agency, and if you are uncertain how to reach your J-1 Responsible Officer, the staff at the ISSO can help you find out, but has no authority to grant employment permission.

Eligibility

1. The proposed employment must be directly related to your major field of study.
2. Throughout your "academic training" you must maintain permission to stay in the United States, in J-1 student status, and apply for extensions as necessary.
3. You must maintain health insurance coverage for yourself and any J-2 dependents throughout your academic training.

Duration of Academic Training

1. Your employment may be authorized for the length of time necessary to complete the goals and objectives of the training, provided that the amount of time is approved by both your academic adviser and the ISSO advisor. The total time may not exceed the amount of time it took for you to complete your full course of study, or 18 months, whichever is shorter. If you receive a Ph.D., however, your post-doctoral training may last as long as 36 months, provided you have a postdoctoral research position.
2. Part-time employment for "academic training" counts against the 18 or 36 month limit the same as full-time employment.
3. You may have only one opportunity for academic training regardless how many degrees you receive.
4. Academic training before completion of studies will be deducted from the total 18 or 36 months.

How to Apply

1. Applications available at the ISSO or on our website: <http://www.isso.cornell.edu/j1student/jatraining.php>
2. You must apply for academic training **before the ending date on your DS-2019** and the job must begin **no more than 30 days after you complete your program.**
3. **A job offer letter** from your prospective employer on company letterhead that includes: job title, a brief description of the "goals and objectives" of your "training program" (your employment), the dates and location of the employment, the number of hours per week, salary, and the name and address of your "training supervisor" (the quotations come from the regulations). Make sure that your employer's letter includes all of these details. (See the sample letter, attached.)
4. **Academic advisor's recommendation.** Give a copy of your employer's letter to your academic adviser for use in completing the attached advisor's recommendation form.
5. **Bring the job offer letter and the advisor's recommendation form to the ISSO.** The ISSO advisor will write you a letter authorizing the academic training. The ISSO may also issue you a new DS-2019 form extended for your academic training, for no more than 18 months at a time.

Form I-9, Employment Eligibility Verification. When you begin work, you and your employer must complete Form I-9, which requires you to document your identity and work authorization according to directions on the back of the form. Of the various items acceptable as documentation, you may find that the most convenient combination is your passport (or other photo-bearing identification if you are Canadian), I-94 Departure Record card, the DS-2019 form, and your J-1 Responsible Officer's written work authorization. Your employer, who keeps Form I-9, will make copies of the documents you submit, and return the originals to you. Form I-9 must be updated any time that you receive a renewal of your permission for "Academic Training."

Never Work without PRIOR Authorization

As a J-1 student, you may be eligible for employment opportunities in the United States, but employment without proper authorization is a serious violation of your status. Remember that before you start any kind of employment, you must first consult your J-1 Responsible Officer, whose written approval is necessary in advance.

How To Get A Green Card

How Can I Become A US Permanent Resident?

Family Relationship Basis

Immediate Relatives
children, spouses, or parents of U.S. citizens (no limit per year)

Ask for the ISSO handout entitled "Permanent Residency Through Marriage to a U.S. Citizen."

1. Unmarried sons & daughters of U.S. citizens

(23,400 visas per year plus unused from 4th preference)

2. Spouses/minor children & unmarried sons and daughters of U.S. permanent residents

(114,200 plus unused from 1st preference)

3. Married sons and daughters of U.S. citizens

(23,400 per year plus unused from 1st and 2nd preferences)

4. Brothers and sisters of U.S. citizens

(65,000 per year plus unused from 1st, 2nd, and 3rd preferences)

U.S. citizen must be age 21 or over.

File for the Diversity Green Card Lottery Program

Each year (usually early October - early November), the U.S. Diversity Visa program makes available permanent residence visas to persons meeting the eligibility requirements. Applicants for Diversity Visas are initially chosen through a random computer-generated lottery drawing. Visas are distributed among six geographic regions with a greater number of visas going to regions with lower rates of immigration, and no visas going to countries sending more than 50,000 immigrants to the U.S. in the past five years. No one country can receive more than seven percent of the available Diversity Visas in any one year.

Information updated yearly on web:
<http://travel.state.gov/>

Employment Basis

1. Priority Workers

- Extraordinary ability (no job required)
- Outstanding professors & researchers (entering for tenure or tenure-track position)
- Business executives & managers (no labor certification required; limit of 40,000 visas per year plus any unused from #4 and #5)

2. Advanced degree holders

- Professionals with advanced degrees
- Exceptional ability in sciences, arts & business (job offer and labor certification required; limit of 40,000 per year plus and unused from #1)

3. Skilled & unskilled workers

- Skilled workers in short supply
- Professionals with baccalaureate degree
- Unskilled workers in short supply (job offer & labor certification required; limit of 40,000 per year plus unused from #2 & #3)

4. Special immigrants

- Religious workers; certain U.S. govt. employees; Panama Canal employees plus certain dependent juveniles (10,000 per year)

5. Investors

- Must invest between \$500,000 and \$3 million
- Must create at least 10 full time jobs (limit of 10,000 per year)