

F-1 Student Visa Category

Who is Eligible

To be eligible for this type of visa, noncitizens must be qualified to, among other things, pursue a full course of study at an academic or language institution in the U.S. authorized by the United States Citizenship and Immigration Services (USCIS) to admit foreign students.

What Office Has Jurisdiction

The *SUNY international student office or advisor* at each campus is responsible for, among other things, helping the student obtain the visa, monitoring student status, and authorizing the student to be engaged in curricular "practical training," which is defined later in this document.

The Research Foundation (RF) is not an educational institution for the purposes of obtaining an F-1 visa.

Duration of Status

The F-1 student will be admitted to the U.S. for the "duration of status" noted as "D/S" on both

- Form I-94, Arrival/Departure Record, and
- Form I-20 ID, Certificate of Eligibility for Nonimmigrant (F-1) Student Status - for Academic and Language Students. The duration of status is the period that ends on the last authorized date of practical training or completion of studies plus 60 days to prepare for departure from the United States.

How To Change From F-1 Student Status

An F-1 student may apply for a change to any other nonimmigrant status for which the student is eligible by completing either Form I-539, the Application to Extend Status/Change Nonimmigrant Status or the [Petition for Nonimmigrant Worker \(Form I-129\)](#), as appropriate, and submitting it to USCIS with the supporting documentation described in the instruction sheet attached to that form.

Employment Restrictions

An F-1 student may accept employment at the institution he or she is authorized to attend, or, if the institution is SUNY, with the Research Foundation, without prior approval from USCIS, provided:

- the student is enrolled in a full course of study.
- the employment will not displace a U.S. resident, which in this context means that an on-campus employer may not remove a

U.S. worker to hire a foreign student. However, an on-campus employer does not need to verify that there are no U.S. workers available before hiring a foreign student.

Employment is authorized for the duration of status, subject to these USCIS regulations:

- employment is limited to 20 hours per week while school is in session.
- employment may be full time during vacation periods for students who are eligible and intend to register for the subsequent academic term.
- employment is not permitted after completion of a course or courses of study, except employment authorized for practical training (defined in the following block).
- employment is not permitted during the 60 day departure preparation period.
- employment will not interfere with the student's academic program.

On-campus work pursuant to the terms of a scholarship or fellowship, or on-campus employment pursuant to an assistantship or post-doctoral appointment, are also permissible. However, the student must still be pursuing a full course of study.

Spouses and Dependents

The spouse and dependents, if any, of a holder of a F-1 visa are eligible for F-2 visa status. However, F-2 visa holders are not authorized to engage in any employment unless they qualify in their own right for a separate visa category that allows employment.

Practical Training

An F-1 student may be eligible to engage in temporary employment before and after completion of studies if the employment satisfies the criteria for practical training.

To be eligible for practical training, a student must have been in

- F-1 status for at least an academic year prior to requesting practical training, or
- other lawful nonimmigrant status for at least an academic year prior to changing status to F-1 and requesting practical training.
Note: Nine months is the USCIS characterization of an academic year. An institution or school system that has an eight-month academic year or trimester calendar also satisfies USCIS's definition of an academic year.

There are two types of practical training, both of which are described in more detail below:

- *curricular* practical training, and
- *optional* practical training (OPT).

Curricular Practical Training

"Curricular practical training" is a required practicum or other work/study program sponsored by employers in cooperation with the school as part of the student's established curriculum. It can take place only before completion of studies.

Authorization for curricular practical training is requested by the student and granted by the campus international student office or advisor. Students must have Form I-20 ID endorsed by the advisor to show eligibility to engage in curricular practical training and must identify on the form the specific employer involved, the location of the training, and the period of training authorized.

Restrictions During Curricular Practical Training

Students are not limited in the amount of curricular practical training they may utilize. Employment of more than 20 hours per week is considered full-time curricular practical training. Curricular practical training entailing employment of 20 or fewer hours per week is considered part time and requires concurrent course work during the academic year to maintain status as a full-time student.

Optional Practical Training (OPT)

"Optional practical training" is employment directly related to a student's field of study. It can take place before and after completion of studies.

Optional practical training can take place at four times:

- during the student's annual vacation and at other times when school is not in session if the student is currently enrolled and eligible, and intends to register for the next term or session;
- while school is in session, provided that optional practical training does not exceed 20 hours a week;
- after completion of all course requirements for the degree (excluding thesis or the equivalent), if the student is in a bachelor's, master's, or doctoral degree program; and
- after completion of the course of study.

Training under the first three options would occur before completion of a course of study, while the last option would occur following completion of a course of study.

Employment in this category requires authorization from the USCIS, applied for by the campus foreign student office. Students may begin optional practical training only after they have been issued Form I-688B, Employment Authorization Document (EAD) by USCIS, and only for the period indicated on the EAD. USCIS regulations provide that if an employment application has not been adjudicated within 90 days of receipt by USCIS, the applicant will be granted 240 days of interim employment authorization.

Students who have engaged in one year or more of full-time curricular practical training are ineligible for optional practical training. Part-time curricular practical training is not counted toward the one-year limit.

Restrictions During Optional Practical Training

- The total amount of time that can be spent in practical training is 12 months, inclusive of any time before a job placement and/or up to one year of time spent outside the U.S. (See *Note below)
- Practical training must be completed within 14 months of completion of studies.
- Optional practical training must be requested within a 180 day period encompassing 120 days prior to completion of study, and 60 days after the completion of study.
- The employer must establish that the student will be employed only in an occupation that is directly related to his or her studies.
- Part-time practical training of 20 hours or less will be counted at one-half the full-time rate.
- If a student leaves the United States for a period of 12 months or longer before returning and resuming studies here in F-1 status, he or she is considered to be undertaking a new period of stay, and is eligible for an entirely new 12-month period of optional practical training.

***Note:** As an E-Verify employer, F-1's who are employed by the RF and have completed a bachelor's, master's, or doctoral degree in a STEM (science, technology, engineering, or math) field and are currently engaged in post completion OPT may apply for a 17 month extension of OPT. For more information on degrees that are designated as STEM, refer to the [STEM Designated Degree Programs List](#).

Forms

- I-20AB / I-20ID, Certificate of Eligibility for Nonimmigrant (F-1) Student Status — for Academic and Language Students. No fee. Issued through/by SUNY, not the Research Foundation.
- [I-765, Application for Employment Authorization \(EAD\)](#) — for optional practical training. Fee required. Issued by USCIS through SUNY. Downloadable from USCIS Web site.

References

For information about the Research Foundation's policy and procedures for the employment of persons with an F-1 visa, see [F-1 Student Visa Holder Employment](#).

Change History

Date	Change History
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February 26, 2010

Added information on STEM extensions based on E-Verify participation

Effective Date: July 1995

Responsible Party: Office of Administration and Human Resources, Personnel Administration

Contact Information: 518-434-7080

Feedback

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