Maintaining F-1 Status While on OPT

What must I do to maintain my F-1 status while on OPT?

To maintain your F-1 status while on OPT, you must satisfy all of the following requirements:

- Find a job and report your employment to ISSS.
- Work at least 20 hours per week in (a) job(s) directly related to your field of study.
- Do not exceed the allotted 90 days of unemployment time (120 days for those on the 17-Month OPT STEM Extension). For additional information, read the section titled “Do I have to find a job?”
- Report your employment and U.S. address to ISSS. Refer to the section titled “How do I update my Student Contact Information and OPT Employment Information” for instructions on how to report your employment and U.S. address to ISSS.
- Have your I-20 signed by ISSS every six months.
- Notify ISSS about the following information:
  - Any change in your name
  - Any change in your residential address (within ten days)
  - Any change in your employer or employer’s address
  - Any interruption of employment lasting longer than 10 days
  - Any change in your immigration status (e.g. change to H-1B)

Do I have to find a job?

YES. The Interim Final OPT Rule published on April 8, 2008 requires that F-1 students not exceed 90 days of unemployment during their 12 months of Post-Completion OPT, and that they report their employer’s name and address to their school within that time frame. If you exceed 90 days of unemployment, the Department of Homeland Security will automatically terminate your SEVIS record. This means that your F-1 status and employment authorization will no longer be valid and you will have to leave the U.S. immediately.

Therefore, to maintain your F-1 status, you must report employment to ISSS as soon as you accept a job offer and before you exceed 90 days of unemployment. Be sure that your employment offer letter includes your official start date since ISSS must report your official start date to SEVIS. Possible consequences to remaining in the U.S. after the 90-day deadline without a job include denial of future immigration benefits, detention and deportation, etc.
What types of employment are acceptable while on OPT?

There are various types of employment you may accept while on OPT. Any employment you choose must be directly related to your program of study and must be reported to ISSS. When you report employment to ISSS, you will be required to explain how your employment is directly related to your field of study.

- Regular paid employment for at least 20 hours per week
- Multiple employers. All work must be related to your field of study. Note: If you are on the 17-Month OPT STEM Extension, all of your employers must participate in the E-verify program.
- Payment by multiple short-term employers. Ex. Musicians and other performing artists may work for multiple short-term employers. Note: When you complete the OPT Employment E-form, you should indicate that you are self-employed. In the section asking how this employment is related to your field of study, please explain what you are doing (i.e. musician, actor, etc. “with multiple gigs”). Proper documentation (i.e. employment letter(s) with a start date) should be submitted to ISSS.
- Work for hire. This is commonly referred to as “1099 employment”, which refers to an individual performing a service based on a contract. You should keep a record of the length of each contract as well as the name and contact information for each contracting company.
- Self-employed business owner. You may start a business and be self-employed full-time. However, you must have proper business licenses and must submit such documentation to ISSS. (Contact your local town or city government for business license information.)
- Employment by an agency. You must keep proof that you worked at least an average of 20 hours per week while employed by an agency.
- Volunteers or unpaid interns. You may work as a volunteer or unpaid intern provided you are not violating any labor laws. Please speak with an International Student Advisor before deciding to accept volunteer or unpaid employment, as sometimes it is difficult to determine if the work you will be doing is legal.
  - You must submit to ISSS a letter from your employer about your volunteer work (See Sample Letter about Volunteering at: www.buffalo.edu/intlservices/pdf_files/VolunteerLetter.pdf)
  - You must work as a volunteer at least 20 hours per week

Note: It is essential that you report all employment to ISSS, and keep documentation (e.g. employment letters, contracts, timesheets, pay stubs, etc.) of all of your employment while on OPT. Such documentation should include the position held, proof of the duration of that position, contact information for your supervisor and a description of the work. If it is not clear from the job description that the work is related to your field of study, then you should obtain a letter from your supervisor stating how your degree relates to the position.

How are the 90 days of unemployment counted?

Each day of unemployment (including weekends) is counted towards the 90-day requirement for students on Post-Completion OPT or the 120-day requirement for students on the 17-Month OPT STEM Extension. Time spent outside the U.S. counts as unemployment unless the travel was work-related or during an official leave from one’s job.
How do I get a new signature on my OPT I-20?

Your OPT I-20 must be signed by a Designated School Official (DSO) every 6 months. To request a new signature on your OPT I-20, please do the following:

1. Update your OPT E-forms. You must update your OPT E-forms even if the information you last submitted has not changed. Follow the directions below to update your employment and U.S. address.
2. Mail your original OPT I-20 to ISSS, 210 Talbert Hall, Buffalo NY 14260.
   a. Include a pre-paid shipping label so we can mail your I-20 back to you. If a friend will drop off and/or pick up your I-20, you must send an email to isss@buffalo.edu authorizing him/her to do so. The email must include your friend’s name.
   b. You should receive notification that your I-20 is ready for pick-up or mailing within 3-5 business days of arrival in the ISSS office.

How do I update my Student Contact Information and OPT Employment Information?

Login to the myISSS portal (https://ubisss.buffalo.edu/) using your UBIT name and password to report your employment and U.S. address. Once you have logged on, enter your current residential address on the “Update OPT Student Contact Information” E-Form. Then, update your employment information. To do so, determine which of the scenarios below best fits your situation:

Reporting employment to ISSS for the first time
Complete the “Add OPT Employment E-Form”. You will be required to upload a copy of your EAD card (front side only) and your employment letter. Note: This letter must be on the employer’s letterhead and include your employment start date.

Previously reported employment to ISSS, but changed employers
Report the end date of your old employment by completing the “Edit OPT Employer Information E-Form”. Then, complete the “Add OPT Employment E-Form” to report your new employment. You will be required to upload a copy of your EAD card (front side only) and your new employment letter. Note: This letter must be on the employer’s letterhead and include your employment start date.

Previously reported employment to ISSS, but the location, hours worked per week, company name, etc. changed
Complete the “Edit OPT Employer Information E-Form”.

Previously reported employment to ISSS, but you have additional employment that you have not yet reported
Complete the “Add OPT Employment E-Form”. You will be required to upload a copy of your EAD card (front-side only) and your employment letter. Note: This letter must be on the employer’s letterhead and include your employment start date.

How long can I remain in the U.S. after my EAD expires?

All students on OPT have a 60-day grace period after their EAD expires. You are permitted to remain inside the U.S. during those 60 days to prepare for your departure, apply to change your...
status (if eligible), or begin a new degree program. If you are not admitted to a new degree program or do not submit a change-of-status application before the end of the 60 days, you must leave the U.S.  

Note: During your 60-day grace period, you may not work.

12/15