



University at Buffalo
The State University of New York

Office of International Education
International Student and Scholar Services

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 within the required time frame (*Please see below*)
- Give a photocopy of your EAD card to ISSS
- Give a copy of your official employment offer letter to ISSS each time you obtain employment. (Note: This letter must be on the employer's letterhead and include your employment start date.)
- Have your I-20 signed by ISSS every six months.

- Complete and send the International Student Data Form for Students on OPT (www.buffalo.edu/intlservices/documents/StudentDataFormOPT_fillable.pdf) to ISSS every six months by fax, e-mail or mail.
Note: Submission of this form will enable students on the 17-month OPT Extension to comply with their six-month reporting requirement.

- You must update ISSS about the following information within ten days:
 - Any change of name
 - Any change of residential address
 - Any change of employer or employer's address
 - Any interruption of employment lasting longer than 10 days

Do I have to find a job?

The Interim Final Rule published on April 8, 2008 requires F-1 students to find a job within 90 days of the start of their OPT (120 days for students on the 17-month OPT extension), and to report their employer's name and address to their school within that time frame. Possible consequences to remaining in the U.S. after the 90-day deadline without a job include loss of visa status, denial of future immigration benefits, etc. In addition, the SEVIS records of students on the 17-month OPT Extension will auto-terminate if the student has not reported employment within the required time frame. The auto-termination begins 6 months after the start of the OPT Extension.

What types of employment are acceptable while on OPT?

There are various types of employment you may accept while on OPT. Of course, any employment you choose must be directly related to your program of study.

- Regular paid employment for at least 20 hours per week
- Multiple employers. Total hours worked may not exceed 40 hours per week
- Payment by multiple short-term employers. Ex. Musicians and other performing artists may work for multiple short-term employers (gigs). Note: You should maintain a list of all gigs, including dates and duration.
- Work for hire. This is commonly referred to as “1099 employment”, where an individual performs 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; however, you must work full-time (40 hours per week). You must also have proper business licenses. (*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 ISSS 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 a letter to ISSS 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
 - To qualify for the 17 month STEM extension you must be engaged in paid employment; volunteer positions do not qualify you for the STEM extension.

Note: It is essential that you 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 is counted towards the 90-day requirement. Time spent outside the U.S. counts unless the travel was work-related or during an official leave from one’s job. There is also a 10-day exception to counting days of unemployment while the student on OPT is between jobs.

What if I find a job after the 90-day deadline to find employment?

You should report your employment to ISSS immediately and continue working. No one knows what consequences, if any, students who miss the 90-day deadline will face. 3/09