

# PARKER GALLINI

## **F-1 STUDENT EMPLOYMENT AUTHORIZATION AND THE INCREASINGLY COMPLEX AND RISKY USE OF CPT**

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## WHAT IS CPT?

### CPT is Curricular Practical Training

- Full-time work authorization for foreign national students
  - Requires that foreign national enroll in a graduate degree program to receive work authorization in F-1 status
- Viable alternative to H-1B
  - Provides work authorization when OPT and STEM OPT have run out and the foreign national is still not selected in H-1B cap lottery
  - Available to all foreign nationals regardless of nationality

## CPT vs OPT

### CPT

- Foreign national must be enrolled in a full course of study at an ICE approved, SEVP certified school
- CPT work opportunity must be required by the curriculum and/or the student must receive academic credit for it
- Position must be directly related to the foreign national's major area of study
- Work authorization is available for the duration of the program of study, subject to the school's program requirements
- Work authorization approved by DSO with no application to USCIS
- Does not require an EAD

### OPT

- Optional Practical Training work authorization is available to foreign students based on USCIS approval
- Requires an EAD
- Post-Completion OPT is 12 months of work authorization available after completion of bachelor's, master's, or doctoral degree program
- STEM OPT is an additional 24 months of work authorization available after completion of a degree in a qualifying field
- Position must be directly related to the foreign national's major area of study

## DAY ONE CPT

Graduate degree programs can offer CPT work authorization beginning at the time of enrollment.

- A foreign national is authorized for full-time work in F-1 status as soon as they receive an endorsed Form I-20
- Work authorization is valid for the period approved on Form I-20

Department of Homeland Security  
U.S. Immigration and Customs Enforcement

I-20, Certificate of Eligibility for Nonimmigrant Student Status  
OMB NO. 1653-0038

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SEVIS ID: [REDACTED]

SURNAME/PRIMARY NAME [REDACTED]	GIVEN NAME [REDACTED]	<b>Class of Admission</b>  <b>F-1</b>  <b>ACADEMIC AND LANGUAGE</b>
PREFERRED NAME [REDACTED]	PASSPORT NAME [REDACTED]	
COUNTRY OF BIRTH [REDACTED]	COUNTRY OF CITIZENSHIP [REDACTED]	
CITY OF BIRTH [REDACTED]	DATE OF BIRTH [REDACTED]	
FORM ISSUE REASON CONTINUED ATTENDANCE	ADMISSION NUMBER [REDACTED]	

**SCHOOL INFORMATION**

<b>SCHOOL NAME</b> Harrisburg University of Science & Technology Harrisburg University of Science & Tech	<b>SCHOOL ADDRESS</b> 326 Market Street, Harrisburg, PA 17101
<b>SCHOOL OFFICIAL TO CONTACT UPON ARRIVAL</b> Laurel Jones International Student Coordinator & DSO	<b>SCHOOL CODE AND APPROVAL DATE</b> PHI214F02099000 06 MAY 2008

**PROGRAM OF STUDY**

<b>EDUCATION LEVEL</b> MASTER'S	<b>MAJOR 1</b> Computational and Applied Mathematics 27.0304	<b>MAJOR 2</b> None 00.0000
<b>PROGRAM ENGLISH PROFICIENCY</b> Required	<b>ENGLISH PROFICIENCY NOTES</b> Student is proficient	<b>EARLIEST ADMISSION DATE</b>
<b>START OF CLASSES</b> 25 OCTOBER 2019	<b>PROGRAM START/END DATE</b> 25 OCTOBER 2019 - 15 OCTOBER 2021	

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SEVIS ID: [REDACTED] (F-1)      NAME: [REDACTED]

**EMPLOYMENT AUTHORIZATIONS**

TYPE	FULL/PART-TIME	STATUS	START DATE	END DATE
CPT	FULL TIME	APPROVED	25 OCTOBER 2019	23 OCTOBER 2020
CPT	FULL TIME	APPROVED	24 OCTOBER 2020	15 OCTOBER 2021

**EMPLOYER INFORMATION**

TYPE	AUTHORIZATION DATES
CPT	25 OCTOBER 2019 - 23 OCTOBER 2020

EMPLOYER NAME	START DATE	END DATE	CITY & STATE
[REDACTED]	25 OCTOBER 2019	23 OCTOBER 2020	New York, NY

TYPE	AUTHORIZATION DATES
CPT	24 OCTOBER 2020 - 15 OCTOBER 2021

EMPLOYER NAME	START DATE	END DATE	CITY & STATE
[REDACTED]	24 OCTOBER 2020	15 OCTOBER 2021	New York, NY

# THE TROUBLE WITH CPT

## USCIS Practical Training Regulations:

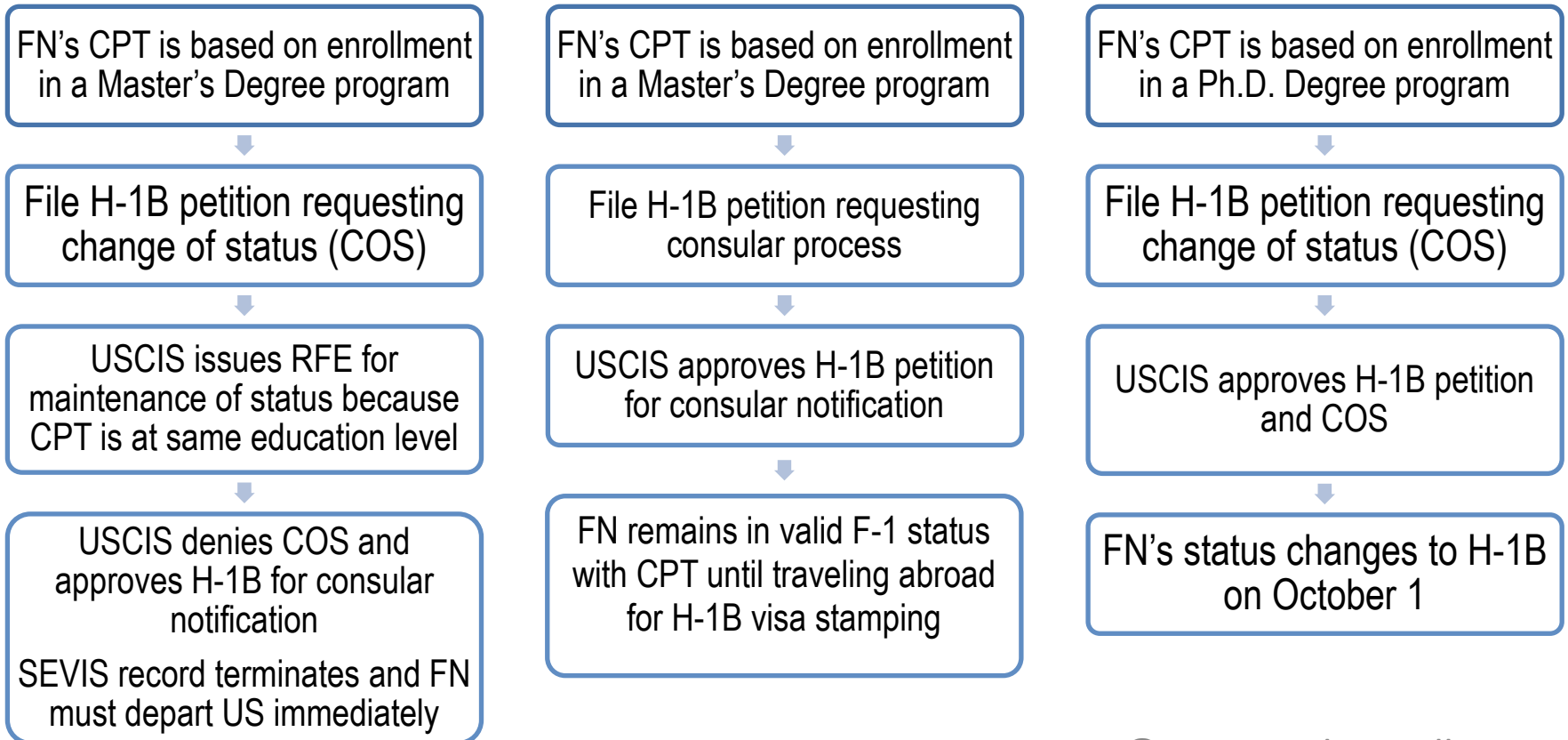
***“A student may be authorized 12 months of practical training, and becomes eligible for another 12 months of practical training when he or she changes to a higher education level.”***

Immigration regulations do not differentiate between CPT and OPT, but USCIS policy does:

- Longstanding USCIS policy allows OPT after full-time CPT:
  - Less than 12 months of full-time CPT during degree program
  - 12 months of Post-Completion OPT
  - 24 months of STEM OPT (when available)
  
- Current USCIS policy challenges the use of CPT after OPT is completed:
  - Denying H-1B cap change of status requests for failure to maintain status
  - Terminating SEVIS records when H-1B cap change of status is denied

## CPT AND MAINTENANCE OF STATUS

**CASE EXAMPLE:** *Foreign National has a US Master's Degree and completed 12 months of Post-Completion OPT and 24 months of STEM OPT. Now, FN is working full-time based on CPT work authorization and is selected in the H-1B Lottery:*



## CPT BEST PRACTICES

- **Study at a higher degree level if possible**
  - If foreign national has a US Master's degree, they should enroll in a Ph.D. program instead of earning a second master's degree
  
- **If studying at the same degree level, plan around USCIS policy**
  - File H-1B for Consular Notification instead of Change of Status if selected in H-1B Cap and travel abroad for H-1B visa stamping after approval.

# CHOOSING A CPT PROGRAM

**CPT is a popular option for foreign nationals who are not selected in the H-1B cap lottery. As a result:**

- *Fraudulent programs have emerged to meet demand.*
  - These programs accept student funds and issue I-20s, but never actually offer academic programs or offer programs that do not comply with USCIS regulations. (*Ex. Allowing students to enroll in more than one online course per semester*)
  - USCIS and ICE are generally aware of problem schools and have been involved in investigations of suspect programs.
- *USCIS scrutiny is heightened when the beneficiary has CPT work authorization.*
  - RFE risk is increased and can be mitigated by a request for consular processing.

**Foreign nationals considering CPT should research schools and programs before enrolling. Check for news stories related to prior investigations and be on the lookout for posted information from any foreign students who have had issues with the program.**