GUIDANCE ON F-1 (AND J-1) OFF-CAMPUS EMPLOYMENT “DIRECTLY RELATED TO DEGREE MAJOR FIELD OF STUDY”

Physics Department Faculty/Staff/Student Luncheon September 17, 2020

Janka Moss, ISO International Student Advisor
David C. Elwell, ISO Associate Dean/Director  http://iso.mit.edu
Regulations

- Regulations have **always required** that any authorized activity for F-1 CPT or OPT must be “**directly related to student’s major area of study**” [8 CFR 214.2(f)(10)(ii)(A)]
- NOT a minor or concentration
- STEM OPT Extension “**must be directly related to the degree that qualifies the student for such extension**” [8 CFR 214.2(f)(10)(ii)(C)(4)]
- J-1 Academic Training authorization also must be “**directly related to his or her major field of study**” [22 CFR 62.23(f)(3)(ii)]
USICE SEVP Guidance on Practical Training


- ISO Summary of SEVP guidance posted on the ISO website

- For F-1 CPT and J-1 Academic Training, the school (MIT ISO) by regulation had always been required to review and approve that activity directly related to degree

- New guidance adds additional responsibility of a review of OPT and STEM OPT Extension activity from only the student/employer to also include the school (MIT ISO)

- The ISO highlights on its website, and in Employment Information Sessions, that students need to show extra care to be sure that the work/training being pursued is a direct application of the degree earned at MIT.
ISO Summary

- Questions that can help determine eligibility determine are:
  - How do your job/internship duties require your MIT academic degree background?
    - Position title is not as important as the position duties
  - How are you putting into practice your degree in your CPT/OPT/STEM OPT Training?
  - Did the employer require individuals with education in your specific degree field for the position hired?
    - Not one subject taken during the program, or general field area, but your specific degree field.
    - For example, for a student with a degree in Physics: Why is your degree in Physics needed to do this training/work; and not just requiring general statistics/mathematics background or courses?
USDHS Scrutiny: Impact/Consequences

- Review during future visa applications with USCIS (e.g. OPT, STEM OPT, H-1B, Green Card)
- "Requests for Evidence" (RFE) for filed applications
  - Letter from employer confirming why specific degree is required in order to perform position duties and full description of duties
  - Proof of enrollment and specific subject enrollment
  - Advisor’s letter confirming why Physics degree is being applied to the position duties
- Denial of application/status even if previous benefit/status was originally granted (viewed as granted in error)
ISO Resources

- **ISO Website** ([https://iso.mit.edu/](https://iso.mit.edu/))
  - Employment: [https://iso.mit.edu/employment/](https://iso.mit.edu/employment/)
  - Knowledge Base for Frequently Asked Questions (FAQs)

- **Know your ISO Advisor** – Assigned by academic program
  - Physics Graduate Students = Janka Moss
  - Physics Undergraduate Students = Aurora Brule
  - [https://iso.mit.edu/about-is0/student-advisors-by-program/](https://iso.mit.edu/about-is0/student-advisors-by-program/)
Travel

- Need a new Travel Signature on your Form I-20 or DS-2019?
  - Student requests a “Replacement Form I-20/DS-2019” in iMIT
  - Requires uploading of current academic year funding documentation
  - ISO will mail the new Form I-20 to the student
  - Please provide at least 2 weeks for processing

- Visa Processing at U.S. Embassies/Consulates abroad
  - [http://usembassy.gov](http://usembassy.gov)

- Travel Bans / Travel Restrictions - please consult with ISO Advisor

- Travel Guidance/Resources
  - [https://iso.mit.edu/visas-and-travel/](https://iso.mit.edu/visas-and-travel/)
Questions?

- ISO Contact Information
  - Tel: 617-253-3795
  - Email: iso-help@mit.edu
  - https://iso.mit.edu

- Office Hours: Monday- Friday, 9:00am–4:00pm, Closed Wednesdays, 10:00am-11:30am

- Office Location: 50 Ames Street, Second Floor, E18-219 (Physical office currently CLOSED; Operating Remotely)