



*Center for International Students & Scholars*

## **F-1 Employment Information FAQs Re: COVID-19**

April 23<sup>rd</sup>, 2020

Due to the COVID-19 situation, some employers are making changes to both the size and structure of their workforce. This unfortunate reality does have some implications for students with different types of work authorizations associated with F-1 visas. While it is uncertain as to whether the government will issue additional guidance regarding F-1 employment during this time, please see below for information from current regulation and Department of Homeland Security guidance. We encourage you to continue to reach out with questions, as the situation and associated information are changing quickly. As always, the *Center for International Students and Scholars (CISS)* is available to support you and help you navigate these uncertain times.

### **OPT & STEM OPT Participants:**

#### ➤ ***Do I need to report anything if I am now working remotely?***

Current government guidance states that remote work is permitted due to COVID-19 *stay-at-home* orders ([Immigration and Customs Enforcement issued an FAQ on April 14, 2020.](#)) You are *not* required to update CISS with your new remote work address. To ensure F-1 compliance during this time your employer must either (a) have an office outside of the U.S. (*if temporarily working from outside of the U.S.*) OR (b) be able to assess your work remotely (*if working remotely from outside or within the U.S.*). There has not been any further ICE nor USCIS guidance regarding how extended time spent working remotely from *outside of the U.S* could affect F-1 status.

#### ➤ ***What if I have been furloughed or laid off?***

In general, you are required to report any change of name or address, or *interruption* of employment to your Designated School Office (a CISS advisor) during the duration of your OPT ([8 CFR 214.2\(f\)\(12\)\(i\)](#)). This means that a furlough would require you to give us specific dates so that we can update your SEVIS record with an employment end date and, if applicable, the date you will resume employment. The date you stop working will be the date that your unemployment time will begin to accrue (*see below*). Your employer is not required to update any government agencies, although STEM OPT employers may have additional requirements (*see below section on STEM OPT*).

#### ➤ ***Does the 90-day unemployment limit still apply?***

*Yes.* There have been no regulatory updates nor guidance about this topic by the government at this time. Students on OPT should still operate under the assumption that the 90- day unemployment limit (or 150-day limit for STEM OPT participants) does apply, and that interruptions to employment, including furloughs and lay-offs, will count towards this limit.

#### ➤ ***What if I have already met this limit, or am close to meeting this limit?***

Generally, we advise students to make alternate plans prior to meeting the 90-day limit, including either departing the country, enrolling in a new program, or changing visa status. If you are unable to make these alternate plans or leave the U.S. due to the COVID-19 situation, we advise you to keep all possible documentation of this, including (but not limited to) flight tickets or cancellation notices or admissions letters

for new programs. These may help if you are questioned about meeting the 90-day limit during future visa applications or re-entry to the U.S.

➤ ***What if I am on the STEM OPT extension?***

To maintain status and related work authorization, you must continue to work at least 20 hours per week in order to *not* begin accruing time towards the unemployment limit. Remember, regulation permits you to accrue a total of 150 days total during your total 36 months of OPT, including any unused time towards the 90-day standard OPT limit, plus an additional 60 days during the STEM period.

*Changes in employment:* As a part of the STEM requirements, the employer and the student must report and modify the i-983 training plan with any material changes, including significant decrease in number of hours per week or compensation. If information has changed, the employer and student are required to sign a modified training plan and submit it to [GA\\_CISS@bentley.edu](mailto:GA_CISS@bentley.edu) so that CISS can update your record.

*Termination:* In general, your employer must report to a Designated School Official (DSO) in our office if you have been terminated or otherwise leave your employment. This update should be made within 5 business days of the student leaving employment and may be submitted via email.

**CPT Participants:**

➤ ***What if my internship is cancelled or changed?***

If your internship has been modified due to COVID-19, you should reach out to both the CISS and your internship coordinator to make sure that the new arrangement still meets the requirements to obtain course credit, and also so that we can update your I-20. Changes in employment dates will require (a) confirmation from your internship coordinator, as well as (b) written employer documentation of the change. If your current or future internship has been cancelled and you are now unable to meet the internship course deliverables or hourly requirements, you should contact your coordinator and CISS so that we can cancel your CPT authorization as well as provide you with options for withdrawing from the course to retain your ability to apply in the future.

**Unemployment Benefits:**

- If you have been laid off or furloughed, you may be eligible to receive state unemployment compensation with employer permission. *However*, these benefits may be limited for F-1 students, and should be pursued with caution. There has not been any additional guidance regarding F-1 student eligibility to receive these benefits, nor any information on potential immigration consequences for applying for a public benefit for future adjustments of status. Unfortunately, the CISS is unable to advise on details with regards to the unemployment benefit process. You may wish to consult your employer or seek attorney counsel for additional information.

**What if I have further questions?:** Please reach out to [GA\\_CISS@bentley.edu](mailto:GA_CISS@bentley.edu). While we may not have additional information to offer, we are available for support. Please see Bentley.edu/CISS for updated information on how to contact our office remotely.