Agenda

- Types of Legal F-1 Employment
  - On-Campus
  - Off-Campus (CPT, OPT & OPT Extension)

- Application Process

- Travel Outside the US

- H-1B Cap-Gap

- Case Study
Types of Legal Employment

- On-Campus Employment
- Off-Campus Employment (CPT/OPT)
- Economic Hardship (rare)*
- Working for International Organizations
  (rare - World Bank, IMF...)*

*Make appointment to meet with advisor at I-Center
Off-Campus Employment requires authorization from USCIS or Bechtel International Center
On-Campus Employment

- On-Campus Employment
  - No more than 20 hours a week when school is in session
  - Full time during any break periods
  - Not available after graduation
  - On-campus employment must provide direct student services

On-Campus Employment does not require work permission from US Citizenship and Immigration Service (USCIS) or Bechtel International Center
Types of Unauthorized F-1 Employment

- Babysitting for a Professor
- House cleaning for your Advisor
- Translating texts for the local town library
- Editing papers for other students online
- Working for outside companies doing temporary work on campus (unless you have an off-campus job authorization)
- Working from dorm room (unless you have an off-campus job authorization)
- Participating as a research subject
Off-Campus Employment

Curricular Practical Training (CPT)

CPT is training experience that forms “an integral part of established curriculum”

The employment must either be

1- Required of the Degree Program/ Mandatory, may or may not be done for credit
2- Offered by the Academic Department/must receive credit (unit) / this scenario is more common at Stanford

- **CPT course must be offered by the department & clearly be related to the student's field of study**
- **In all cases, the training experience must constitute “an integral part of an established curriculum”**
- **Failure to receive credit in scenario 2 will result in violation of status**
CPT Eligibility Criteria (1)

- The student has been in legal status for an academic year (3 quarters) unless early participation is required by the department.
- RA/TAship or Fellowship students may NOT be eligible for curricular practical training during the academic year.
- Job offer is required, and the employment must clearly be related to the student's field of study.
- CPT class registration is required.
- Students may not enroll in the same CPT course more than once unless the department grants course credit for the course when it is taken more than once.
  Permission to repeat a CPT course more than once varies from department to department.
  Please check with your department on their policies.
CPT Eligibility Criteria (2)

- Students who have already completed all course/unit requirements for their degree (TGR students) are not eligible for curricular practical training unless the CPT is mandatory for thesis completion.
- Part-time during School Session (<=20 Hours)
- Full-time during school official holidays (>20 hours a week)
- CPT does not require work permission from US Citizenship and Immigration Service (USCIS) The I-20 will be endorsed at Bechtel International Center by one of the advisors.
- CPT should be endorsed for each employer
Please review the Stanford Bulletin for the latest update on course offerings and restrictions, as the course may no longer be offered.

- CEE 398 – Civil & Environmental Engineering
- CS 390 – Computer Science
- ECON 299 – Economics
- EE 290 – Electrical Engineering
- ERE 155 / 255 / 355 – Energy Resources Engineering (Petroleum Engineering)
- MBA- GSBGEN 299
- ME 299 – Mechanical Engineering
- MS&E 208 – Management Science & Engineering
CPT Application Process

- Enroll in CPT course
- Submit the on-line application form in Axess. You can submit on-line application form for CPT as early as Axess allows you to enroll in CPT course for the quarter you are doing an internship but no later than 5 days before your internship start date.

For CPT application process, please check:

http://icenter.stanford.edu/students/current/curr_prac_train.html

For more information about CPT, please check:

- CPT vs OPT
- F-1 Employment Table
Off-Campus Employment

**Optional Practical Training (OPT)**

OPT is temporary work authorization that allows you to gain work experience directly related to your major field of study at a U.S. company or organization.

Optional Practical Training requires work permission from US Citizenship and Immigration Service (USCIS).

Two types of OPT:

- Pre-Completion
- Post-Completion

Maximum combined OPT time: 12 months (29 months in some cases, see the OPT extension)
Off-Campus Employment

Pre-Completion OPT

- A student who still has coursework remaining to complete his/her degree program may apply for Pre-Completion OPT

  - This can be:
    - Part-time during School Session (\(\leq 20\) Hours)
    - Full-time during school official holidays (\(>20\) hours a week)

  - All pre-completion OPT time is counted towards the 12 (or 29) month maximum

  - Part-time OPT is deducted at a 50% rate.
Off-Campus Employment

Pre-Completion OPT for TGR students

A student who has completed all course requirements for the degree, but not completed the thesis/dissertation or equivalent (TGR), may apply for full-time or part-time Thesis-Pending OPT. TGR students must enroll in 801/802 if participating in OPT during the academic year.
Off-Campus Employment

Post-Completion OPT

- A student who has completed all coursework towards his or her degree program may apply for Post-Completion OPT up to 90 days before conferral of the degree.
- **USCIS** must receive the application no later than 60 days after the program end-date (during Grace Period)
- Post-Completion OPT can only be **full-time**
Duration of Status & OPT Timeline

*If OPT Extension doesn’t apply*

1. **Earliest Start Date of OPT**
2. **Latest Start Date of OPT**

- Departure
- Back to school/CDL
- Transfer Out
- Change of status

1. **Academic**
2. **60 Days**
3. **12 Months**
4. **60 Days**

- **Degree Start Date**
- **Degree Conferral Date**
- **OPT Completion Date**

1: Studies
2: Grace period after completion of studies
3: OPT (should be done within 14 months after completion of studies)
4: Grace period after completion of OPT (no school, no work)
**Application Timeline**
*(If OPT Extension doesn’t apply)*

- Departure
- Back to school/CDL
- Transfer Out
- Change of status

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I-Center provides endorsed I-20

USCIS processing time: 90 days

2 weeks

USCIS processing time: 90 days

Notice of Action WAC #

2 w.

Degree Conferral Date

14 months

EAD received from USCIS

60 days

12 months

Start OPT (EAD)

60 days

EAD expiration date

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Submit req. docs to I-Center

Submit new I-20* + other docs to USCIS

* I-20 < 30 days old.

* I-20 < 30 days old.

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Bechtel International Center at Stanford University
OPT Eligibility Criteria (1)

You are **NOT** eligible for OPT if:

- You have not been in legal student status for an academic year (3 quarters) by the time you begin to work
- You have already done 12 month of OPT for the same degree level in another school (under the same SEVIS ID#)
- You have completed 12 months of full-time CPT
- You have returned from a leave of absence, but have not completed one academic year in valid F-1 status
- Employment is not related to your program of study
OPT Eligibility Criteria (2)

You are **NOT** eligible for OPT if:

- You have applied for and received approval of a change of status from F-1 to any other visa type
- You transfer to another school (releasing SEVIS record to a new school cancels OPT/EAD on date of release)
Other Important Matters (1)

- You **don’t** need a job offer to apply for OPT
- Your OPT start date must be within 60 days of the completion date of your I-20
- OPT cannot be longer than 12 months (if student does not qualify for an OPT extension)
- OPT should be completed within 14 months of the program completion (if student does not qualify for an OPT extension)
- RA/TA students may NOT be eligible for practical training during academic year (maxed out at 20 hours per week)
- Students must apply within **30** days of the issuance date of the new OPT endorsed I-20.
Other Important Matters (2)

- You may legally remain in the U.S. while your OPT application is being processed
- You cannot work until you receive your EAD card and the dates are valid
- You cannot take classes while on OPT except for incidental classes
- After graduation, you cannot work on campus unless you have OPT authorization (the job should be related to your field of study)
- You must update the secondary e-mail address in AXESS and subscribe to intl-student-opt mailing list.
- You have a 60 day grace period after your EAD card expires to prepare to go home, transfer to a new academic program in the U.S., or change your status.
Other Important Matters (3)

- After your H-1B effective date, you cannot work under your OPT any more.
  - You must also contact the I-Center to let us know you are no longer in F-1 status (fax H-1B Notice of Approval to I-Center: 650-725-0886)
- You may not accrue an aggregate of more than 90 days of unemployment during any post-completion OPT.
- If you volunteer or intern without pay at least 20 hours per week in your area of study (where this does not violate any labor laws), this time would not be counted against the 90 days of unemployment.

Important: All F-1 students on Post-OTP are responsible for reporting to the I-Center any changes to their employment.

Please submit Employment Information in this form:
http://www.stanford.edu/dept/icenter/employmentinfo.fb
OPT Extension to 29 months for “STEM” students

Who is eligible for an OPT Extension?

- The 12-month limit on F-1 Optional Practical Training (OPT) can be extended for an additional 17 months (for a total of 29 months), for students holding degrees in certain STEM fields (Science, Technology, Engineering, Mathematics) with the following CIP Codes (Classification of Instructional Programs):
  - Actuarial Science. CIP Code 52.1304.
  - Computer Science Applications: CIP Codes 11.xxxx (except Data Entry/Microcomputer Applications, which are CIP Codes 11.06xxxx
  - Engineering. CIP Codes 14.xxxx.
  - Engineering Technologies. CIP Codes 15.xxxx.
  - Biological and Biomedical Sciences. CIP Codes 26.xxxx.
  - Mathematics and Statistics. CIP Codes 27.xxxx.
  - Military Technologies. CIP Codes 29.xxxx.
  - Physical Sciences. CIP Codes 40.xxxx.
  - Science Technologies. CIP Codes 41.xxxx.
  - Medical Scientist (MS, PhD). CIP Code 51.1401
OPT Extension Eligibility Criteria (1)

◆ Please check the following link for: Stanford Degree Programs that Qualify as STEM Degrees

◆ Student must have a job offer from an employer registered with the E-Verify employment verification system. E-Verify is an Internet-based system operated by USCIS in partnership with the Social Security Administration (SSA) that helps employers to determine the employment eligibility of newly-hired employees.

◆ E-Verify FAQ

◆ Student must be currently participating in a standard period of OPT, working for a U.S. employer in a job directly related to the student’s major area of study.
OPT Extension Eligibility Criteria (2)

- Student must have successfully completed a bachelor's, master's, or doctoral degree in a field on the DHS STEM Designated Degree Program List, from a SEVIS-certified college or university.

- Student has not previously received a 17-month OPT extension after earning a STEM degree.

- The DSO must recommend the 17-month OPT extension in SEVIS, after verifying the student's eligibility, certifying that the student's degree is on the STEM Designated Degree Program List, and ensuring that the student is aware of his or her responsibilities for maintaining status while on OPT.

- Student must properly maintain F-1 status
Other Important Matters (1)

- You may not accrue an aggregate of more than **120** days of unemployment during the total 29-month **OPT** period. If you do, you will no longer be in legal F-1 status.
- **USCIS must receive the OPT Extension request before the EAD expiration date.**
- Every six months during the extension, you will be required to submit a validation report, confirming the following information. Your response is due to I-Center within **10** business days of notification.
  - changes to the student's name
  - residential and mailing address
  - Employer’s Name and address
  - any loss of employment
Other Important Matters (2)

◆ Student will have to apply for the 17-month extension on Form I-765 with the usual supporting documentation, photos, and fee.

◆ Students who timely file an application for the 17-month OPT extension will be able to continue employment while the extension application is pending, until a final decision on the I-765 or for 180 days, whichever comes first.

◆ The employer must agree to report the termination or departure of the student to the DSO or through "any other means or process identified by DHS." An employer must consider a worker to have departed when the employer knows the student has left employment, or if the student has not reported for work for a period of 5 consecutive business days without the employer's consent.
Other Important Matters (3)

For more information about OPT Extension, please check the following links:

- 17-Month Extension of Optional Practical Training for Certain Highly Skilled Foreign Students
- SEVP Policy Guidance

For OPT Extension Application Process, Please check:

- Bechtel International Center/OPT Extension Application Process
Duration of Status & OPT Timeline
(In case of OPT Extension)

- Departure
- Back to school/CDL
- Transfer Out
- Change of status

1. ACADEMIC
   - Earliest Start Date of OPT
   - Latest Start Date of OPT
   - 60 Days
   - 12 Months

2. Degree Start Date
   - 60 Days
   - Day after Degree Conferral Date

3. Degree Conferral Date
   - 12 Months

4. OPT Completion Date
   - 17 Months
   - 60 Days

5. Apply for OPT Extension
   - (prior of the expiration of EAD card)

- 1: Studies
- 2: Grace period after completion of studies
- 3: OPT (should be done within 14 months after completion of studies)
- 4: OPT Extension
- 5: Grace period after completion of OPT (no school, no work)
E-Filing

Submitting the OPT application electronically (e-filing) may not necessarily produce the EAD card any faster, and there could be complications with the “biometric” scheduled appointment set by the immigration service. (Only E-File if you are extremely pressed for time!)
**OPT Application Process**

**I-Center Checklist for F-1 Practical Training:**

1. Submit on-line application form in AXESS.
   Instructions on OPT application can be found at: [http://icenterstanford.edu/students/current/opt_application_process.html](http://icenterstanford.edu/students/current/opt_application_process.html)

2. Cover letter

3. Photocopy of all your I-20s

4. Form I-765 Application for Employment Authorization

5. Two identical full-frontal color passport photographs

6. Photocopy of passport

7. Photocopy, back and front, of your I-94 card

8. G-1145: E-Notification of Application (Optional)

Please read carefully the OPT FAQ at: [http://icenter.stanford.edu/students/current/employment_faq.html](http://icenter.stanford.edu/students/current/employment_faq.html)

**USCIS Checklist for F-1 Practical Training:**
I-765 Form (1)

Do not write in this block.

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Applicant is filing under §274a.12 ______

- [ ] Application Approved. Employment Authorized / Extended (*Circle One*)
- [ ] Application Denied

- [ ] Failed to establish eligibility under 8 CFR 274a.12 (a) or (c).
- [ ] Failed to establish economic necessity as required in 8 CFR 274a.12(c)(14), (18) and 8 CFR 214.2(f)

I am applying for:
- [x] Permission to accept employment.
- [ ] Replacement (*of lost employment authorization document*)
- [ ] Renewal of my permission to accept employment (*attach previous employment authorization document*).
**I-765 Form (2)**

1. **Name (Family Name in CAPS) (First) (Middle)**
   - [ ] [ ] [ ]

2. **Other Names Used (Include Maiden Name)**
   - [ ] [ ] [ ]
   - [ ] [ ] [ ]

3. **Address in the United States (Number and Street) (Apt. Number)**
   - (Town or City) (State/Country) (ZIP Code)

4. **Country of Citizenship/Nationality**
   - [ ] [ ] [ ]

5. **Place of Birth (Town or City) (State/Province) (Country)**
   - [ ] [ ] [ ]

6. **Date of Birth (mm/dd/yyyy)**
   - [ ] [ ] [ ]

7. **Gender**
   - [ ] Male [ ] Female

8. **Marital Status**
   - [ ] Married [ ] Single [ ] Widowed [ ] Divorced

9. **Social Security Number (Include all numbers you have ever used) (if any)**
   - [ ] [ ] [ ]
   - [ ] [ ] [ ]
   - [ ] [ ] [ ]

10. **Alien Registration Number (A-Number) or I-94 Number (if any)**
    - [ ] [ ] [ ]
    - [ ] [ ] [ ]
    - [ ] [ ] [ ]

11. **Have you ever before applied for employment authorization from USCIS?**
    - [ ] Yes [ ] Yes, complete below [ ] No

12. **Date of Last Entry into the U.S. (mm/dd/yyyy)**
    - [ ] [ ] [ ]

13. **Place of Last Entry into the U.S.**
    - [ ] [ ] [ ]

14. **Manner of Last Entry (Visitor, Student, etc.)**
    - [ ] [ ] [ ]

15. **Current Immigration Status (Visitor, Student, etc.)**
    - [ ] [ ] [ ]

16. **Go to Part 2 of the Instructions, Eligibility Categories. In the space below, place the letter and number of the category you selected from the instructions (For example, (a)(8), (c)(17)(iii), etc.).**
    - [ ] [ ] [ ]
    - [ ] [ ] [ ]
    - [ ] [ ] [ ]

17. **Employer's Name as listed in E-Verify:**
    - [ ] [ ] [ ]
    - [ ] [ ] [ ]
    - [ ] [ ] [ ]

18. **Employer's E-Verify Company Identification Number or a valid E-Verify Client Company Identification Number**
    - [ ] [ ] [ ]
    - [ ] [ ] [ ]
    - [ ] [ ] [ ]

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**San Francisco, California**

**Student (F-1)**

**Student (F-1)**

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**Bechtel International Center**

*at Stanford University*
Address in I-765

3. Address in the United States (Number and Street)    (Apt. Number)

Write Your Current Mailing address only if you will be living there for the next 6 months.

If you change your address while your application is pending, you must file Form AR-11 within 10 days of moving to a new address. You may submit an AR-11 online through USCIS Online Change of Address.

You must also update your address in Axess within 10 days of moving (as required by law).
I-765 Form (3)

Certification

Your Certification: I certify, under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct. Furthermore, I authorize the release of any information that U.S. Citizenship and Immigration Services needs to determine eligibility for the benefit I am seeking. I have read the Instructions in Part 2 and have identified the appropriate eligibility category in Block 16.

Signature: [Signature]  
Telephone Number: [Number]  
Date: [Date]

Signature of person preparing form, if other than above: I declare that this document was prepared by me at the request of the applicant and is based on all information of which I have any knowledge.

Print Name: [Name]  
Address: [Address]  
Signature: [Signature]  
Date: [Date]

Remarks

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<td>Sent</td>
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Form I-765 (Rev. 10/30/08)
How to Sign I-765

Certification

Your Certification: I certify, under penalty of perjury under the laws of the U.S. I am correct. Furthermore, I authorize the release of any information that U.S. Citizen eligibility for the benefit I am seeking. I have read the Instructions in Part 2 in Block 16.

Signature: Donald Duck

Signature of Person Preparing Form, If Other Than Above: 1

NOTE: Your signature should not be too close to either black line

- Signature placed over “Signature” text on form
- Signature touching black lines
- Potentially a problem as signature is extremely close to the top black line
Notice of Action

- **Has a tracking number – the WAC #**
  (Western Adjudication Center)
  which can track the application online.

- **Has a “received date”**
  (This is the date the CSC acknowledges receiving your application. The CSC can be contacted by the I-Center if the OPT has not been approved by 90th day from the received date.)

- **Has a “notice date”**
  (This is the date the CSC sent the Notice of Action letter to you.)

*If no Notice of Action is received 2 weeks after the application has been received, then contact the CSC at: [CSC.nonnotice@dhs.gov](mailto:CSC.nonnotice@dhs.gov) and request that a Notice be sent to you. This Notice will contain the WAC tracking number for your case.*
USCIS Case Status Online website

https://egov.uscis.gov/cris/Dashboard.do

My Case Status

Para tener acceso a este sitio en Español, presione aquí

Your Current Case Status for Form I765, APPLICATION FOR EMPLOYMENT AUTHORIZATION

Enter your receipt number
WAC09213xxxxx

Check Status

Your Case Status:
Document production or Oath Ceremony

Document production or Oath Ceremony

On September 26, 2009, we ordered production of your new card. Please allow 30 days for your card to be mailed to you. If we need something from you we will contact you. If you move before you receive the card, call customer service at 1-800-375-5283.

This step applies to applications that result in an applicant receiving a card (such as a green card) or other document (such as a naturalization certificate, refugee travel documents or advance parole). Applications will be in this step from the time the order to produce the card/document is given until the card/document is produced and mailed to the applicant. You can expect to receive your card/document within 30 days of the approval of your application.
Security Checks during OPT processing

- OPT application may be subject to security check procedures and this may delay the processing time of your OPT application.
- Applications subject to security check procedures may be sent to Washington D.C. for further review.
- **A security check can delay your application by 4-8 weeks, and sometimes longer**
- The security check can not be expedited
- We have recently seen students from Iran and China (in sensitive fields) who have had delays in obtaining their EAD card in a timely manner.
- There is no way of knowing who will be subject to a security check
  - You could be subject if you are:
    - Currently subject to **NSEERS** (National Security Entry-Exit Registration System)
    - Study in a field listed in the “Technology Alert List”
    - National or citizen of a country considered high risk to the U.S.
Travel outside the US (1)

- Do NOT travel without EAD card.
- After graduation, travel outside the US is risky if your OPT application is pending or if your OPT is approved but you do not have a job.
- It may be difficult to obtain a new F-1 visa while on OPT if you cannot prove ties to home country.
- You may reenter to search for employment if you have a proof of job interview and a valid EAD (Risky ...
Travel outside the US (2)

In order to return to the US during OPT, make sure you have

- Valid Passport
- Valid Visa
- I-20 endorsed for OPT
- I-20 with signature on P.3 no more than 6 months old
- EAD card
- Official job offer
- Proof of funding (salary)
H-1B Cap-Gap Relief for F-1 Students

What is the H-1B Cap-Gap?

“Cap-Gap” is an automatic extension of the duration of status and employment authorization to the beginning of the next fiscal year (FY) for F-1 students who are on post-completion Optional Practical Training (OPT) and have an approved or pending H-1B petition.

FY = Government Fiscal Year (The fiscal year for the US government begins on October 1 in a given year and ends on September 30 in the next calendar year).
H-1B Cap-Gap Relief for F-1 Students

- This extended duration of status and work authorization applies to all students on OPT, not just STEM students.
- No application is required for this benefit. However, student must be on approved post OPT by the time H-1B application is approved.
- The extension of duration of status and work authorization will automatically terminate upon the rejection, denial, or revocation of the H-1B petition filed on the student’s behalf.
- The immigration attorneys strongly recommend that you do not travel internationally in the time period between when your EAD expires and your H-1B status begins. You may have difficulty re-entering the United States. Please check with your lawyer before you travel out of U.S.
- For more information, please check the following link:

  Expanding Cap-Gap relief for F-1 students with pending H-1B
Example Timeline for Cap-Gap


Grace Period
Can NOT work

Degree Conferral Date

OPT Start Date

Your employer files an H-1B petition for you on April 1, 2014, with a requested start date of October 1, 2014.

H-1Bs can be filed

OPT End Date

You can continue to work for your employer through the end of September, so as long as your H-1B petition is either approved or pending.

“Cap- Gap”

H-1B #s active

cap-gap relief provides a bridge between the end of the student status and the start of the H-1B status

FY = Government Fiscal Year
Case Study (1)

**Case 1:**
Can a student file for combined pre-completion OPT and post-completion OPT?

**Answer:**

- No. The new regulatory provisions differentiate between pre- and post-completion OPT in the application process and in the requirements for maintaining employment.
- The employment end date for pre-completion OPT is **on or before** the student’s program end date.
Case Study (2)

**Case 2:**
I am a Master’s student, who has already applied for post-completion OPT. I just found out that I am not graduating this quarter. What are my options?

**Answer:**

- Apply for an I-20 extension immediately
- If your OPT request has already been approved by CSC, you cannot work full-time but current interpretation of the regulation allows you to work **part-time** until you finish all of your degree requirements, and full-time at the end of quarter
- If the CSC has not taken any decision on your case, we can try to withdraw your OPT request. You won’t get reimbursed for the I-765 application fee, and you have to re-apply.
Case Study (3)

Case 3:
I am a PhD student who has already applied for post-completion OPT. I just found out that I am not graduating this quarter. What can I do?

Answer:

- Apply for an I-20 extension immediately
- If your OPT request has already been approved by CSC, and you have completed all your coursework except your thesis (TGR students), you can start to work. Please note that you should have the following comment in your OPT endorsement (page#3): “All coursework has completed except the thesis”
**Case Study (4)**

**Case 4:**

I have already done 1 academic year at Stanford. I just registered for a CPT class and started to work off campus. I came to the I-Center to get a letter to apply for my social security number. I-Center told me that I can not apply, why?

**Answer:**

- You can not start to work if your I-20 is not endorsed for it.
- CPT class enrollment is not enough to get the employment authorization.
- You need to go to Social Security office with your CPT endorsed I-20 in order to apply for a SS#. In this case, letter from I-Center is not required.
Case Study (5)

**Case 5:**
I am a graduate student completing my degree in June. A company will apply for an H-1B visa for me in April. I am planning to start my OPT the latest date in August in order to be covered by next October when my H-1B will be effective. Can I work during my grace period (next September) while I am waiting for the start date of my H-1B?

**Answer:**
- Yes. If your H-1B petition is either approved or pending, you can work during F-1 grace period.
- If your H-1B is not approved, from August to October, you can stay legally in the United States, but you cannot work.
Thank you!

EAD approved