



Employment Guidelines for F-1 Student

“OFF-CAMPUS” EMPLOYMENT

- ▶ You **MUST** have been in F- I status for one full academic year. (*Must have completed the equivalent of “THREE” UCC quarters at the time of application*)
- ▶ You **MUST** prove to USCIS that employment is necessary due to severe economic hardship caused by circumstances beyond his or her control that arose after obtaining F- I status.
- ▶ Granted by USCIS in increments of one year at a time; authorization ends if a student transfers schools.
- ▶ Limited to 20 hours per week while school is in session; can be full-time during official school breaks.
- ▶ Can be in any job. Does not have to be related to course of study.
- ▶ Must apply for EAD from USCIS with the assistance of the DSO.

Employment Based on Severe Economic Hardship “8 C.F.R. 214.2 (f)(9)(ii) (C)”

What the student must do:

- ▶ The student prepares and submits the following to the DSO at the authorized school of attendance: (*all forms are available through the Admission’s Office*)
 - a. Complete Form I-765, Application for Employment Authorization, using the code: “(c) (3) (iii)” at item 16.
 - b. Document the circumstances causing the economic need. Write a statement describing the unforeseen hardship situation and, if possible, attach backup documentation; for example, a letter from home telling of a change in family circumstances or proof of a currency devaluation in the your home country.
 - c. Explain why other employment options are unavailable or insufficient (a simple statement might suffice).
 - d. Obtain two (2) photos with a white background taken no earlier than 30 days before submitting application to INS. They should be unmounted; printed on thin paper; glossy; and unretouched. The photos should show a three-quarter front profile of the right side of your face, with your right ear visible. Your head should be bare unless you are wearing a headdress as required by a religious order to which you belong. The photo should not be larger than 1½ X 1½ inches, with the distance from the top of the head to just below the chin about 1-1/4 inches. Lightly print your name on back of each photo.
 - e. Sign Form I-765 signature card within the blue box.
 - f. Bring all documents to the DSO’s office for verification & further processing.



What the DSO will do with your documents:

- ▶ Verify eligibility for the benefit, including maintenance of F- I status for at least one academic year. (YOU must have completed the equivalent of THREE quarters to be eligible for off-campus employment based on severe economic hardship).
- ▶ Complete Form I-538. Form I-538 (DSOs will type or write in the following language on the front page of Form I-538 under section 9, after "Check one:" **"Severe Economic Hardship Authorized in accordance with 8 C.F.R. 214.2(f)(9)(ii)(C) until [date]"**
- ▶ DSO will write in the comment section on the back of the Form I-538: **"The DSO and student are unaware of available employment on campus to meet this student's needs"**
- ▶ Although not required, the DSO may choose to write a brief letter summarizing and verifying the student's financial situation, and supporting his or her application.
- ▶ DSO will fingerprint your index finger for placement on the I-765 Signature Card.
- ▶ The DSO does not endorse the student's I-20.

I-765 Application Checklist:

- Form I-538, completed by the DSO when you submit your documents for verification of enrollment.
- Form I-765, completed by the student, marked with the code "(C) (3) (A) OR (c) (3) (ii) (c) (3) (iii) - at item 16.
- I-765 processing fee of \$340.00. Make check payable to – “Department of Homeland Security”
Do not Abbreviate
- 2 ADIT (*Passport style*) photos.
- Copy of the student's Form I-20.
- Copy of the student's I-94, front and back.
- A letter explaining the circumstance; of the hardship, if appropriate. Some I.N.S. Service Centers also require that you submit supporting materials documenting the unforeseen nature of the economic hardship and, to the extent possible, the unavailability of on-campus employment to meet the need.
- Letter of support from the DSO (optional).
- Copy of the ID pages from the student's passport.
- RENEWAL applications require you to submit a photocopy of the previously issued EAD; (front & back of card).



What to send and where:

- ▶ When all documents are complete, MAKE a copy of ALL documents for your records.
- ▶ Please assemble the documents in the following order for mailing:
 - a) Copy of I-94 (front & back)
 - b) I-765 Employment Authorization Application with \$340 filing fee
 - c) Copy of last EAD if this is a Renewal request (front & back)
 - d) Passport photos (*lightly print name on back*)
 - e) affidavits, letters of support, all other documents
- ▶ **Mail all of the above to:**
 - USCIS Service Center
 - P.O. Box 87765
 - Lincoln, NE 68501-7765

Department of Homeland Security Action

- ▶ If employment is authorized, Department of Homeland Security (DHS) will issue the student Form I-766, a card known as an Employment Authorization Document (EAD).
- ▶ If the application is denied, DHS will indicate the reason for the denial in writing. A denial may not be appealed. See this link:
<http://www.uscis.gov/portal/site/uscis/template.PRINT/menuitem.5af9bb95919f35e66f614176543fd1a/?vgnnextoid=d502194d3e88d010VgnVCM10000048f3d6a1RCRD&vgnnextchannel=1847c9ee2f82b010VgnVCM10000045f3d6a1RCRD>
- ▶ The student cannot begin employment until he or she receives the EAD from DHS.
- ▶ Processing times for EAD issuance vary greatly from Service Center to Service Center, and a student applying for economic necessity work authorization must often wait several weeks or even months before the EAD actually arrives.
- ▶ Authorization is granted in one-year intervals, up to the expected date of completion of studies.
- ▶ Students must reapply to I.N.S. each year to renew this work authorization. *If a student needs uninterrupted work authorization he or she must apply early enough so that the EAD is received before the expiration date of the prior one, since continued employment during the pendency of an EAD extension request is not authorized.*

Limits on the Terms of Employment:

Off-campus employment authorization granted under 8 C.F.R. 214.2(f)(9)(C) is terminated when:

- ▶ the student transfers from one school to another, or
- ▶ when the need for employment ceases.

NOTE: Employment Authorization is not terminated if the student continues studies in a new educational program at the same institution.