

INTRODUCTION TO EMPLOYMENT AUTHORIZATION DOCUMENTS (EADS)

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AGENDA

- Introduction to EADs
- Student Employment
 - Employment without EAD
 - Severe Economic Hardship
 - OPT + STEM Extensions
- Other Employment Authorization Cards
 - H-4 EADs
 - Other Dependent EADs
 - Other EAD statuses
 - EAD based on Adjustment of Status
- Questions

WHAT IS AN EMPLOYMENT AUTHORIZATION DOCUMENT?

Certain foreign nationals may apply for an **EAD**. The EAD provides employment authorization **within the validity dates on the card** and is **proof of both identity and employment authorization** for I-9 purposes.

This is the most recent version of the EAD. Older versions may lack certain features but may still be valid.



HOW DOES ONE GET AN EAD?

Most applicants have to apply to US Citizenship and Immigration Services by mailing the following:

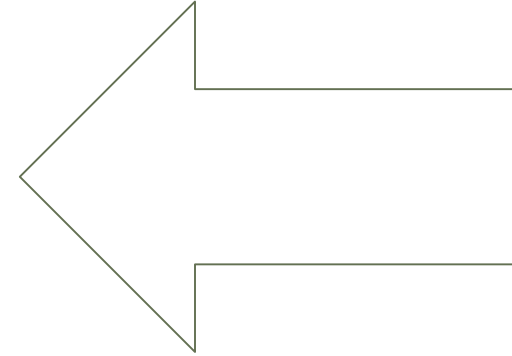
- I-765 Application for EAD
- \$410 filing fee to USCIS
- Proof of status (passport bio page, visa docs, I-94)
- Proof of eligibility

USCIS can take **three months or more** to issue the EAD.

More information at <http://www.uscis.gov/i-765>.

WHO NEEDS AN EAD?

If the person **will** be performing work (even unpaid!) in your unit, they need to have employment authorization.



For most visas that are not UW-sponsored*, that means they need to have an EAD.

*UW-sponsored visas include J-1, H-1B, TN, E-3, and (very rarely) O-1

WHAT SHOULD I DO IF SOMEONE PRESENTS AN EAD?

- Make sure the job is appropriate for EAD.
- Review it and make sure that it is valid and will cover the period of employment.
- Note any conditions or restrictions.
- Follow instructions from Payroll to complete I-9.
- Don't forget to re-verify when EAD expires!
- When in doubt, contact ISO.

Remember that it is **the employee's responsibility** to renew an EAD.

STUDENT EMPLOYMENT

F-1 INTERNATIONAL STUDENTS

F-1 students may be in the U.S. for secondary (high school) or postsecondary (undergraduate or graduate) studies.

F-1s are NOT employment-authorized for all purposes or types of employment. Without EAD, F-1s can only do:

- On-campus employment
- Curricular Practical Training

F-1 ON-CAMPUS EMPLOYMENT

F-1 students can work **without an EAD** if employment:

- is on campus or at affiliated site
- is for university or private business providing services to students
- is under 20 hours a week while school is in session
- does not displace US workers

CURRICULAR PRACTICAL TRAINING (“CPT”)

A student can engage in curricular practical training without EAD IF:

- they have been a student for a full academic year
- they have an offer of employment or training
- training will be “integral part of established curriculum” that is “directly related” to area of study
- they will maintain a full course of study

Full-time CPT of one year or more makes a student **ineligible for OPT.**

F-1 EMPLOYMENT AUTHORIZATION DOCUMENTS

F-1s may receive an EAD for:

- Severe economic hardship
- Pre-completion, Post-completion, or STEM extension Optional Practical Training (“OPT”)

Student must get endorsement from Designated School Official and then apply to USCIS within a certain time frame.

SEVERE ECONOMIC HARDSHIP

A student can receive an EAD for this IF:

- the hardship was beyond their control,
- they have been a student for a full academic year, and
- employment is 20 hours or less per week while school is in session

This employment can be off-campus and in any job.

PRE-COMPLETION OPT

A student can receive an EAD for this IF:

- They have been enrolled full-time for at least one academic year
- They have NOT done one year of full-time CPT
- Employment will be directly related to area of study
- Employment will be 20 hours/week or under, unless student has completed all coursework except thesis/dissertation.

Pre-completion OPT counts against the 12-month OPT limit.

POST-COMPLETION OPT

A student can receive an EAD for this IF:

- They have been enrolled full-time for at least one academic year
- They have NOT done one year of full-time CPT
- Employment will be directly related to area of study

All students are limited to 12 months of OPT. A student on post-completion OPT may not accrue more than 90 days of unemployment.

STEM EXTENSION OPT

A student can receive an EAD for this IF:

- They received their degree in a STEM field
- Employment will be at least 20 hours/week and directly related to area of study
- Employer is an E-Verify employer

STEM extension may be for up to 24 months.

Student must not accrue more than 150 days of unemployment over entire OPT period.

STEM EXTENSION OPT

- Employer must implement “formal mentoring and training program for the benefit of the student”
- Additional reporting requirements for employer and student
- Students may request a previous unused STEM extension
- Student and employer must complete an **I-983 Training Plan** describing the employment in detail, as well as periodic **performance reviews**

THE I-983 TRAINING PLAN

- Must be completed by student AND employer and kept on file
- Student must provide it to their international students office to apply for their EAD
- Employers may be audited by the Student & Exchange Visitor Program to ensure they are complying with the Training Plan

Available at <https://www.ice.gov/sites/default/files/documents/Document/2016/i983.pdf>

WHAT ARE YOUR OBLIGATIONS AS AN OPT EMPLOYER?

REPORT TO DSO:

- “Material changes” including drops in hours or compensation
- Termination or departure of trainee

ENSURE:

- On-site supervision and training
- Trainee will not replace US worker
- Conditions of employment must be “commensurate” with similarly-situated US workers

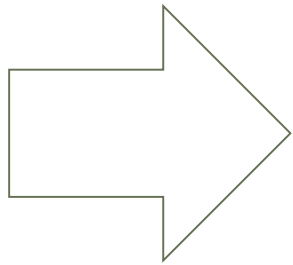
-
- QUESTIONS?

OTHER EMPLOYMENT AUTHORIZATION CARDS

DEPENDENTS WITH EADS

Certain dependent statuses (A, E, G, J, L, or NATO dependents) are eligible to apply for EADs.

They can only work with an approved EAD.



Remember that a dependent's status may end suddenly if the primary status ends. If so, their employment authorization ends too.

H-4 EMPLOYMENT AUTHORIZATION

H-4 dependents of H-1Bs may apply for EAD IF:

- H-1B is the beneficiary of an approved I-140 Immigrant Petition OR
- H-1B is the beneficiary of an approved H-1B extension based on
 - Approved I-140 subject to visa backlog OR
 - Labor Certification or I-140 filed or approved before end of 5th year of H-1B status

Bottom line: no green card in process → no H-4 EAD.

OTHER EAD STATUSES

Certain visa statuses get EADs, including:

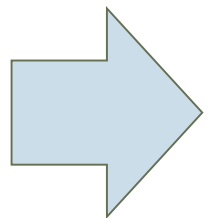
- DACA (Deferred Action for Childhood Arrivals)
- Refugees and Asylees
- S (Informant)
- T (Trafficking Victim)
- U (Crime Victim)
- V (Family Unity)
- Temporary Protected Status

These statuses are relatively rare. Contact the ISC or ISO if you have questions.

EAD BASED ON ADJUSTMENT OF STATUS

The I-485 Application to Adjust Status is the last step in the green card process. Once it is filed, the applicant is eligible to apply for an EAD. These EADs

- are granted one year at a time until I-485 is approved
- may have to be renewed many times in case of visa backlog
- must be renewed by applicant



I-485 applicants may have limitations on their ability to accept outside employment.

SUMMARY

- Student EADs have certain restrictions
- Other EADs don't (for the most part)
- Dependent EADs can become invalid if primary status ends
- The EAD holder is always responsible for renewing it

EADs are a great way to employ great talent, as long as you understand their limitations.

Useful resources:

International Scholars Operations:

<http://ap.washington.edu/ahr/visas/f1-j1/>

International Student Services:

<https://iss.washington.edu/work/f1-employment/>

<https://iss.washington.edu/work/f1-employment/opt/24-monthextension/tips-i-983/>

Payroll Office:

<https://isc.uw.edu/instructions-i9-eac/>



More useful resources

Department of State:

<https://studyinthestates.dhs.gov/working-in-the-united-states>

<https://studyinthestates.dhs.gov/stem-opt-hub>

U.S. Citizenship and Immigration Services:

<https://www.uscis.gov/i-9-central/form-i-9-resources/handbook-for-employers-m-274>

<http://www.uscis.gov/i-765>

U.S. Department of Homeland Security:

<https://studyinthestates.dhs.gov/stem-opt-hub/additional-resources/form-i-983-overview>



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Questions?

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