CURRICULAR PRACTICAL TRAINING:
FROM INTEGRAL TO INDICTABLE
SECTION 1: THE RFE PHENOMENON
WHY IS CURRICULAR PRACTICAL TRAINING (CPT) SO CRITICAL?

- CPT is critical to institutional compliance.
  - Very easy to issue in SEVIS.
  - Very sought after by both international students and academic departments.
  - Can bring unwanted attention from government agencies.
WHY IS CURRICULAR PRACTICAL TRAINING (CPT) SO CRITICAL?

- CPT is critical to your students’ future in the United States.
  - Can help the student gain critical experience during studies.
  - If not done properly, CPT can hurt a student’s future immigration applications.
    - Optional Practical Training (OPT)
    - I-539 Change of Status
    - Adjustment of Status
Tri-Valley University used CPT as its primary attraction:

- Students obtained full-time CPT to work for any employer in any location in the US
- Especially popular when H-1B quotas are met, making employment visas unavailable
- Resulting in increased CPT scrutiny nationwide
REQUESTS FOR EVIDENCE (RFE) ARE INCREASINGLY PROBLEMATIC

- Schools, students, and attorneys have seen an uptick in the number and complexity of RFEs during the past two years.
  - Some RFEs seem to question SEVP’s guidance regarding what conditions must be met for CPT issuance.
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EXAMPLE: A “SUPER” RFE

Dear Sir or Madam:

RE: Form I-539

Beneficiary:

The documentation submitted is not sufficient to warrant favorable consideration of your application.

Please hold in this office pending your response. Within this period you may not engage in any unauthorized employment.

This is to certify that if you request that the application be held, the decision will be deferred until such time as you can provide additional evidence.

Sincerely,

[Signature]

[USCIS Signature]

Please submit the following evidence:

1. A copy of the official, FINAL school transcript issued by the school administration.

2. Proof of tuition payments and/or school supplies, for the duration of your enrollment at the

3. Receipts for books, parking permits, and school supplies, for the duration of your enrollment at the

4. Copies of your student ID's, for the duration of your enrollment at the

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CONTENTS OF THE “SUPER RFE”

- All transcripts
- Proof of **four years** of tuition payments
- Receipts for books, parking passes, and school supplies for prior **four years**
- Copies of student ID cards for duration of enrollment
CONTENTS OF THE “SUPER RFE”

- Copies of course syllabi for entire degree program thus far (four years)
- If the student was a commuter student, bus/train/airline tickets and evidence of physical presence at school (class attendance records, parking receipts, etc)
- Copies of the last three W-2 statements and tax returns.
CONTENTS OF THE “SUPER RFE”

- Letter from employer and cooperative agreement between employer and the institution
- Evidence that CPT was integral to degree program
- Copies of work reviews and/or progress reports
- Evidence that student physically attended classes during full-time CPT for eight months

Could your students answer this RFE?
SECTION 2: REGULATORY PROVISIONS AND SEVP POLICY
8CFR§214.2(f)(10)(i),
piece by piece

(i) Curricular practical training. An F-1 student may be authorized by the DSO to participate in a curricular practical training program that is an integral part of an established curriculum. ...
…Curricular practical training is defined to be alternative work/study, internship, cooperative education, or any other type of required internship or practicum that is offered by sponsoring employers through cooperative agreements with the school…
Students who have received one year or more of full time curricular practical training are ineligible for post-completion academic training. Exceptions to the one academic year requirement are provided for students enrolled in graduate studies that require immediate participation in curricular practical training.
A request for authorization for curricular practical training must be made to the DSO. A student may begin curricular practical training only after receiving his or her Form I-20 with the DSO endorsement.
"CPT must relate to your major and the experience must be part of your program of study, however, unlike OPT and other work, CPT can be full time and is not restricted by a weekly 20-hour work limit.

In order to qualify for CPT your DSO needs to provide you with a Form I-20, ‘Certificate of Eligibility for Nonimmigrant Status’ indicating your DSO’s recommendation for employment.”
WHAT IS ACTUALLY WRITTEN?
IMMIGRATION AND CUSTOMS ENFORCEMENT

- “CPT must relate to your major and the experience must be part of your program of study.

- When you enroll at the graduate level, your designated school official (DSO) may authorize CPT during your first semester if your program requires this type of experience. Ask your DSO for details.

- Your DSO will provide you a new Form I-20, “Certificate of Eligibility for Nonimmigrant Student Status,” that shows that the DSO has approved you for this employment.

- You can work on CPT either full-time or part-time.

- **CPT requires a signed cooperative agreement or a letter from your employer.**

- If you have 12 months or more of full-time CPT, you are ineligible for OPT, but part-time CPT is fine and will not stop you from doing OPT.”

http://www.ice.gov/sevis/practical-training
SHOULD WE EXPECT NEW SEVP GUIDANCE ON CPT?

At present, we have heard statements from SEVP personnel at conferences indicating that new CPT guidance is forthcoming.

SEVP personnel have indicated that CPT guidance is on the “back burner” now due to the need for OPT guidance following the GAO report on OPT compliance issues.

SEVP has not put their intention to issue guidance in writing.
SECTION 3: CURRICULAR COMMUNITY — IDENTIFYING & ENGAGING WITH KEY STAKEHOLDERS
KEY STAKEHOLDERS

Admissions/Recruitment

Provost (special students)

Human Resources

US Department of Labor

University Administrators (Champions)

Registrar

Thesis/Dissertation Advisors

Employers

Academic Advisors

USCIS

Deans

Career Services

Students

Faculty

Department Chair
ACADEMIC ADVISORS

Responsible to: School, department, student, field.

Interested in: Expanding research opportunities, funding, students’ overall education.

Best source for defining what is integral to the curriculum.

May want student to get experience, but not agree or understand ‘normal progress’ or the difference between CPT and OPT—aren’t all internships learning experiences?
ACADEMIC ADVISORS: YOU MIGHT...

- Ask them write a letter of support connecting the curriculum or the dissertation/thesis to the internship
- Have them verify that the courses the student has taken/will take are directly related to the position responsibilities
- Ask them to complete part of the CPT application confirming that the internship is integral to the curriculum and will not delay “normal progress”
CAREER SERVICES

**Responsible to:** School administration, employers, and students.

**Interested in:** Developing relationships with employers, job placement, building school brand.

**Resource for students to find degree-appropriate positions.**

Employment numbers sometimes drive policies which may not match immigration guidelines.
CAREER SERVICES: YOU MIGHT...

- Ask them to work together on cooperative or **written agreements** with employers.
- **Educate** career services on the difference between OPT and CPT.
- Co-lead CPT employment **workshops** for students.
EMployers

**Responsible to:** Stock-holders and Department of Labor.

**Interested in:** Skilled workers, low-cost labor.

**Provide opportunity for mutually positive learning experience, both cultural and practical.**

Unfamiliarity with immigration regulations and school procedures may lead to misunderstandings or even violations.
EMPLOYERS: YOU MIGHT...

- Request information including: detailed position description, hours per week, compensation.
- Educate them that this experience is meant to be short-term with a curricular focus— not for staffing purposes.
- Ask them to sign a work agreement.
STUDENTS

Responsible to: Their parents/family, teachers, DHS.

Interested in: Getting experience, building their resume, making money.

Contribute unique points of view and experience to professional projects.

Sometimes forget long-term consequences in the interest of immediate gratification.
STUDENTS: YOU MIGHT...

- Have the student fill out an application, which could include:
  - Learning objectives;
  - Related classes from their degree;
  - Short essay connecting internship responsibilities to their courses.
Curricular Practical Training Application Form

Definition
Curricular Practical Training (CPT) must be an integral part of an established curriculum and directly related to the student's major area of study. (22 CFR 214.2(f)(10)(i)). It is authorization to participate temporarily in an internship, co-operative education or related thesis/dissertation project.

Before You Start, Have You...
- Completed a year (Fall and Spring semester) in 1st status, and one in your degree program at George Mason?
- Earned a minimum GPA of 3.0 (Graduate Students) or 2.0 (Undergraduate Students)?

CO-OPERATIVE EDUCATION (CO-OP)
Procedure
1. Bring detailed position description to meet with OIPS advisor to confirm that the position meets CPT requirements. You should do this before completing the form. Not all positions are CPT-eligible.
2. You, your employer, and your academic advisor complete the CPT application.
3. Obtain the Work Agreement for Co-op and all necessary signatures.
4. Meet with Debbie Zulkier in Career Services. Walk-in hours: Monday, Thursday or Friday 10:00 a.m. to 1:00 p.m. or by appointment. Bring completed CPT application, Work Agreement and SIS forms.
5. Return to OIPS, drop off signed CPT application with approved position description.
6. Allow up to two weeks for the CPT-20.
7. You will be required to complete Learning Goals and Evaluation.

Check List
- Work description approved by OIPS advisor
- OIPS forms completed for CPT Program
- Completed CPT Application
- Enrolled in Co-op program
- Attached copy of position description
- Completed Learning Goals within first two weeks of starting work

CO-OP CALENDAR

Semester | Earlier Date to Begin Work | Latest Date to Begin Work | Final Application Drop Deadline | Work End Date - Graduating Students | Work End Date - Continuing Students
--- | --- | --- | --- | --- | ---
Summer 2014 May 15 | June 20 | June 10 | July 17 | August 1 | August 22
Fall 2014 August 25 | October 15 | October 1 | December 17 | January 16
Spring 2015 March 21 | February 15 | March 1 | August 12 | May 13 | May 13

Important Information
- You must begin CPT only after you have obtained your I-20 with CPT authorization.
- If you have dropped off your application, additional documentation may be requested.
- You may participate part-time during the summer and full-semester and part-time during the summer.
- FL students must have 12 months of holding F-1 status and be eligible for Optional Practical Training (OPT).
- You have to have a letter from the employer confirming that the position meets CPT requirements.
- If you receive any compensation associated with the training, $500 of your remuneration will consist of compensation received while on the job.
- Total employment (on and off campus combined) may not exceed 20 hours per week while in the student's status.

Please submit all materials to OIPS, drop off your position description.

Co-operative Education (Co-op)

Rating
- Competent
- Excellent
- Outstanding

Printed Name |
Signature |
Signature |
Co-operative Education (Co-op) GPA

Curricular Practical Training Application Form

STUDENT INFORMATION:
Completed by Student

Given Name/Family Name | Number | Date of Birth | Level of Study/Major
--- | --- | --- | ---

List all relevant courses that you have taken that apply to this position:

Course Requirements: CPT must be integral or required for your degree. How does this training opportunity relate directly to your coursework? In detail, explain how this training is integral to your degree. You may want to consult with your Academic Advisor to thoroughly complete this section. This is for the initial approval and cannot be processed if it is insufficient.

Signature |
Date |

COMPANY INFORMATION:
Completed by Employer

Temporary employment for CPT purposes will be offered.

Physical Location (In-Box): |
City, State | Zip Code
Contact Person |
Phone |

Student Employment Start Date |
Number of hours/week |
Employment End Date |

ACADEMIC INFORMATION:
Completed by Academic Advisor, Department Head or Dean

CPT is authorized to participate in training that is an integral part of an established curriculum and directly related to the student's major area of study. It is not to facilitate the creation of special employment opportunities for F1 students. We ask that you review the above to help us determine whether the proposed program meets government guidelines for CPT. Estimated Duration (Month/Year):

Advisors of graduate students: Has the student completed his/her required coursework? Yes | No

Yes: If the student is applying for Thesis/Dissertation CPT, then the training must be required to complete the thesis or dissertation.

*Note that if the training is OPTIONAL, then the student is eligible for CPT but may not meet the eligibility requirements for Optional Practical Training. An OIPS advisor can provide details.

I have read the detailed position description and the student's explanation of course relevance. I confirm that this Curricular Practical Training opportunity is integral to or required for the student's program of study. It will not delay the student's expected completion date as listed on the I-20.

Printed Name |
Signature |
Signature |
Date |

CO-OPERATIVE EDUCATION (Co-op) GPA

Signature |
Position/Organization |
Phone Number |
E-mail |

CO-OPERATIVE EDUCATION (Co-op) GPA

Completed by Co-op Specialist at Career Services

The above student has been approved to participate in Co-op.

Signature |
Date |

Sub Date | 4/10/2014, 4800 University Drive MS 4C1, Falls Church, VA 22044-4444 (703) 993-2206, (703) 993-2207, (703) 284-2428, (703) 993-2242, op@oips.gmu.edu, http://oips.gmu.edu
SECTION 4: BUT I’M NOT BEING PAID!
THE QUESTION OF UNPAID INTERNSHIPS
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UNPAID INTERNSHIPS AND THE CPT DILEMMA

- Students want work experience, even if internship is unpaid.
- Employers want smart workers, particularly if internship is unpaid.
- FLSA and DOL require pay for productive work.
WHEN IS VOLUNTEER WORK “PROPERLY” VOLUNTEER WORK?

- USCIS allows volunteer work, if it doesn’t violate labor laws.

- Labor Law’s definition of a “Volunteer”/“Volunteer Work”:
  - "An individual who performs hours of service for a public agency for civic, charitable, or humanitarian reasons, without promise, expectation or receipt of compensation for services rendered..."
    - Title 29 § 553.101, Application of the Fair Labor Standards Act to Employees of State and Local Governments

- Non-Profit charitable work is okay.
WHEN IS VOLUNTEER WORK “PROPERLY” VOLUNTEER WORK?

- Volunteer work for state or local governments may be okay.

- DOL's six-factor test for volunteer work with private employers:
  1. Similar to training at vocational schools;
  2. For benefit of trainee;
  3. Trainee does not displace regular worker;
  4. No immediate advantage to employer; operations may be impeded;
  5. No entitlement to job; and
  6. Trainee understands no wages paid.
THE KEY QUESTION FOR CPT AUTHORIZATION FOR UNPAID INTERNSHIPS

Does the internship program satisfy DOL rules regarding “volunteer work?”

- Yes
  - No CPT needed
  - Work Authorization Needed

- No
REQUIRING CPT FOR CREDIT-BEARING UNPAID INTERNSHIPS

Benefits:

❖ Provides students employment authorization for all credit earned through curricular work off campus.

❖ School and students will be in compliance.
REQUIRING CPT FOR CREDIT-BEARING UNPAID INTERNSHIPS

Challenges:

- May mean more CPTs to process & more wait time for students
- Some short degree programs may be challenged with a mandatory CPT authorization requirement
REQUIRING CPT FOR CREDIT-BEARING UNPAID INTERNSHIPS

Suggestions:

- Create a faster CPT authorization process, e.g. online application process
- Engage key campus partners to enhance awareness, prompt coordination (e.g. registrar, IT, academic units, career centers, internship/externship offices etc.) to help you stay compliant
CONSEQUENCES OF WORK IN IMPROPER UNPAID INTERNSHIP

For Students:

- Violation of status
- Denial of future immigration benefits such as OPT, H-1B etc.
- Removal Proceedings for unlawful employment
CONSEQUENCES OF A FAULTY CPT POLICY

For Schools:

- RFEs
  - For school re: I-17
  - For student applications, requiring DSO endorsements
- Suspension of F-1 program
SECTION 5: CPT PRACTICE MODELS AND REAL-LIFE EXPERIENCE
COMMON INSTITUTIONAL CPT MODELS

No CPT

CPT for REQUIRED internships only

CPT for both OPTIONAL and REQUIRED internships
# Model 1: No CPT

**Required Internships**
- How can F-1 students meet degree requirements?
- Can internships be conducted in home country?

**Optional Internships**
- Students must apply for Pre-Completion OPT to undertake non-required internships
- Detracts from available Post-Completion OPT
**MODEL 1: NO CPT**

| Saying “no” is simple. | Students graduate without meaningful work experience |
MODEL 2: CPT FOR REQUIRED INTERNSHIPS ONLY

<table>
<thead>
<tr>
<th>Required Internships</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Requirement must appear in institutional catalog/bulletin</td>
</tr>
<tr>
<td>• Students granted CPT to undertake required internships in the US</td>
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</tbody>
</table>

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</tr>
<tr>
<td>• Detracts from available Post-Completion OPT</td>
</tr>
</tbody>
</table>
## Model 2: CPT for Required Internships Only

<table>
<thead>
<tr>
<th>Requirements in catalog/bulletin take the guesswork out of what is or is not required</th>
<th>Few students get meaningful work experience</th>
</tr>
</thead>
<tbody>
<tr>
<td>Post-Completion OPT may be truncated by use of pre-completion OPT</td>
<td></td>
</tr>
</tbody>
</table>
# Model 3: CPT for Both Required and Optional Internships

<table>
<thead>
<tr>
<th>Required Internships</th>
<th>Optional Internships</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Requirement must appear in institutional catalog/bulletin</td>
<td>• School determines what is an “integral part of an established curriculum”</td>
</tr>
<tr>
<td>• Students granted CPT to undertake required internships in the US</td>
<td>• Students granted CPT to undertake optional internships in the US</td>
</tr>
</tbody>
</table>
MODEL 3: CPT FOR BOTH REQUIRED AND OPTIONAL INTERNSHIPS

Students given the opportunity to gain meaningful work experience in the US even if their degree program does not have a strict internship requirement

Challenging to define “integral part of an established curriculum” in relationship to numerous degree programs
CHECKUP: ARE YOU COMPLIANT?

- Do you have a clearly defined policy, detailed and in writing?
- Is this clearly defined, detailed written policy available easily to all advising staff and institutional stakeholders?
- Is this internal policy defensible (inclusive of regulation and guidance)?
CHECKUP: ARE YOU COMPLIANT?

Do you maintain proper documentation?

- An offer letter or co-op agreement
- Documentation from an academic advisor
- Copy of the I-20 created for CPT, noting the authorization on page 3
CPT: CRITICAL INCIDENTS

Michigan State University: Music CPT

- Performance major had both teaching and performance CPT opportunities during degree
- OPT RFE requested verification of 10 periods of time where CPT authorizations overlapped
- Accurate recordkeeping allowed for successful response

4 years of CPT, 2 schools, zero degrees obtained.

- Training or work authorization?
- Later consequences
QUESTIONS?
THANK YOU FOR YOUR TIME AND ATTENTION!
MATERIALS: OISS.MSU.EDU/NAFSA/CPT