

F-1 Student Eligibility for Community and Industry Graduate Research Assistantships (CIGAs)

February 23, 2018

Purpose

The purpose of this document is to clarify the parameters on the use of the CIGA program at UA as it relates to the eligibility of international students.

Background

In light of legal concerns relative to the regulatory definition of “on-campus” employment for F-1 students, the Office of General Counsel and the International Center had previously determined that students in F-1 status must apply for Curricular Practical Training (CPT) authorization to work off-campus at a sponsoring company, even though the student was receiving payment from UA.

However, the CPT mechanism had drawbacks, namely:

- cumbersome implementation (i.e., several rounds of back-and-forth paperwork between the department, employer, Office of Research Administration, the Office of General Counsel and the International Center);
- regulatory limitation that F-1 students enroll full-time for one academic year before becoming eligible for CPT, thus limiting the CIGA opportunity during this critical first year;
- requirement that F-1 students enroll in a credit-bearing course associated with the CPT each semester; and
- the possibility that government guidance relating to CPT may change at any point under the current administration.¹

Current Policy

In light of the CIGA and Graduate School Tuition Policies (January 29, 2018), and after consulting with the deans of several Colleges who have been engaged in the CIGA program, it is now determined that **CIGA opportunities may count as on-campus employment** (and thus do not require special employment authorization through the International Center) **if they meet the following criteria:**²

- There is a signed CIGA contract between UA and the sponsor, and
- The student’s faculty advisor signs an attestation that certifies:
 1. The employment is an integral part of the student’s graduate program,³ and
 2. The off-campus location has an educational affiliation with the school that is (a) associated with the school’s established curriculum⁴ or (b) related to a contractually funded research project at the graduate level.⁵

When these criteria are met, the Office of General Counsel and the International Center will not typically need to be involved in the CIGA approval process.

Limitations of the Policy

- **If the CIGA opportunity does not fit the above-mentioned criteria**, the student may discuss with the International Center whether he or she is eligible for another type of employment authorization, such as CPT or pre-completion Optional Practical Training (OPT), to participate in the experience.
- **This policy relates only to F-1 students.** For students with another visa status, check with the International Center regarding eligibility.
- Nonimmigrant students are ultimately responsible for ensuring they comply with regulations pertaining to their own visa status, and they should independently consult with an immigration attorney if they have concerns regarding their specific situation.

¹ While no new federal guidance has been released, professional associations have recently indicated U.S. Citizenship and Immigration Services may be interpreting CPT regulations more restrictively.

² These criteria are based on 8 C.F.R. 214.2(f)(9)(i).

³ For purposes of this policy, “integral” means “essential to completeness” or “a component of the whole.”

⁴ The academic department is best positioned to determine whether the off-site location is educationally affiliated with the established curriculum as reflected in the Graduate Bulletin and any department-specific publications. An example of such an association would be the student’s use of innovative technologies at the off-campus site which enables the student to fulfill a research project for a class or dissertation.

⁵ An example of (b) is a contract-based research grant to the faculty advisor (which is expected to rarely occur in the CIGA context).