

December 18, 2018

U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Services  
2200 Potomac Center Dr Stop 2425  
Arlington, VA 20598-2425



U.S. Citizenship  
and Immigration  
Services

YANXIN LU  
c/o YANXIN LU  
3517 NORTH HILLS DRIVE APT A104  
AUSTIN, TX 78731



YSC1890319625

RE: I-765, Application for Employment Authorization

### DECISION

This notice refers to your Form I-765, Application for Employment Authorization, filed on August 24, 2018, in which you are requesting employment authorization pursuant to Title 8, Code of Federal Regulations (8 CFR) 274a.12B. Upon consideration, it is ordered that your application be denied for the following reason(s):

Title 8, Code of Federal Regulations, Part 274a.12(c)(3)(b) allows for the authorization of employment to a nonimmigrant (F-1) student who is seeking employment for purposes of optional practical training pursuant to 8 CFR 214.2(f), provided the alien will be employed only in an occupation which is directly related to his/her area of studies and that he/she presents an I-20 ID endorsed by the designated school official.

Title 8, Code of Federal Regulations, Part 214.2(f)(5)(i) states, in pertinent part:

Duration of status is defined as the time during which an F-1 student is pursuing a full course of study at an educational institution approved by the Service for attendance by foreign students, or engaging in authorized practical training following completion of studies, except that an F-1 student who is admitted to attend a public high school is restricted to an aggregate of 12 months at any public high school(s). The student is considered to be maintaining status if he or she is making normal progress toward completing a course of study.

A search of USCIS records indicates that on May 15, 2018 your status was changed to *H1B1*. Since you have been granted *H1B1* status and are no longer in status as an F-1 student, you are ineligible for employment authorization under (c)(3)(b).

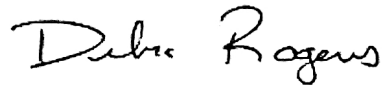
For this reason, your application must be and hereby is denied.

NOTICE: USCIS regulations do not provide for an appeal to this decision. However, you may file a motion to reopen or reconsider an adverse decision. A motion must be filed using Form I-290B, Notice of Appeal or Motion. Form I-290B must be filed within 30 days from the date of this notice (33 days if this notice was received by mail) with the appropriate filing fee and other documentation in support of the motion. Do not send the completed Form I-290B directly to the Potomac Service Center. For more information about filing motions, as well as fee required and filing locations, and to download Form I-290B, please visit the USCIS website at [www.uscis.gov](http://www.uscis.gov). You may also contact the

USCIS Contact Center at 800-375-5283.

However, this denial is without prejudice to the filing of an Application for Employment Authorization under any category for which you may qualify.

Sincerely,



Debra A. Rogers  
Director  
Officer: AD0157

