

OPT Workshop

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FEBRUARY 12, 2013

What is OPT?

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- Optional Practical Training (OPT) is defined in federal regulations as “temporary employment for practical training directly related to the student’s major area of study.”

8 C.F.R. § 214.2(f)

Kinds of OPT

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There are 3 kinds of OPT:

- Pre-completion OPT
- **Standard post-completion OPT-** [[214.2\(f\)\(10\)\(ii\)\(A\)\(3\)](#)] “Post-completion OPT is OPT authorized to be worked after the student’s program end date.”
- STEM extension OPT

Regulations

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Preconditions:

1. An F-1 student must have been “lawfully enrolled on a full-time basis in a Service-approved college, university, conservatory, or seminary for one full academic year” to be eligible for CPT or OPT.
2. No offer of employment is required to apply for standard OPT; to apply for a 17-month STEM extension, the student must have an offer of employment from an employer registered with E-Verify.
3. Prior use of full-time CPT (Curricular Practical Training) for one year eliminates eligibility for OPT.

Regulations

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Requirements:

1. For post-completion OPT, a student must be adequately employed (minimum 20 hours/week) to avoid limits on unemployment.
2. Students on post-completion OPT are limited to a maximum of 90 days of unemployment.
3. Standard OPT is available for a cumulative maximum of 12 months per educational level; a one-time extension of 17 months (for a total of 29 months) is available to certain STEM degree recipients
4. Work can begin only after receiving the EAD (Employment Authorization Document) issued by USCIS, on or after the start date on the EAD.
5. For standard post-completion OPT, the requested employment start date may not be more than 61 days after the student's program end date, and all standard post-completion OPT must be completed within the 14-month period following the completion of study.

8 C.F.R. § 214.2(f)(11)(i)(D) and 8 C.F.R. § 214.2(f)(10)(ii)(A)(3)

Regulations

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6. Employment must be directly related to the student's course of study; employment based on an OPT EAD that is not directly related to the major area of study would be considered a status violation.

SEVP (Student and Exchange Visitor Program) recommends that students keep documentation showing that their OPT employment is directly related to their degree program. For each job, document:

- the position held
- proof of the duration of that position
- the job title
- contact information for the student's supervisor or manager
- description of the work
- records of hours worked

If it is not clear from the job description that the work is related to your degree, SEVP recommends that you obtain a signed letter from your hiring official, supervisor, or manager stating how the degree is related to the work performed.

How to Apply

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Application Process:

1. The student makes a request for OPT to the DSO (Designated School Official, Jane Nucup).
2. After determining eligibility, the DSO updates SEVIS with an OPT recommendation.
3. The DSO prepares a Form I-20 with the OPT recommendation and required signatures.
4. The student files a [Form I-765](#) (with fee, signed Form I-20 with OPT recommendation, and other supporting documents) to USCIS Lockbox Facility, within OPT filing deadlines.

Timing is Critical

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Timing Issues:

- The DSO recommendation must be made in SEVIS, and the I-765 and OPT I-20 must be received by USCIS, no sooner than 90 days before the program end date, and no later than 60 days after the program end date. The program end date for this year's seniors should be **05/30/2013**. Please check your I-20 to confirm.
- In addition, the Form I-765 and I-20 in support of post-completion OPT must be received by USCIS **no later than 30 days after the DSO updates SEVIS with the OPT recommendation.**
- The [instructions for form I-765](#) also state that in addition to the above, an I-20 submitted with Form I-765 requesting OPT must be “endorsed by a Designated School Official within the past 30 days.”

Paperwork

What does the student need to submit to the DSO?

See this older [checklist](#) (although the fee listed is incorrect).

In order to request a recommendation for OPT from a DSO at R-MC, follow these guidelines for requesting OPT:

- Complete the R-MC Optional Practical Training Request Form
- Schedule an advising appointment with the DSO.
- Bring all required documents listed on the R-MC Optional Practical Training Request Form, including 2 passport photos, I-765 filing fee (check), documentation from the registrar indicating your current academic status and the expected date of completion of studies and,
- Complete [Form I-765](#), Application for Employment Authorization, marked with the proper code at item 16:
 - (c) (3)(A) for pre-completion OPT
 - (c)(3)(B) for standard post-completion OPT
 - (c) (3)(C) for STEM 17- month extension post-completion OPT

Other Issues:

- How does graduating early affect my application for OPT? The DSO needs to shorten your program before you apply for OPT, and will require documentation from the registrar indicating that you have met the academic requirements for early graduation.
- What happens if I don't graduate on time?
- Can I begin graduate school and still keep my OPT? Students on OPT who plan to go to another college or university in the United States must complete a R-MC Transfer Out Form so that the DSO can perform the appropriate "transfer out" process in SEVIS and designate the school to which you will transfer and on which day. OPT ends when you transfer to the new school. **NOTE:** Your new I-20 must be issued within the 60-day grace period after OPT ends, even if the program does not start until later.
- Can I take a class and still keep my OPT?
- Can I be a volunteer or unpaid intern under OPT?

Other Issues:

- I can only find work for 20 hours a week in my field – is that OK?
- Can I work for more than one employer? At the same time?
- Can I cancel or withdraw an OPT recommendation or application?
- Can I travel outside the U.S. while my OPT I-765 is pending? How about once I have my EAD and a job? You should not leave the U.S. while your application is pending. Otherwise, be sure to carry your:
 - Valid passport;
 - Valid F-1 visa stamp in your passport;
 - I-20 indicating OPT approved (check to see if you need a new travel signature)
 - Employment Authorization Document (EAD);
 - Letter from your employer stating that you have a job in the U.S. authorized for practical training and that you are returning to the U.S. to resume this authorized employment.

If you need to travel and apply for a new visa, please consult the OIE well in advance of your departure.

Brainstorming

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What are the resources for finding practical experience?

General Reporting Requirements

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Students must report to his or her DSO within 10 days of any change of the following:

- Legal name
- Residential or mailing address
- Employer name
- Employer address, and/or
- Loss of employment

Change of Address

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Note about an address change:

If the student reports an address change within 10 days of the change to a DSO, and the DSO updates the student's SEVIS record within 21 days as required, the student will have satisfied his or her obligation to notify DHS of the address change under 8 C.F.R. § 265.1.

If you have an application or petition pending with USCIS, also inform them by filling out Form AR-11. You must use an actual street address (the physical location) and not a P.O. Box.

[Change of Address Information and Form](#)

See [General Information](#) for more details.

17-month STEM Extension

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F-1 students approved for standard post-completion optional practical training based on a bachelor's, master's, or doctoral degree in a STEM (science, technology, engineering, mathematics) field that appears on the [DHS STEM Designated Degree Program List](#) can apply to USCIS for a one-time 17 -month extension of post-completion OPT (for a total eligibility of up to 29 months).

Which of these majors is not on the STEM list?

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- Urban Forestry
- Educational Evaluation and Research
- Biochemistry
- Statistics
- Human Computer Interaction
- Archeology
- Econometrics and Quantitative Economics
- Comparative Psychology
- Physics

17-month STEM Extension

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- The student must have a job offer from an [E-Verify](#) employer. (You are responsible for checking with your employer to make sure they are in E-Verify; use this [tool](#)).
- The student's employer must be registered in E-Verify and must agree to report to the DSO when the student is terminated or leaves employment.
- The student must apply for the STEM OPT extension before their standard period of post-completion OPT expires, and must also agree to make periodic reports to the DSO.
- A student may take only one 17-month STEM extension.

17-month STEM Extension

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Other STEM extension issues:

- Current period of standard OPT must be based on degree field on [DHS STEM Designated Degree Program List](#); minors cannot serve as the basis for the STEM extension.
- Double –majors- The STEM extension must be issued on the degree that was the basis for the current standard post-completion OPT; the major must be on the STEM List.

17-month STEM Extension

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STEM Extension Application Procedure:

Similar to post-completion OPT procedures, but the I-765 instructions indicate that you need to include:

- A copy of your degree, indicating your major field of study
- Your employer's E-Verify number
- Documents as indicated for post-completion OPT

STEM Extension Reporting Requirements

In addition to the standard OPT reporting requirements ([see above](#)), there are enhanced reporting requirements for students approved for a 17 -month STEM-OPT extension.

1. Employers of students granted the 17-month STEM OPT extension must also agree to report within 48 hours the termination or departure of a student if the termination or departure is prior to the end of the authorized period of OPT. The employer must make this report “to the DSO at the student’s school or through any other means or process identified by DHS.”
2. STEM OPT recipients must also make a “validation report” to the DSO every six months starting from the date the 17-month extension begins and ending when the student’s F-1 status ends, the student changes educational levels at the same school, the student transfers to another school, or the 17-month OPT extension ends, whichever is first. 8 C.F.R. § 214.2(f)(12)(ii)(B).

Validation Report

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According to SEVP OPT Policy Guidance [8.7] the validation report must include the student's:

- Full legal name
- SEVIS identification number
- Current mailing and residential address
- Name and address of the current employer
- Date the student began working for the current employer
- The report is due to the DSO within 10 business days of each report due date.

Validation Report

So in a typical full 17-month STEM OPT extension, there will be two report due-dates: the first with a due-date 6 months after the STEM OPT employment start date, and the second 12 months after the STEM OPT employment start date.

The report is due to the DSO within 10 business days of each report due date. The DSO must update SEVIS no sooner than 15 days before and no later than 31 days after each due date. If SEVIS is not updated within 31 days of the report date, the student will automatically be set to Terminated status with a new reason of “Failure to Report while on OPT”.