

## F1 Students: Optional Practical Training

Optional Practical Training (OPT) is a benefit of F-1 immigration status that permits up to 12 months of off-campus employment for the purpose of gaining practical experience in the student's field of study. The job duties must be directly related to the student's major area of study and commensurate with the student's educational level. Once approved for OPT the student may not be unemployed for more than 90 days while on post-completion OPT (work permission after graduation).

### Eligibility

- The student must have been lawfully enrolled as a full-time student for at least one full academic year (excluding time spent in an intensive English program), and be in valid F-1 status at the time of application.
- The student must be in good academic standing with WCSU to be eligible for OPT. Students who are currently on a leave of absence or on suspension from their academic programs are not eligible for OPT.
- The majority of students are limited to an aggregate of 12 months of full-time OPT per progressive educational level, regardless of how many schools they may have attended. For example, students who use 12 months of OPT during an undergraduate program are eligible for another 12 months of OPT if they move on to a Master's program, but not if they move on to a second undergraduate program. Student majoring in STEM (Science, Technology, Engineering, Math) fields may qualify for an extension of the OPT beyond the 12 month limit (See Missy Gluckmann for more information.)
- If a student has engaged in a total of 12 months or more of full-time Curricular Practical Training (CPT) during a program of study, the student is not eligible for OPT for that program.

### Part-time versus Full-time OPT

F-1 students do not have to use their entire 12 months of OPT at one time. OPT is available on a **part-time** basis (20 hours or fewer per week) or on a **full-time** basis (more than 20 hours per week). Part-time OPT will be deducted from the 12 months of available OPT at one-half the full-time rate (i.e., if a student engages in part-time OPT for four (4) months during the summer, then only two (2) months of OPT will be deducted from the 12-month total).

### Periods in which students can engage in OPT:

1. **Part-time or full-time OPT during the annual vacation** (summer break) and at other times when school is not in session provided that the student is eligible to register and intends to continue studies in the following term.
2. **Part-time OPT while school is in session.**
3. **Part-time or full-time OPT for graduate students who are finishing thesis research or the equivalent**, but have otherwise completed all course requirements and continue to register for "certified full-time" study. Students will need to provide a letter from their academic department verifying completion of course requirements, and the date they are expected to submit the final version of their thesis.

4. **Full-time OPT after completion of the program of study.** Students must provide a letter from their academic department verifying the date of expected completion of the program of study when they meet with Missy Gluckmann to apply for OPT.

**Please Note:** Students who do not graduate when expected must continue to register, and must apply for an extension of their Form I-20 prior to the expiration date on page one of the Form I-20.

Failure to graduate when expected may affect eligibility for OPT.

#### **When to Apply for OPT**

When students are eligible to submit OPT applications to the USCIS differs depending on whether they are applying for the OPT to begin prior to completion of studies, or after.

**Applying to Engage in OPT prior to Completion of Studies:** Students may apply as early as 120 days before the date they wish to begin OPT; however, they may not apply more than 90 days before meeting the one full academic year enrollment requirement. We recommend that students apply three (3) to four (4) months in advance of the date they wish to begin employment as it can take this long for the USCIS to reach a decision on the application.

#### **Applying to Engage in OPT after Completion of Studies:**

Students may submit their OPT application up to 90 days prior to their program end date, and up to 60 days after the program end date when applying for OPT to begin post-completion. Also, students may not apply for OPT more than 90 days before meeting the one full academic year enrollment requirement. USCIS must receive the OPT application no more than 30 days after the ISSO advisor signs the recommendation for OPT on the student's Form I-20.

Students may remain lawfully in the U.S. beyond the end of the 60-day grace period if the OPT application is still pending. ***Students should not travel out of the U.S. following completion of studies until the OPT application is approved.*** Students will need to present the Employment Authorization Document (EAD) and proof of employment in order to reenter the U.S.

**Filing the OPT application during the 60-day grace period.** Students who choose to wait to file their OPT application after the completion of their program must be aware that they cannot choose an OPT start date later than the last day of their 60 day grace period and could lose some of their OPT time if their application is not adjudicated quickly. Students who choose to leave the U.S. prior to submitting an application for OPT during the 60 day grace period are not permitted to return to apply for OPT. Once a student exits the U.S. at any point during this 60 day period, their F-1 status ends and they are no longer eligible to submit an OPT application. *A student must apply for OPT from within the United States during the grace period.*

## How to Apply for OPT

#### **Prepare the following items:**

- Personal Check or Money Order for **\$340.00**, payable to "**U.S. Department of Homeland Security.**"
- Form 1765
  - Use Blue Ink!
  - Use an address in section three (3) that will be valid for at least three (3) months.
  - Leave section 16 blank. (Missy will fill this in).

- Two (2) photographs. These must meet USCIS/DOS passport color photograph specifications (visit <http://travel.state.gov/passport/pptphotos/index.html>). Note: It is strongly recommend that students write their full name in pencil on the back of each photograph. The photographs should only be cut by the photo establishment. Do not cut them yourself.
- Any previous Employment Authorization Documents (EADs), if applicable.
- Current Form I-20 and *all* previous Forms I-20.
- Valid passport
- Form I-94 Departure Card (originals, not copies).
- Students applying for OPT to begin after completion of their program must provide a letter from their academic department verifying the date they are expected to complete their program.

**2. Schedule an Appointment with Missy so that she can review the application.**

At this appointment you will receive a new Form I-20 with a recommendation for OPT.

**3. Mail the Application**

Applications must be received by USCIS **no later than 30 days** after the DSO recommends the student for the OPT extension. After receiving a new Form I-20 with a recommendation for the OPT extension Missy, students must mail the completed application to the USCIS Service Center that has jurisdiction over the address they listed in section three (3) of the Form I-765. Students who listed a Connecticut or NY address must use the USCIS Service Center in Vermont:

**U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Services  
Vermont Service Center  
75 Lower Welden Street  
Saint Albans, VT 05479-0001**

I recommend sending the application by an overnight or express courier service (U.S. Express Mail, Federal Express, DHL or UPS ) or via the U.S. Post Office via Certified Mail with a Return Receipt requested to provide confirmation of delivery. **MAKE A COPY OF YOUR APPLICATION BEFORE MAILING IT!**

**NOTE:** In the event that the application is lost or follow-up with Missy is required, it is very important that students keep official verification that their applications were mailed and received by the USCIS. It is also important to provide Missy with the receipt number (beginning with "EAC") provided on the USCIS Notice of Action (see below).

**USCIS Processing of the OPT Application  
Notice of Action or Request for Evidence**

Students should receive an official Notice of Action (Receipt Notice) from USCIS approximately two to four weeks after mailing the application. This notice will confirm official receipt of the application and assign a case number to the pending application.

In the course of adjudicating the application, USCIS may send a blue Form I-797 "Request for Evidence" to an applicant when an item in the above checklist is missing, or USCIS requires additional information before making a decision on an application. If such a letter is received, students should contact Missy immediately for assistance.

**Checking the Status of the OPT Application**

Students may check their case status on-line at <https://egov.immigration.gov/cris/jsps/index.jsp>. Students

who still have questions after checking the case status on-line should contact Missy. It may take up to 90 days to reach a decision on the case. If the application takes longer than 90 days from the date on the official receipt notice, students may contact the Missy immediately to inquire about procedures to request a temporary employment authorization card.

### **Cancellation of OPT Application**

USCIS has no provision for canceling an OPT recommendation after adjudication. For students who have applied for OPT to begin after completion of study, failure to complete the program of study as expected (due to an "incomplete" or failing grade, or otherwise failing to meet graduation requirements) can result in permanent loss of OPT for the student's current level of education. Students who have not yet mailed their application for OPT, may request cancellation or change of dates on their OPT recommendation through a second appointment with Missy. Students who have a pending application for OPT (not yet approved) and who learn that they may not graduate as expected, should contact Missy immediately to determine if cancellation of their OPT is still possible. All students are advised to confirm their eligibility for graduation with their academic advisor or department prior to applying for OPT, since change or cancellation of an OPT application at a later time may not be possible.

### **Approval**

Once the application is approved, USCIS will mail the student an Employment Authorization Document (EAD) to the address the student indicated on the Form I-765. Students **must bring this card and their I-20 to Missy** so the EAD can be copied for the file and the I-20 can be endorsed for travel. It is illegal to begin employment before receiving the EAD or before the start date on the card. You should NOT travel before receiving this card!

### **Maintenance of F-1 Status for Students Engaging in OPT after Completion of Studies** **On-Campus Employment after Completion of Program**

Students are not eligible to continue working on-campus at WCSU after the completion of their program unless they have received an EAD and their OPT dates cover the dates of employment. Students who intend to work on campus after completion of their program will no longer be paid through the Student Employment Office and will need to complete a new I-9 form at Human Resources.

### **Reporting Requirements**

Students are required to report the following information to Missy through the entire period of the OPT. Failure to report properly could be considered a violation of F-1 immigration status.

### **OPT Location/Employer Reporting Requirement**

The Department of Homeland Security (DHS) now requires all students in F-1 status who have been granted Optional Practical Training employment authorization to report the name and address of their OPT location/employer. Students must also report if their employment is interrupted at any point.

### **Report Changes of Your Name and Address**

Students are required to report any change of their name or U.S. address (within 10 days of moving) to Missy at WCSU for as long as they remain in F-1 status. Failure to report a name or address change could be considered a violation of F-1 status and may result in termination of the OPT.

### **Restrictions on Unemployment**

Students approved for post-completion OPT may not accrue more than an aggregate of 90 days of unemployment during the entire 12-month OPT period. Students must be engaged in at least 20 hours of OPT activity per week; periods with activity of less than 20 hours per week will be counted toward unemployment accrual.

It is strongly recommended that students keep thorough and accurate records of their OPT experience/employment in case they are ever required to show proof of their OPT activities.

### **Restrictions regarding OPT Employers**

There are no restrictions on the hours a students may work once they have been authorized for post-completion OPT; they may work part-time (at least 20 hours per week), full-time or overtime. Students may only work after receipt of the EAD, only for the dates as specified on the EAD, only in the field of study related to the degree on which the OPT was recommended, and, finally, only in a job appropriate to the level of education.

### **Traveling outside the U.S.**

Students should consult with Missy BEFORE traveling outside the U.S. if they have applied for OPT to commence after completion of their studies. Students should not travel outside the U.S. after completing their studies unless they have received their EAD. In order to reenter the U.S. in F-1 status during OPT after completion of studies, students will need their EAD, Form I-20 with the OPT endorsement, a travel signature less than six months old signed after receiving the EAD, a valid F-1 visa, and a valid passport. Students should also carry proof of their employment or other valid OPT activity, or a job offer. Students who have not secured OPT employment in their field are advised not to travel abroad after degree completion as they may not be readmitted to the U.S. in F-1 status.

### **Extended Absence from the U.S. or Entry to the U.S. in a New Immigration Status**

Authorization for OPT is automatically terminated if the student is physically absent from the U.S. for more than five months or if the student is admitted to the U.S. in another temporary non-immigrant status (such as entry as a B-2 visitor).

### **Beginning a new program of study**

Authorization for OPT is automatically terminated if the student officially transfers to another school or begins study at another educational level.

### **Legal Options after Post-Completion Optional Practical Training**

#### **17-Month Extension of OPT for STEM Majors**

Students who graduate with certain majors in the fields of science, technology, engineering and mathematics (STEM) may be eligible for an extension of their OPT authorization. Make an appointment with Missy to discuss if you would like to learn more.

#### **H-1B Cap-Gap Extension of Status and Work Authorization**

A student's F-1 status and OPT employment authorization will be extended if the student is the beneficiary of a timely filed H-1B petition requesting change of status and an employment start date of October 1st of the following fiscal year. This benefit applies to all students on OPT. The extension of status and work authorization automatically terminates upon the rejection, denial or revocation of the H-1B petition filed on the student's behalf. Students should make an appointment with Missy -- prior to the expiration of their OPT -- to discuss how they can take advantage of this benefit.

#### **60-Day Grace Period**

Once students have completed their period of OPT, they are permitted to remain in the United States for up to sixty days in order to prepare for departure from the U.S. Students are not permitted to continue employment during this period. While travel within the U.S. is permitted during the grace period, departure from the country and reentry is not permitted during this time. *Once a student departs the U.S., the grace period is concluded.*

#### **Change of Program Level**

Students who intend to continue their education immediately following completion of OPT must obtain an I-20 for the new program of study within 60 days of the end of their OPT and must begin the new program of study within five (5) months of the end of the OPT. If the program of study will begin more than five months after the end of the OPT, the student will need to leave the U.S. within the 60-day grace period and request a new "initial attendance" I-20 in order to reenter to begin the new program of study.

**Change/Adjustment to another Immigration Status**

Students who intend to remain in the U.S. following completion of OPT and whose primary purpose will *not* be full-time study may qualify to apply for a change of immigration status. Missy may be able to give general information about eligibility for change to another nonimmigrant status (such as H-1B or TN temporary nonimmigrant worker categories, or F-2 dependent category). General information about immigration status can be found on the USCIS web site at [www.uscis.gov](http://www.uscis.gov).

**A Note of Caution Regarding Illegal Employment**

While USCIS regulations allow OPT as an employment benefit, working without proper authorization is a serious violation of nonimmigrant status. Students must wait until they receive their EAD before beginning employment. Although Missy can advise students on immigration policy, it is ultimately the student's responsibility to comply with all USCIS regulations that pertain to their lawful F-1 status and employment.