OPT (Optional Practical Training)

OVERVIEW

OPT is temporary employment authorization for **F-1 students** to gain experience in jobs **directly related** to their major area of study. OPT is recommended by the ISRC and authorized by the U.S. Citizenship and Immigration Services (USCIS).

Students may apply for OPT authorization during the academic program, after the program completion, or a combination of both. Most students save up their 12 months of OPT to work after they graduate.

Important:
- An offer of employment does not have to exist prior to applying for OPT authorization.
- Twelve months or more of full-time CPT (Curricular Practical Training) makes you ineligible for OPT. (Part-time CPT does not affect OPT eligibility.)
- On-campus employment does *not* count against the 12-month OPT eligibility.
- You are eligible for 12 months of full-time OPT per academic level. For example, you may apply for 12 months of OPT after completing a bachelor's degree and then another 12 months after completing a master's degree.
- You may apply for OPT authorization during your academic program, after your program completion, or a combination of both.
- The approval process for USCIS takes between **three to five months**.
- You must wait until after you receive your EAD card (Employment Authorization Document) to begin working.

ELIGIBILTY
- You are currently in **F-1** status.
- You have been registered **full-time** in a degree program for **at least one academic year** in valid **F-1** status. Or will complete one academic year by the date the OPT approval begins.
- The proposed OPT **must be directly related** to your major area of study.
- You are present **in the U.S. in valid F-1 status** at the time of application. You will not be eligible to apply for OPT if you are outside of the U.S. at the time of application.

TYPES OF OPT
I. **Pre-completion.** There are three ways to engage in pre-completion OPT:

- **During the student's annual vacation.**
  - Student must intend to register for the next term.
  - OPT may be part-time or full-time.
- **While school is in session.**
  - Student must be registered full-time.
  - OPT may be **part-time only.**
- **For masters and PhD students**, after completion of all course requirements (excluding thesis/dissertation)

IMPORTANT: For most students, **Curricular Practical Training (CPT)** is a better option than Pre-completion OPT. It allows for off-campus work authorization in your field of study without using any of the 12 months of OPT time. See our website for a detailed description of **Curricular Practical Training**.

II. **Post-completion.** Employment begins after completion of academic program. Most students save their 12 months of OPT to use after graduation.

III. **STEM extension.** The STEM OPT extension is a 24-month period of temporary training that directly relates to an F-1 student's program of study in an approved STEM field (Science, Technology, Engineering and Math). Eligible F-1 students with STEM degrees who finish their program of study and participate in an initial period of regular post-completion OPT (often for 12 months) have the option to apply for a STEM OPT extension. See our website for a detailed description of STEM extension. To find out if your degree applies to a STEM Extension, click on STEM Designated Degree Program List.

QUALIFYING OPT EMPLOYMENT

Employment must be in a job that is related to the student's degree program. If the relationship between the job and a student's field of study is called into question by USCIS in the future, the burden of proof is on the student to demonstrate the relationship. The types of employment allowed during the initial 12-month period of OPT include (these do not apply to the STEM Extension):

- **Paid employment.** Students may work part-time (at least 20 hours per week on post-completion OPT) or full time in a job related to their field of study.

- **Multiple employers.** Students may work for more than one employer, but all employment must be related to the student's degree program.

- **Short-term multiple employers (performing artists).** Students, such as musicians and other performing artists may work for multiple short-term employers (gigs). It is highly recommended for the student to maintain a list of all gigs, the dates and duration. If requested by DHS (Department of Homeland Security), students must be prepared to provide evidence of all gigs.

- **Work for hire.** Commonly referred to as 1099 employment where an individual performs a service based on a contractual relationship rather than an employment relationship. If requested by DHS, students must be prepared to provide evidence showing the duration of the contract periods and the name and address of the contracting company.

- **Self-employed business owner.** Students may start a business and be self-employed. The student must work full-time (more than 20hours/week). The student must be able to prove that he or she has the proper business licenses and is actively engaged in a business related to the student's degree program.

- **Employment through an agency.** Students must be able to provide evidence showing they worked an average of at least 20 hours per week while employed by the agency.

- **Unpaid.** Students on the initial 12-month OPT may work as volunteers or unpaid interns, where this does not violate any labor laws. The work must be at least 20 hours per week. These students must be able to provide evidence from the employer that the student worked at least 20 hours per week during the period of employment.

THE APPLICATION PROCESS

STEPS TO APPLY:

1. Complete the **application form I-765**.
2. Scan and upload al required documents to your online OPT application.
3. Make an appointment with the ISRC. We will go over the checklist together and will issue your new I-20 with the OPT recommendation. Do not submit your application without the new I-20.
4. Review your entire online application, with the *OPT Application Check-Out Checklist.*
5. Make payment and submit your online application.

WHEN TO APPLY?

- **Apply early! Do not wait for a job offer.** You do not need a job offer to apply for OPT. Allow time for ISRC processing of new OPT I-20 (one week), mailing your package to USCIS, and **three to five months for processing** by U.S. Citizenship and Immigration Services (USCIS). You cannot work until you receive your Employment Authorization Document.
- You may submit your application to USCIS for OPT as early as **90 days before** your graduation date, and up to **60 days after** your graduation date.
- Your OPT application must arrive at the USCIS Service Center within 30 days of the new OPT I-20 issue date, **or the request will be denied.**
- If you are outside of the U.S. or leave the U.S. after your program end date and you have not applied for OPT, you will **lose your OPT eligibility**.

WHAT DOCUMENTS DO YOU NEED TO SCAN AND HAVE READY TO UPLOAD?

1. All previously issued I-20s with CPT or Pre-completion OPT authorization.
2. Most recent I-94 https://i94.cbp.dhs.gov/I94/#/home (Click on Get Most Recent I-94).
3. Identification page of your passport.
4. Most recent F-1 visa on your passport.
5. Any previous EAD (Employment Authorization Document), if applicable.
6. A color, passport-style photograph. Must be taken withing 30 days of when you will submit your application.
7. New I-20 with OPT recommendation on second page. Do not submit your application without the new I-20.

SPECIAL INSTRUCTIONS:

1. Start your online application here: https://www.uscis.gov/i-765
2. Make sure to click on File a form online.
3. Select: Application for Employment Authorization (I-765).
4. Make sure you select the correct eligibility category that applies to you:
   - (c)(3)(A), Pre-Completion OPT
   - (c)(3)(B), Post-Completion OPT, or
   - (c)(3)(C), 24 Month Extension for an F-1 Student who has received a degree in Science, Technology, Engineering, or Mathematics (STEM)
5. If you are applying for c(3)(B) Post Completion OPT, select: Initial permission to accept employment.
6. If you are applying for c(3)(C) STEM Extension, select: Renewal of permission to accept employment.
7. Make sure your photograph meets the required criteria.
8. **U.S. Mailing address:** Make sure this is the address where you want your EAD to be mailed.

IMPORTANT— OPT I-20: the 30-day rule!!
- OPT application **must be received by USCIS <u>within 30 days of the date your OPT I-20</u> is issued.**
- Be ready to file when you request the new OPT I-20.
- I-20 more than 30 days past issuance date = **OPT DENIED.**

KEEP IN MIND:
- **USCIS <u>must receive</u>** your application **<u>no more than 90 days before AND no more than 60 days beyond your program completion</u>** date noted on your I-20.
- **We highly recommend that you apply the earliest date possible**. If you apply during your grace period (60 days after graduation) and there are issues with your application, you might not be able to appeal, or provide additional documentation, resulting in the termination of your SEVIS. Keep in mind that any corrections or additional requested documentation **must be sent to and received by USCIS within the 60-day Grace period.**

****<u>Keep copies of everything you send for your own records</u>****

HOW TO CHOOSE YOUR <u>START DATE</u> for <u>POST-COMPLETION</u> OPT:

You are eligible to pick an OPT start date any time within the 60 days following your program completion date. Important tips to consider when picking your OPT start date:

- If you have a job offer you can choose the earliest date (day after graduation) you CANNOT begin to work BEFORE the start date on the EAD. If you choose a start date farther into the future and then receive an earlier offer, you will not be able to change the date.
- You can pick up to the latest possible day to start your work authorization, which is exactly 60 days after your graduation date.
- You may not change your OPT dates once you have filed the application with USCIS.
- **All your work authorization ends <u>even on-campus work</u> on your program end date.**

Benefits of choosing an early/late start date:
- Early start:
  – Work permission right after completion of degree program.
- Late start:
  – Good if you do not have a job offer.
  – Won't cut into days of unemployment (90 days).
  – Consider travel options.

CHOOSING YOUR OPT <u>END DATE</u> for <u>POST-COMPLETION</u> OPT:
- Start date plus 1 year… or less
  – Ex: Start date > 9/6/2019
     End date > 9/5/2020

CHOOSING YOUR START DATE for PRE-COMPLETION OPT:
Your pre-completion OPT start date relates to when you are applying for the benefit:
  – **Full-time pre-completion OPT for summer term:**
    - Start date can be after classes/finals end in spring term.
    - End date must be before the start of fall classes.
  – **Part-time pre-completion OPT for the fall/spring term:**
    - End date cannot go past your program completion date.

REGULATIONS WHILE YOU ARE ON OPT

You will receive an email right after your OPT has been approved, that e-mail will contain a *UNIQUE-TO-YOU-LINK*, you will have two weeks to click on that link, create your SEVIS Profile on the portal, and update your employment information. If you do not create your profile within the following two weeks after receiving the link, it will expire. However, you can request a new link to the ISRC.

REQUIRED UPDATES. The following information **must** be reported on your SEVIS Portal during the post-completion OPT period within 10 days of any changes:
- Your residential address
- Your phone and e-mail address
- Employer(s) name
- Employer(s) address
- Job Title(s)
- Explanation of how your job(s) relates to your field of study at NSU
- Start and/or end dates of employment
- Any periods of unemployment
- Date of exiting the U.S. (You must provide date of exit if you decide to exit the U.S and complete your OPT status prior to the end date of your OPT)
- If your visa status changes while on OPT

TRAVELING ABROAD WHILE ON PRACTICAL TRAINING. The EAD says "Not valid for Travel" of the face of the EAD, which means it cannot be used alone to re-enter the US. In order to re-enter the US while on OPT, you must have:
1. **Valid passport**
2. **Valid F-1 visa in your passport**
3. **OPT I-20 signed within the last six months.**
4. **EAD (OPT work card)**
5. **Offer letter of employment from your employer.** While a job offer letter is not required to obtain OPT, it is highly recommended that students who travel have a job offer letter with them when re-entering the US.
6. **Dependent Travel**: An F-2 dependent must carry copies of the F-1 student's I-20 with the OPT recommendation, EAD and job offer letter, in addition to the F-2 I-20 (endorsed within 6 months of re-entry to the US on page 2).
7. **NEVER ENTER the US in any VISA STATUS OTHER THAN F-1** while on OPT (it will invalidate OPT)

- **90 DAYS OF UNEMPLOYMENT RULE.** You may not accrue more than 90 days of unemployment during the 12 months of OPT. If you are unemployed for more than 90 days, OPT and F status ends. **IMPORTANT**: **Unpaid** work is acceptable by USCIS but unless it's truly VOLUNTEER work, there could be problems with US labor law.

OPT – FREQUENTLY ASKED QUESTIONS

1. **Do I need to have a job to apply for OPT?**
   No. You do **NOT need to have a job offer** before applying for Optional Practical Training. Once you find a qualifying job, you must notify the International Student Resource Center and update your SEVIS portal.

2. **Must I stay in Louisiana, or can I work anywhere?**
   The employment may occur anywhere in the U.S.

3. **Can I work on campus while waiting for my EAD?**
   Once you complete your degree, you cannot work on-campus or off-campus until you have the EAD in your possession and your selected start date has arrived.

4. **How long does it take to get authorization for OPT?**
   Authorization for OPT is granted by USCIS. Their standard processing time is 3 to 5 months. Therefore, it is important that you apply for the authorization well in advance of the date you wish to start working.

5. **Where can I check the status of my OPT application after I mail it to the USCIS?**
   When you receive your USCIS Notice of Action (receipt), visit USCIS Case Status Online and enter your receipt number.

6. **Is there any way to change the information on the EAD application (address, dates, etc.) once I have mailed the application?**
   After you have mailed your application to USCIS no changes can be made except for address updates. To update your address, contact the National Customer Service line at (1-800-375-5283). Withdrawing the OPT application is very difficult, and the fee is non-refundable. If OPT has been approved, it is not possible to withdraw.

7. **What type of status will I have while working on OPT?**
   During the OPT period, a student remains in F-1 status at Northwestern State University.

8. **My OPT I-20 was issued almost 30 days ago and I haven't filed yet. What do I do?**
   Your OPT application MUST be received by USCIS within 30 days of the issue date as noted on the new OPT I-20 to avoid denial. If you delay filing the application, you must come to ISRC (Russel 227) to request a new I-20 with a new OPT issue date. The new I-20 will take **at least** 5 business days to re-issue. To be safe, file <u>at least</u> 2 weeks before the 30-day timeout of the OPT I-20.

9. **Can the job I have while on OPT be unpaid employment?**
   For the first 12-month period of post-completion OPT, the employment can be unpaid. Therefore, a student who is self-employed (including performance majors with regular "gigs"), interning or volunteering in a position directly related to the academic field would be considered "employed" for the purposes of OPT employment. For more information, see the immigration OPT policy guidance: http://www.ice.gov/doclib/sevis/pdf/opt_policy_guidance_042010.pdf (page 17). Employer may not be able to write letter for unpaid work - check before starting job. Unpaid work is acceptable by USCIS but unless it's truly "volunteer" work, there could be problems with US labor law.

10. **May I ask USCIS to expedite processing of my OPT?**
    No. USCIS allows students to file the OPT application up to 90 days before the program end date. USCIS

does not honor expedite requests for OPT. Should you make a request anyway, it will be denied and will result in longer processing times. You should apply early.

11. **Do I need to have a job/job offer <u>while I am</u> on OPT?**
Yes. F-1 regulations require that you do have employment in your field of study while in your POST-graduation OPT period. You are only allowed to have a total of 90 days of unemployment in your 12-month period of OPT.

12. **How long can I stay in the U.S. after the end date of my OPT?**
You have 60 days after your OPT ends to leave the U.S., request a transfer of your I-20, or change your status. You cannot work during this time.

13. **Does my spouse or children get a new OPT I-20 too?**
Yes, if you did not receive OPT I-20s for your family, you must request them.

14. **I verified my status and the USCIS said that my EAD was approved, but I have not received it yet – can I start working?**
No. You need to wait until the card arrives.

15. **I lost my EAD. How can I get it replaced?**
If your EAD card is stolen, lost or destroyed, it may be replaced by filling a new Form I-765, filling fee and supporting documents. It is not possible to replace an EAD if you are outside the U.S.

16. **Is there a minimum number of hours I need to work?**
To qualify as employment, you are required to work a minimum of 20 hours/week.

17. **Can I change employers while on OPT?**
Yes, provided the new employment is **directly related** to your field of study and you work a minimum of 20 hours per week. No special permission is required to change employers. However, you must update your employer information in the SEVIS Portal within 10 days of the change.

18. **Do I pay taxes while working on OPT?**
Yes. Students in F-1 status are subject to all federal, state and local taxes that may apply.

19. **Does my visa need to be valid while on OPT?**
While in the U.S., your visa may expire. It only needs to be valid if you wish to re-enter from abroad. Your I-20 remains active while on OPT.

20. **When can I apply for Post-completion OPT?**
You may apply for post- completion OPT up to 90 days before your completion date and **the immigration service MUST RECEIVE your application PRIOR TO** 60 days beyond your completion date. <u>Your OPT I-20 cannot be more than 30 days old when it arrives at USCIS or OPT will be denied!</u>

21. **If I don't use OPT at the bachelor's level, can I get two 12-month periods of OPT?**
No. OPT for each level cannot be combined but must be used during/immediately after each level. Authorized OPT cannot be "saved" for use in the future.

22. **I want to leave the US for a short time while my OPT application is in process, but I need to return before the EAD will arrive. I have a tourist visa (B-2) that is valid for 10 years. Can't I just enter the US on my tourist visa while I'm waiting to get the EAD then start work with the card once I get it?**
NO!! If you intend to continue working on your OPT, **NEVER** enter in any other immigration status except F-1. If you leave the US and re-enter in B status - you will have lost your F-1 status and your OPT will be **invalid**!

23. My visa has expired, but I need to travel outside the US while on OPT. Do I need to re-new my F1 visa at an embassy?
If you are going to Canada or Mexico, and staying for fewer than 30 days, you could re-enter the US on your expired F-1 visa stamp, with a copy of your I-94 record, a valid passport, your EAD, an I-20 that has been signed within the last 6 months, **AND your job offer letter or proof of employment** as long as: 1) you do not apply for a visa while in Canada and 2) you are NOT a national of Iran, Syria, Sudan, or Cuba. **If you are traveling elsewhere**, you will need to go to a US embassy or consulate and seek a new visa stamp. NOTE: while on F-1 OPT, you can still be subject to a 4-6 week security clearance delay.

24. In what way is my application to the embassy for a new visa stamp affected by being on OPT?
The risk of denial of an application for a renewed visa stamp for F-1 status while on OPT is somewhat higher than while you are in your active student program. The F-1 student visa requires that the applicant must intend to return to the home country at the end of the program, and if the embassy official is not convinced of your intention to return home, the visa application will be denied. It is possible and many students on OPT get their F-1 visa stamps renewed. You must demonstrate non-immigrant intent.

25. What documents do I need to show at the embassy for a new F-1 visa stamp while I am on OPT?
You need to take a valid passport, the EAD, your OPT I-20, **AND your job offer letter or proof of employment.** Because you are seeking a nonimmigrant visa, the official job offer letter should indicate that your employment is temporary and not permanent. You should also be prepared to discuss how this job experience will apply to the job market in your home country, and how you will apply your OPT work experience there.

26. Do I still need to get a travel signature on my I-20 from ISRC while on OPT?
Yes, while you are in F-1 status on OPT if you travel outside the US, you need to have the travel line signed every 6 months. If you are not located in Natchitoches, mail the original I-20 to ISRC for endorsement. Allow plenty of time for mailing to avoid delays.