OPT (Optional Practical Training) Workshop

Trinity University International Student and Scholar Services (ISSS) Office

Spring 2015
What is OPT?

Optional Practical Training

F-1 students may apply to USCIS (United States Citizenship and Immigration Services) for authorization for 12 months of temporary employment for optional practical training directly related to their major area of study.
What is OPT?

Why should students apply? You should apply if...

- You are not certain about your post-graduation plans and you want a “back-up” plan!
- You would like to stay in the U.S. to work and gain practical experience in the field of your major!
- Because you only receive 12 months of OPT once for every degree level that you complete – use it or lose it!
- Your employer wants to file an H-1B on your behalf and you’d like OPT to fall back on if the H-1B is not approved!
3 Types of OPT

(1 pre-graduation, 2 post-graduation!)

- Pre-Completion OPT
- Post-Completion OPT
- STEM Extension

STEM = Science, Technology, Engineering, & Mathematics
Pre-Completion OPT

Why apply for Pre-Completion OPT?

**Pre-Completion OPT:** Pre-completion OPT is employment authorized before the completion of a student's program of study.

- Students may work up to 20 hours per week while school is in session, and more than 20 hours while school is not in session. *For example, students may work beyond 20 hours per week during an authorized summer vacation term or during official school breaks.*

- Work hours for OPT are separate or mutually exclusive from on-campus work hours.

- If a student has a job offer in his/her field of study, but the work is not required for the student to make academic progress, and therefore would not qualify for Curricular Practical Training (CPT), pre-completion OPT may be the best option!

- *In reality, pre-completion OPT is seldom used when CPT is an option!*
A student may be approved for up to a total of 12 months of OPT, including pre-completion and post-completion. If, for example, a student is approved for 6 months of full-time pre-completion OPT, he/she will only be eligible to apply for 6 months of post-completion OPT to work after graduation.
Post-Completion OPT

Optional Practical Training for after you graduate!

**Post-Completion OPT**: Post-completion Optional Practical Training (OPT) is employment authorized to begin on or after a student's successful completion of studies and program end date. Students are eligible for 12 months of OPT for every degree level that they complete.
Post Completion OPT

Eligibility

Requirement 1:
Your OPT **must** directly relate to your **MAJOR** (not a minor) course of study!
Post-Completion OPT

Eligibility (cont’d)

• Be in lawful F-1 student status at the time of application.
• Been enrolled in a full course of study for at least one academic year/or will have met this requirement by the time the post-completion OPT is requested to commence.
• Not engaged in 12 months or more of full-time Curricular Practical Training (CPT) during the current degree level.
• Not have been previously authorized for 12 months of OPT at the current degree level.
  • A student who has completed pre-completion OPT and who has not used up his/her 12 months of post-completion eligibility may still apply for post-completion OPT, but only for the amount of months that remain!
• Job offer not required.
• Employment may not begin until you have received your Employment Authorization Document (EAD card).
• The recommended employment start date may be on, but no later than 60 days after the official program end date (usually commencement).
When to Apply

Optional Practical Training - Timeline

You may apply as early as 90 days before completion of your studies and no later than 60 days after completion of studies, and since DHS processing times may be lengthy (3 months average processing time), we recommend that you apply early!

Even if you receive your OPT card more than 60 days after your completion date, you may not continue employment beyond the 14 month limit.
OPT Employment

What employment qualifies under OPT?

Employment MUST be within the student's Major field of study!

- Students must work at least 20 hours per week on OPT in order to maintain F-1 status!

Paid employment.
Students may work part time (at least 20 hours per week when 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). The student should maintain a list of all gigs, the dates and duration. If requested by DHS, students must be prepared to provide evidence showing a list of all gigs.

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.
OPT Employment

What employment qualifies under OPT?

Work for hire.
This is also 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. In this situation, the student must work full-time (at least 40 hours/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. Your F-1 status alone is not an authorization to start a business.

Unpaid employment.
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.

It is recommended that students maintain evidence for each job: the position held, duration of that position, the job title, contact information for the student’s supervisor or manager, and a description of the work!
When to Apply

Optional Practical Training

You may apply as early as 90 days before completion of your studies and no later than 60 days after completion of studies, and since DHS processing times may be lengthy (3 months is the average processing time, but unfortunately 4 months or more may be possible!), we recommend that you apply early.

No offer of employment is required to apply for post Completion OPT, but the student is expected to work during the OPT EAD validity period.

Think about when you’d like to start working and when you expect to get a job offer when calculating what you would like your Start Date to be!
When to Apply

Optional Practical Training - Timeline

You may file up to 90 days prior to your program end-date and not later than 60 days after your program end date. Your OPT start date may be as early as your completion (Graduation) date but no later than 60 days after the completion date!

TIP – be sure to check a calendar before selecting your OPT start date to ensure that it does not fall on a national holiday and corresponds with the typical business week in your field!

Once you receive a recommendation for post-completion OPT from your Designated School Official (DSO) to pursue OPT, your application for an employment authorization document (EAD) with USCIS must be filed within 30 days.
The OPT Application Checklist

- Copies of all previous I-20’s
- Copies of all passport identity pages (passport and F-1 visa)
- Copies of any previous Employment Authorization Documents (EAD cards) (when applicable)
- Cashier’s Check for $380.00 payable to the US Department of Homeland Security
- Letter from the Office of the Registrar to verify expected graduation or completion of course requirements. (If you have more than one major, please be sure to indicate in your request that you would like both majors to be listed on this letter!)
  - Letters should be requested at least 1-week in advance through your Tiger Paws account (click on, “enrollment verification request”).
- Two Passport-style photos on white background taken within six months of your OPT application. Your name and I-94 number must be printed lightly in pen on the back of the photos.
- Print out of your electronic I-94 record and travel history. To obtain your electronic I-94 record and travel history, you must use this Website: [https://i94.cbp.dhs.gov](https://i94.cbp.dhs.gov)
- Completed Form I-765. (A sample post-graduation OPT form is available [here](https://www.uscis.gov/i-765). You can also download the form from the following USCIS webpage: [www.uscis.gov/i-765](https://www.uscis.gov/i-765)
  - It is important that you list our office’s address as your current address:
  - STEM APPLICANTS ONLY: Please include your employer’s E-Verify Number
- Submit preferred start date (and end date, when applicable) for your OPT period to ISSS Advisor
  - (Must be on or within 60 days after your graduation date for post-completion OPT!)
- STEM APPLICANTS ONLY: A copy of your diploma
The OPT Application Checklist

Photo Guidelines

Photo must be 2 inches by 2 inches. The Height of the head (top of hair to bottom of chin) should measure 1 inch to 1 3/8 inches (25 mm - 35 mm). Make sure the eye height is between 1 1/8 inches to 1 3/8 inches (28 mm – 35 mm) from the bottom of the photo.

“Passport” style photos can be made (usually immediately) at stores such as Walgreens, and anywhere else that may have a photo center!
Unemployment During OPT

What if I can’t find a job or lose my job?

• Students may have no more than 90 days of unemployment during the 12 month period for which OPT is authorized
  • 90 days cumulative over the course of the 12-month period!
  • Students get a grace period of 10 days in between changing jobs, which do not count against their 90 days
  • Unemployment days begin accruing on the start date listed on your EAD (unless your employment also begins that day)
  • Students authorized for an additional 17-month STEM extension may not be unemployed for more than 120 days during the total 29 month OPT period
• Be sure to keep good documentation of all your employment (e.g., job offer letter, volunteer confirmation letter, supervisor letter, etc.) as proof that you have not exceeded the 90-day unemployment rule.

What happens if I exceed 90 days of unemployment?
The Department of Homeland Security has not yet clarified the consequences of exceeding the unemployment limits, but it may include loss of immigration status or ineligibility for future immigration benefits (such as a change of status to H1B), or denial of a future visa application. There is some indication that students' immigration records may be terminated if they are not reporting their employment to Immigration.
OPT Reporting Requirements

Keep ISSS and USCIS updated!

Please report the following information to ISSS while on OPT:

**Address Changes**

As an F-1 student, you are required to report any changes in your local (U.S.) address within 10 days to ISSS. You must also update your local address with USCIS. You may do so online, here: [https://egov.uscis.gov/coa/displayCOAForm.do](https://egov.uscis.gov/coa/displayCOAForm.do)

**Employment or Other Appropriate OPT "Activity"**

You are required to report information to ISSS within 10 days of beginning your OPT work or other appropriate activity, and within 10 days of certain significant changes in that work or activity (e.g., changing worksite location, stopping work).

**Reporting Summary**

You should send a report to ISSS for the following:

Begin an appropriate OPT activity
End an appropriate OPT activity
Change from one OPT activity to a different OPT activity
Change your OPT worksite
Have been on a STEM extension for 6 months
Change your residence address
Legally change your name
Leave the U.S.
Are “unemployed” for more than 10 days
Are “unemployed” for more than the maximum allowed for you OPT situation
Change your immigration status while in the U.S.

The OPT reporting link (Google doc) can be found on the Trinity ISSS Website, here: [https://docs.google.com/a/trinity.edu/spreadsheet/viewform?hl=en_US&formkey=dFYxX0JiU0drVUJMR1VEUDFTUmtjMHc6MQ#gid=0](https://docs.google.com/a/trinity.edu/spreadsheet/viewform?hl=en_US&formkey=dFYxX0JiU0drVUJMR1VEUDFTUmtjMHc6MQ#gid=0)
OPT Reporting Requirements

Keep ISSS and USCIS updated!

While you are enrolled as a Trinity student, the ISSS Office has responsibility for assisting you to maintain lawful F-1 status and for reporting information to the federal Student and Exchange Visitor Information System (SEVIS). Throughout the time you are authorized for post-completion OPT, we continue to have responsibility for assisting you and for reporting information to SEVIS that is required for you to maintain lawful status, regardless of your physical location within the U.S.

YOU are responsible for reporting information to the ISSS at various times during your OPT and for making certain we have current, accurate information on you and your OPT activities in order to maintain your lawful status here in the U.S.!
H-1B Cap-Gap Extension

What is the Cap-Gap?

H-1B is a status that permits employment for up to 6 years. It must be employer-sponsored. Students commonly transition from Optional Practical Training (OPT) authorization, part of F-1 status, to H-1B status.

There are a limited number of H-1Bs available each fiscal year, for most employers, and this limit is often called the "H-1B cap."

Most new H-1Bs become effective each October 1, but the application period for most employers begins six months earlier on April 1. The "cap gap" occurs when a student's F-1 status and/or OPT expire before their approved H-1B begins on October 1.

The H-1B Cap Gap Extension allows certain students with pending or approved H-1B petitions to remain in the U.S. in F-1 status until the start date of their approved H-1B employment period, even if the OPT authorization and/or F-1 grace period would have otherwise expired before October 1.
H-1B Cap-Gap Extension

Cap-Gap Eligibility

You are eligible for the cap gap extension if both:

- Your employer files an H-1B petition for you, on or after April 1, and requests a change of status to H-1B to begin October 1.
- You are still within your OPT authorization period, or 60-day grace period following the OPT expiration, when your employer submits the H-1B petition on your behalf (on or after April 1).

  - If your OPT authorization is still valid when your employer submits your H-1B petition to U.S. Citizenship and Immigration Services (USCIS), your OPT authorization is extended. You can continue working in F-1 status through the extension date.
  - If your OPT authorization is expired but you are in your 60-day grace period when your employer submits your H-1B petition to USCIS, your F-1 status is extended. You cannot work but you can remain in the U.S. through the extension date.
OPT to H1B – Green Card Timeline

Possible Post-OPT Options…

OPT Timeline and Options

- Pre-Completion OPT
  - H-1B Sponsorship
  - Post-Completion OPT
    - STEM Extension
    - H-1B Sponsorship
    - Green Card Status

Graduation

- 12 Months – CAP Gap Extension – through October 1st
- STEM 17 months – H-1B, up to 6 years
Your OPT Application Appointment

Come Prepared!

Be sure to review our OPT resources on the ISSS Trinity Webpage at:
http://inside.trinity.edu/offices/international-student-scholar-services/international-students/current-students

- Optional Practical Training (OPT)
  - OPT Application Information and Checklist
  - OPT Information and how to apply and OPT tutorial (12 min)
  - Form I-765 for post-graduation OPT
  - Form I-765 for pre-graduation OPT
  - Form I-765 for STEM OPT
  - OPT Update e-form and OPT reporting guidelines
  - OPT STEM Extension Information and Procedures
  - OPT: Extension of Post Completion Optional Practical Training (OPT) and F-1 Status for Eligible Students under the H-1B Cap-Gap Regulations
  - STEM-Designated Degree Program List
Your OPT Application Appointment

Come Prepared!

- Schedule an appointment with an ISSS Advisor so we have enough time set aside to thoroughly look over your OPT paperwork and answer all of your questions.
- Prepare all paperwork ahead of time.
- Decide what day you want as your OPT start date.
What to Expect After Applying

Now Comes the Difficult Part – Waiting!

• ISSS will mail your OPT application package via USPS Priority Mail.
• In 2-3 weeks, ISSS should receive your I-797 (Notice of Action) by mail.
  • The I-797 contains a SRC Receipt number, which you may use to track the status of your application.
  • Check your case status at: https://egov.uscis.gov/casestatus/landing.do
• Applications are normally approved within 2-3 months of the date on the I-797.
• If your EAD does not arrive in 3 months, you may contact USCIS Customer Service.
• USCIS may send ISSS a “Request for Further Evidence” (RFE) if they need additional information.
• ISSS will notify you if we receive updates or RFE through the mail.
• Once OPT is approved, ISSS normally receives your EAD within 2 weeks.
• ISSS will notify you as soon as the card has been received and will arrange pick-up or shipment of the card to you.
After Receiving Your EAD Card

EAD = Employment Authorization Document

- You may not begin employment until the start date on the EAD and when you have received the card.
- Once you receive/pick up your EAD, make sure that all of your information is correct, e.g., the spelling of your name and date of birth.
Travel While on OPT

Recommendations – OPT Pending

**Travel While Your Post-Completion OPT Application is Pending:**
If your post-completion OPT has not been approved yet (Employment Authorization Document [EAD] card still not yet issued by USCIS), and you plan to travel and return prior to the completion of your studies, travel is possible; however, it is **not recommended** that you travel after completion of your studies, until you have received your EAD and have a job offer.

However, if travel is **unavoidable after completion of your studies and while your OPT is pending*** then you should be sure you have the following documents:

- Passport (valid for six months after you plan to re-enter the U.S)
- Valid F-1 visa stamp in your passport
- I-20 (with a travel signature no older than six months *)
- I-765 receipt notice (Form I-797 – “Notice of Action”)

*There are **no guarantees** that you will be permitted to return to the U.S. under these circumstances!
Travel While on OPT

Recommendations-OPT Approved and Have EAD

Travel After Your Post-Completion OPT Has Been Approved and you have an EAD:

• If you have a job or a job offer, you may leave and re-enter the U.S. in order to begin or resume employment.
• If you leave the U.S. before getting a job or a job offer, there is no guarantee that you will be permitted to re-enter the U.S.
• In order to have the best chance of re-entering the U.S. without problems, you should be sure you have the following documents:
  • Passport (valid for at least six months after you plan to re-enter the U.S.)
  • Valid F-1 visa stamp in your passport
  • I-20 (with a valid travel signature no older than six months*)
  • Valid EAD card
  • Evidence that you already have a job in the U.S. or that you have a job offer.

If you need to apply for a new F-1 visa, you should have your EAD card and evidence that you already have a job in the U.S. or a job offer plus the usual documents required.

* Regulations state that during post-completion OPT, the travel signature should be no older than six months.” Source: 8CFR214.2(f)(13)(ii) ISSS recommends that you get a valid travel signature every six months.
Travel While on OPT

Recommendations…Consider the Risk/Count the Cost

Please note that traveling outside of the U.S. on OPT can be risky, particularly if you are traveling before receiving OPT approval / your EAD card, or if you are traveling without returning to a job! Please exercise caution when making the decision to travel outside of the U.S.!

If your F-1 Visa has expired:
• You may remain in the U.S. with an expired F-1 visa as long as your status is valid!
• If you decide to leave the U.S. for any reason, you will need to have your F-1 visa renewed before you can reenter.
• Please contact an ISSS DSO for assistance
Social Security Number

- If you do not yet have a Social Security Number (SSN), you will be required to have one for tax reporting purposes.
- You may apply for a SSN after you have received the EAD card and the begin date on the card has been reached.
- If you already have a SSN, do not apply for a new one.
  - Social Security Numbers are for life!
- You do not need your SSN to begin working. On your first day of employment, you will be asked to complete employment paperwork.
  - If you do not yet have your SSN, you may write “applied for” in the space where the SSN is to be provided.
  - Once you receive the Social Security Card in the mail, provide the number to your employer.
STEM Extension

STEM Extension OPT

STEM Extension: Students who graduate with a qualified Science, Technology, Engineering or Mathematics (STEM) degree, and are employed on OPT, may apply for a 17-month OPT STEM extension.

STEM Designated Degree Program List:
STEM Extension (17 months)

STEM Extension OPT Guidelines

- Be in lawful F-1 student status at the time of application
- Be in an approved period of post-completion OPT
- Not been previously authorized for 17-month STEM

*Please note that the STEM Extension is a one-time only benefit!*

- Must have employment and/or a job offer from an E-Verify employer
- Most recent degree must be one of the approved STEM major areas of study

[http://www.uscis.gov/e-verify](http://www.uscis.gov/e-verify)
OPT STEM extension timing considerations:

• Submit a completed application for the STEM extension to USCIS prior to the expiration of their current OPT authorization; however, *students may apply no sooner than 120 days of the expiration date of the current OPT authorization.*

• Application must be received by USCIS within 30 days of the Designated School Official (DSO)’s signature in the ISSS on the Form I-20.

• Students with a pending STEM extension application may continue working for up to 180 days past the end date of their first 12 months of OPT; *however, if the STEM application is denied, the student must cease work immediately.*
STEM Extension

STEM Extension OPT Guidelines

OPT STEM extension Reporting Guidelines:

- Send the DSO in the ISSS a validation report every six months starting from the date the 17-month OPT STEM extension starts and ending when the student's F-1 status ends or the 17-month OPT STEM extension ends, whichever is first. The validation report must include the student's:
  - Full legal name
  - Current mailing and residential address
  - Name and address of the current employer
  - Date the student began working for the current employer
  - Students will receive a reminder e-mail from ISS regarding the six-month validation reports.

While on the 17-month OPT STEM extension:

- ONLY Work for an E-Verify employer.
- Accumulate no more than 120 days of unemployment during the entire 27-month period of OPT (12 months) and the 17-month OPT STEM Extension.
The End!

Questions?

We thank you for your attention!
Contact Us!

International Student & Scholar Services (ISSS)
Trinity University, International Programs Office
One Trinity Place, Box 100
San Antonio, TX 78212-7200, USA

Office location: Halsell Center 330
Monday – Friday 8:00AM – 5:00PM

E-Mail: isss@trinity.edu

Web: http://inside.trinity.edu/offices/international-student-scholar-services

Skype: iss0101

ISSS facebook: https://www.facebook.com/trinityissss
OPT to H1B – Green Card Timeline

Stages of Green Card Process (Employment Based)

1. Prevailing Wage Request
2. Recruitment Period
3. File PERM Application (Priority Date)

Stage 1: PERM Labor Certification

Stage 2: I-140 Immigration Petition

Stage 3: I-485: Adjustment of Status (Green Card Application)

- Work Permit (EAD)
- Advanced Parole

Receive Green Card (Permanent Residency)