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Optional Practical Training (OPT) Seminar

Office of the Assistant Dean of International Relations

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Optional Practical Training (OPT)

Authorization for pre or post-completion employment directly related to your program of study.

Employment is:

❖ **Temporary**

- It may, however, lead to a H-1B temporary work visa.

❖ **Optional**

- Not part of a curriculum.
- May remain in valid F-1 status without employment up to 90 days.



Optional Practical Training (OPT)

- ❖ **In major field of study (item 5 on I-20)**
 - Cannot be minor area
 - Job offer is not necessary to apply for OPT
- ❖ **Authorized by USCIS**
(US Citizenship & Immigration Services)



OPT Eligibility

- ❖ **Maintaining lawful F-1 status.**
- ❖ Cannot begin employment until you have completed at **least 1 full academic year in status** (not in an English training program).
- ❖ Intend to get a job directly related to your field of study.
- ❖ Have not completed more than **364 days of full-time Curricular Practical Training (CPT)** at this degree level.
- ❖ Have **not utilized** an equivalent of **12 months of OPT** work authorization for the **same degree level or higher.**



When Initial OPT Can Occur

❖ Prior to Degree Completion

- Part-time or Full-time: During annual vacation
- Part-time: While school is in session
- Full-time: When only thesis/dissertation or an equivalent remains. (all coursework completed)

❖ After Degree Completion

- Full-time: All degree requirements completed



Duration of OPT

- ❖ **Maximum initial work benefit - 12 months of employment**
 - Part-time and full-time OPT are subtracted at the same rate (e.g., part-time is not subtracted at a 1/2 rate).
- ❖ **Pre-completion OPT** is subtracted from the 12 month initial benefit and only the remaining benefit can be utilized after degree completion.
- ❖ Must complete initial **Post-Completion OPT** by no **later than 14 months after your program end date** regardless of the OPT employment start date.



When to Apply for OPT

USCIS application processing may take 3 months or more so plan ahead and submit applications early.

❖ Pre-Completion

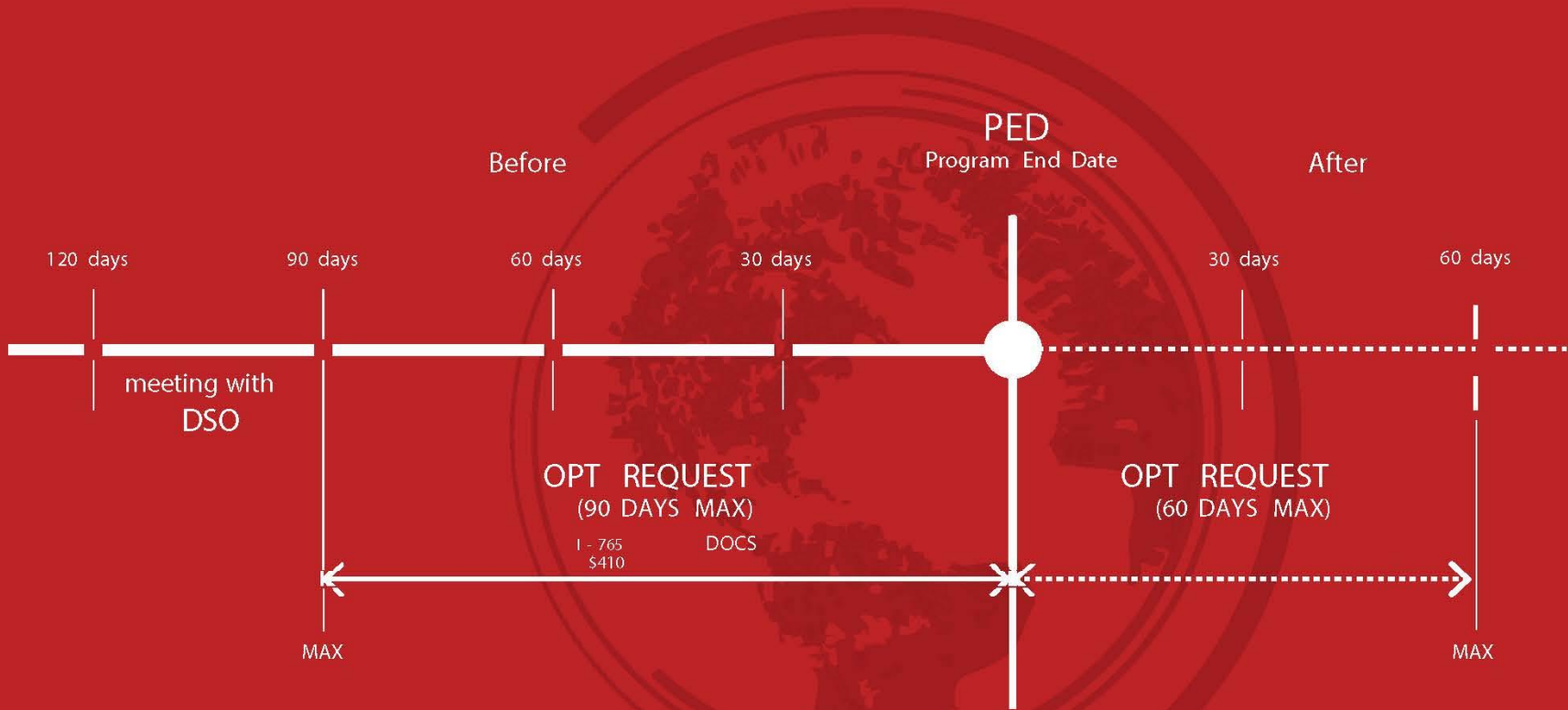
- During 1st year: As early as 90 days before completing your first academic year in status.
- After 1st year: As early as 90 days prior to the work authorization date you request.

❖ Post-Completion

- As early as 90 days prior to your program end date. Your application must be ***received*** by USCIS by no later than 60 days after your program end date.



OPTIONAL PRACTICAL TRAINING



EAD • Employment Authorization Document
 90 days max. unemployment
 12 month employment permit

- required to start work report: workplace supervisor tasks
 email
 phone
 e-verify #

OPTIONS: PRECOMPLETION (1 Year Before PED)
 POSTCOMPLETION (After PED)
 STEMEXTENSION (After OPT)



DECANATO AUXILIAR DE RELACIONES INTERNACIONALES
 OFFICE OF THE ASSISTANT DEAN OF INTERNATIONAL AFFAIRS

Initial OPT Application Process

Come to our office and bring:

- ❖ Recommendation Letter on department letterhead
- ❖ Form I-765
- ❖ Photocopy of all previously issued I-20's and new I-20 (OPT REQUESTED)
- ❖ Original & photocopy of passport, visa, and your I-94
- ❖ Photocopy of EAD if employment previously authorized by USCIS
 - (e.g., OPT for previous degree)
- ❖ \$410 check or money order payable to "U.S. Department of Homeland Security".
- ❖ Two identical passport photos (2" x 2" inches)
 - write the I-94 number & your name on the back of the photo



OPT Application Process

Requested Employment Start Date

Any date within 60 days of your program completion date

- ❖ If you will not complete your program by the end date indicated on your I-20, you must extend it.
- ❖ If post-completion OPT has been authorized, you are only eligible for part-time employment until you complete all degree requirements.
- ❖ If your OPT is not approved by the start date you requested, USCIS will adjust your OPT start and end date in order to give you the maximum OPT benefit that you are entitled to.

Initial OPT Requested Employment End Date

- ❖ No later than 12 months from your requested start date (minus any pre-completion OPT time) within the 14 months from your program end date.



OPT Application Process

❖ Form I-765

I am applying for:

Permission to accept employment.

Replacement (of lost employment authorization document)

Renewal of my permission to accept employment (attach previous employment authorization document).

US Address

- ❖ Should be your address or a friend's address
- Your name(s) should be clearly marked on your mailbox or on your friend's mailbox (USCIS doesn't forward mail)

Previous Employment Authorization

Eligibility Category

11. Have you ever before applied for employment authorization from USCIS?

Yes (If yes, complete below) No

16. Go to **Part 2** of the Instructions, Eligibility Categories. In the space below, place the letter and number of the category you selected from the instructions (For example, (a)(8), (c)(17)(iii), etc.).

Eligibility under 8 CFR 274a.12

() () ()

CPT doesn't apply since it is not authorized by USCIS

For Pre-Completion OPT: (c)(3)(A)

For Post-Completion OPT: (c)(3)(B)

For 24-Month STEM OPT Extension: (c)(3)(C)



Enrollment

Full-time enrollment or equivalent is required for OPT application processing

Undergraduate Students: Enrolled in 12 or 9 credits. If it is your last semester and less than 12 credits are required to graduate, file a Last Semester Memo with our office.

Graduate Students: Enroll in 9 credits or file a Certificate of Full-Time Status with the Registrar's Office. If it is your last semester and less than 9 credits are required to graduate, file a Last Semester Memo with our office.



If, after applying for OPT, you learn you have to take another course...

Your OPT is based on your having completed your degree (undergrads) or at least your coursework (grads). If you learn that you must take an additional course in order to graduate, then you must do the following:

- Make an appointment to talk with the DSO to discuss the consequences to your OPT application and any actions that you need to take.
- If USCIS has not yet processed your OPT application, you can ask them to withdraw it so that you can reapply with later OPT dates. It is at USCIS's discretion as to whether they will approve your request.



If, after applying for OPT, you learn you have to take another course

- If USCIS has already approved your OPT, then you cannot withdraw your application, and you may only work 20 hours or less on your OPT until you have completed your required course. The DSO must extend your program end date and issue a new I-20.
- Students in STEM fields cannot apply for a STEM extension unless they have earned their degrees.



Submitting OPT Application

After completing the process with our office, you will be ready to mail your application.

USCIS should receive your application within the 30 days of issuing the new I-20 that recommends OPT. It is your responsibility to mail this Application before the deadline.

It is recommended that applications be sent by certified mail with a return receipt so that you can track the delivery of your application to USCIS.

Applications should be mailed to:

USCIS Dallas Lockbox/[USPS Deliveries](#):
USCIS
Post Box 660867
Dallas, TX 75266

[Express Mail/Courier Deliveries](#):
USCIS
Attn. AOS
2501 S. State Hwy, 121 Business
Suite 400
Lewisville, TX 75067



Canceling or Withdrawing OPT Request

❖ **Prior to mailing application:**

Submit a notice requesting cancellation of OPT to the DSO; a new I-20 will be issued to you.

❖ **After mailing application but before adjudication:**

Meet with your DSO. Bring you original withdrawal request and a copy of your withdrawal request.

The withdrawal request should contain:

- Subject line of "Re: I-765 Withdrawal".
- Biographical info including your: full name, date of birth, and SEVIS ID number.
- The receipt number for the I-765 application (Form I-797) and a copy of it.
- A request that the Form I-765 application for OPT be withdrawn.
- Your signature.

There is no guarantee that your request will be honored.



Checking Your Application Status

USCIS will send a receipt notice (Form I-797) to you in the mail within 2 to 3 weeks to the address that you indicated on your I-765 form.

To check the status of your application:

- Access the **USCIS Case Status Search Page**

- uscis.gov/casestatus
- uscis.gov/processingtimes

- Enter your “EAC, WAC, LIN or SRC Application Receipt Number”
(ex: EAC 0123456789)

It will inform you if your application is in process, if they have requested further information, or if it has been approved or mailed.



Pending I-765

If your application is still pending 90 days from the received date on your receipt notice, either:

- Call the National Customer Service Center at 1-800-375-5283 to request a referral to the Service Center and an expedite.
 - Note the day and time of the call, the Officer's name and the referral ID number. The Service Center should respond within five business days.
- If no response is given **within 5 business days**, email decano.dari@upr.edu with: your full name, date of birth, citizenship, USCIS receipt number (starting with EAC), USCIS receipt notice date, date and time you contacted USCIS to request expeditious handling, and the name and referral ID number of the officer with whom you spoke (if you called).



Employment Authorization Document (EAD)

USCIS work authorization is issued in the form of an Employment Authorization Document (EAD).



It indicates the period an authorized F-1 student is eligible to work in the United States.



Work Authorization

You may have multiple jobs and change jobs as long as each job is directly related to your major area of study and you **report changes** in our office.

If you lose your EAD card:

- You may continue working with your same employer as long as it is still within the authorization period.
- If you plan to change employers or travel, you must obtain a new EAD card by submitting a new application and fee to USCIS.



Work Authorization & Maintaining F-1 Status

In order to begin working:

- You must have received your EAD card.
- It must be the day of or any day after the EAD start date within the work authorization period.

Employment is required to maintain F-1 status while on OPT:

- Must report employer contact information to our office within 10 days of starting, changing, and ending employment.
- Cannot accumulate more than 90 days (aggregate) of unemployment during initial OPT authorization period. **This process is done automatically by SEVIS.**



Responsibilities While on OPT

- Submit copy of your EAD card (front & back) to the DSO
E-mail a Scanned Copy to: decano.dari@upr.edu
- Obtain a job in your major field of study.
- Work only within the authorized work period that is indicated on your EAD card.
- Must report all employers, any changes of name, address, email address, and interruptions of employment within 10 days of change.
- If traveling, must have an advisor's signature on your I-20 that is not older than **6 months** from the day you plan to re-enter the U.S.
- OPT is terminated if your SEVIS record is transferred to another institution to begin a new program of study.



Travel while on OPT

Pre-Completion

Consult your DSO

Post-Completion

- While OPT is approved:

- I-20 endorsed for OPT
- Valid Visa
- EAD card
- Valid Passport
- Job offer letter
- I-94
- Travel signature no older than **6 months** from the day on which you plan to re-enter the U.S.

- While OPT is pending: Travel is **not** recommended. If you disregard advice and travel:

- Documents listed above
- Application receipt in place of EAD



I-9, Social Security, and Taxes

- **I-9**: All employees in the U.S. must complete Employment Eligibility Verification I-9 Forms with their employers within 3 days of starting employment.
- **Social Security**: Employment in the U.S. requires a Social Security Number (SSN). Form I-765 provides opportunity to request SSN for those who don't have one.
- **Taxes**:
Social Security and Medicare Taxes
Typically, non-resident F-1 students with authorized CPT or OPT are exempt from Social Security (F.I.C.A) and Medicare taxes as long as you continue to declare non-resident status for tax purposes.

Federal, State, and Local Taxes

Federal, state, and local taxes will be withheld from your paycheck by employers unless you qualify for a tax treaty exemption. (More information also available at the [IRS website](#))

IRS publication Regarding Taxes



OPT Provisions

F-1 OPT regulations effective as of April, 2016 now allow:

Cap-Gap Relief Provisions

[STEM 24 month OPT Extension](#) Provisions



Cap-Gap Relief Provision

The period of time when an F-1 student's status and work authorization expire through the start date of their approved H-1B employment period is known as the *Cap-Gap*.

Students from any degree field can benefit from this provision intended to eliminate the Cap-Gap.

Duration of status and work authorization is extended for F-1 students on OPT whose employer has:

- ❖ Filed a timely H-1B petition requesting a change of status
 - A change of status in lieu of consular notification can currently be requested.
- ❖ Requested a start date of October 1 of the next fiscal year

Extension of status and work authorization are automatically terminated upon rejection, denial, or revocation of H-1b petition.



Requesting a Cap Gap Relief I-20

Email scanned copies of the documents below to decano.dari@upr.edu with the subject: "Attn: Cap-Gap Relief I-20 Request"

- ❖ Your H1B approval notice (if you have not received the approval notice then send the receipt notice).
- ❖ Your EAD which shows OPT end date prior to **October 1**.
- ❖ Your University ID card/ number.
- ❖ Mailing address (and credit card details if requesting express mailing).
- ❖ DSO will request a SEVIS data fix and issue a new I-20; this may take 1 month. Your status and work authorization will remain valid while the request is pending.



24 Month STEM OPT Extension

Student Requirements:

- ❖ Completed a degree in qualifying STEM program
- ❖ Currently engaging in OPT
- ❖ Maintained valid F-1 status
 - Including reporting all changes of personal and employment info
 - Have not accumulated more than 90 days of unemployment
- ❖ Have not previously received a STEM extension
- ❖ Submit a timely STEM extension application
 - Prior to EAD expiration- preferably, 90 days before OPT end date



24 Month STEM OPT Extension

Employer Requirements

- ❖ Must be currently registered and in good standing with the USCIS [E-Verify](#) program
 - Internet-based system operated by U.S. Citizenship and Immigration Services (USCIS) in partnership with the Social Security Administration (SSA)--currently free to employers and available in all 50 states.
 - Employer must provide E-Verify Company/Client Identification Number to applicant as it must be entered onto the [I-765](#) application form.
 - As a participant in E-Verify, employers are required to verify all newly hired employees, both U.S. citizens and non-citizens.
- ❖ Employer must agree to report termination or departure of OPT employee to our office.



STEM Application Procedure

If you are not working in the Puerto Rico area, submit scanned copies of documents below via email to decano.dari@upr.edu with “Attn: STEM Extension Application” as the email subject line

- ❖ EAD card (front & back), passport, visa, I-94 (front & back), and health insurance
- ❖ [STEM Extension Data Sheet](#) – Form I-983
-Including mailing address (and account details if applicable)
- ❖ [STEM Student Responsibilities Checklist](#)
- ❖ Diploma or transcript indicating program of study
- ❖ Employer statement indicating relationship of STEM field to job
- ❖ [I-765](#) (completed and signed)



Completing the I-765

Top of Form-

I am applying for:

Permission to accept employment.

Replacement (of lost employment authorization document)

Renewal of my permission to accept employment (attach previous employment authorization document).

- Check "Renewal" of my permission to accept employment

16: Eligibility Category-

16. Go to Part 2 of the Instructions, Eligibility Categories. In the space below, place the letter and number of the category you selected from the instructions (For example, (a)(8), (c)(17)(iii), etc.)

Eligibility under 8 CFR 274a.12 (c) (3) (C)

17: E-verify Information

17. If you entered the Eligibility Category, (c)(3)(C), in item 16 above, list your degree, your employer's name as listed in E-Verify, and your employer's E-Verify Company Identification Number or a valid E-Verify Client Company Identification Number in the space below.

Degree: _____

Employer's Name as listed in E-Verify: _____

Employer's E-Verify Company Identification Number or a valid E-Verify Client Company Identification Number _____

Consult with employer for:
Employer Name and
Identification Number

If you meet the STEM requirements, the DSO will mail you a new I-20 recommending an extension.



Completing STEM Application

Compile all of the application materials:

- ❖ \$410 check to the “U.S. Department of Homeland Security”.
- ❖ Two 2 x 2 passport style photos taken within the past 30 days with your name and I-94 number written gently on the back of photos.
- ❖ Completed and signed Form [I-765](#) (original).
- ❖ Official transcripts/ copy of diploma indicating your program of study.
- ❖ Form I-983 (Item #5 on the I-20).



Completing STEM Application

Compile all of the application materials:

- ❖ Photocopy of your current EAD card (front & back) and any previously issued EAD cards related to your current status.
- ❖ Photocopy of your current SEVIS I-20 (recommending OPT Extension).
- ❖ Photocopies of all previous SEVIS I-20's- include all page 1 and 3 of I-20's.
- ❖ Photocopy of your visa, passport, and front and back of your I-94 card.



Submitting Application

You must submit the application with all of the required documents to USCIS.

- ❖ Mail the completed application to [USCIS Center](#) with jurisdiction over your residence-area.

Dependent on current location, not location of previous College/University.

- ❖ Submit a copy of new EAD card to decano.dari@upr.edu; please title email "STEM EAD card copy".



Maintenance of Status While On STEM Extension

- ❖ Cannot accrue a total of 120 days of unemployment over the 29 month OPT period
- ❖ Reporting Requirements: Stem Extension- Cap Gap Relief
 - Report the following within 10 days of the change: legal name, residential or mailing address, email address, employer name, employer address.
 - Must report the info above to our office every 6 months even if there is no change.
- ❖ Automatic extension of status and work authorization up to 180 days while a timely filed STEM extension OPT application is pending.
- ❖ Can still benefit from the cap-gap provision.



CPT

- Here are some quick facts about Curricular Practical Training (CPT):
- For students to receive CPT, the training (and employment associated with the training) must be "an integral part of an established curriculum" and "directly related to the student's major area of study."
- Regulations require one full academic year of study before a student may engage in CPT **except** when enrolled in a graduate level studies where immediate CPT is required of all students engaging in the program. In these instances, CPT is allowed in the first year of study.



CPT

- CPT is authorized directly by the designated school official (DSO) who updates the student's SEVIS record with the CPT authorization, including: the employment start and end date; employer name and address; whether the authorization is for part-time or full-time CPT; and an explanation of how the employment is curricular. Unlike optional practical training (OPT), which is approved by USCIS, CPT is authorized directly by the DSO through this SEVIS notification.
- CPT can be paid or unpaid. SEVP guidance states that "compensation is not a consideration when determining whether an opportunity qualifies as CPT," but federal and state labor and wage/hour laws do still apply.
- There is no set limit to the amount of time a student may engage in CPT. However, if a student engages in full time CPT for 12 months or more, the student becomes ineligible for post-completion OPT. Engaging in part-time CPT (20 hours or less) does not affect eligibility for post-completion OPT.



Preconditions	<ul style="list-style-type: none"> Student must have been lawfully enrolled on a full-time basis at an SEVP-approved college, university, conservatory, or seminary for one full academic year before being eligible for CPT. Exception exists for graduate students whose programs require immediate curricular training. Available only while student is in F-1 status, before completion of the educational objective. Students in English language training programs and at schools other than a college, university, conservatory, or seminary are ineligible for CPT.
Location	<ul style="list-style-type: none"> Students may engage in CPT only for the specific employer, location and period approved and recorded by the DSO in SEVIS.
Duration	<ul style="list-style-type: none"> Depends on the specific period granted by the DSO. May be granted by DSO in increments of no more than one year, or until expected date of employment completion, whichever is shorter. No cumulative maximum, except that it can only be approved before completion of the academic objective.
Hours per week	<ul style="list-style-type: none"> Can be approved for part-time (20 hours or less) or full-time (over 20 hours).
Field/level of work	<ul style="list-style-type: none"> Must be an integral part of an established curriculum, and be related to the student's major field of study.
Offer of employment/training	<ul style="list-style-type: none"> Must have an offer of employment or training from an employer offering work or training that qualifies as curricular practical training.
Effect on other work	<ul style="list-style-type: none"> Use of full-time CPT for one year or more eliminates eligibility for Optional Practical Training. Use of part-time CPT does not affect eligibility for Optional Practical Training (see 3.37 Effect of use of CPT on eligibility for OPT [1]).
Approval process	<ul style="list-style-type: none"> DSO must update SEVIS with CPT authorization. Student cannot begin CPT until CPT Employment Start Date recorded in SEVIS. DSO will also print out updated Form I-20 reflecting the CPT authorization. The student will need this when completing Form I-9 for the employer. USCIS approval is not required, and no EAD is issued.
Miscellaneous	<ul style="list-style-type: none"> Must continue to maintain a full course of study in F-1 status during the period of employment.

Questions?



Questions/Concerns/Queries





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