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OPT: The Basics

What is OPT?

- OPT = Optional Practical Training
- Grants work authorization for F-1 students to gain practical experience by working in their major field of study.
- Students can apply for twelve months of OPT for each level of study (Bachelor's, Master's PhD)
- Students in approved STEM majors may be eligible for a 24 month extension of their Post-completion OPT (See Chapter 4)

What is an EAD?

- EAD = Employment Authorization Document
- An EAD card is issued by USCIS, which provides proof of your OPT approval.
- Students may begin to work once they receive the EAD card and the "Valid From" date on the card has been reached.

Who is eligible to apply for OPT?

- F-1 Students who are in valid F-1 visa status and will have maintained full-time enrollment for one academic year (Fall & Spring) by the requested start date and…
- Possess a valid foreign passport and a valid USF I-20 which indicate the student's correct major and level of study.

Types of OPT out there?

- Pre-Completion OPT: Employment takes place prior to completion of coursework
- Post-Completion OPT: Employment takes place after to completion of coursework
- 24 Month (STEM) Extension: Extension of Post-Completion OPT for eligible STEM majors

Full-time vs Part-time OPT

- Full-time: Minimum of 20 hours per week based on a monthly average
- Part-time: Up to 20 hours per week

Pre-Completion OPT

Pre-Completion OPT:

- Takes place prior to completion of coursework
- Time granted as Pre-Completion OPT is deducted from the 12 month total per education level
  - Part-time authorization is deducted at half the time approved (Ex. 3 months part-time = 1.5 months deducted)

Considerations:

- For Fall and Spring semesters you may only request part-time authorization.
- Full-time OPT may only be requested for annual vacation (Summer).
- You must be enrolled full-time during the Fall and Spring semesters.
- Changing between part-time and full-time authorization requires a new application and fee.

Post-Completion OPT

Post-Completion OPT:

- Takes place after completion of coursework
- Limited to a maximum of 12 months within the 14 month period following completion of coursework

Who is eligible?

- Students who have completed ALL degree requirements and are eligible to receive their degree
- Graduate students who have completed ALL coursework and are left with ONLY thesis or dissertation hours

Considerations:

- Graduate students working on their thesis or dissertation must graduate prior to the end of their Post-Completion OPT
- You must be employed for a minimum of 20 hours per week based on a monthly average
- You may not accrue more than 90 days of unemployment during the entire Post-Completion OPT period
- The end date of the I-20 will be shortened to reflect completion of the program or completion of coursework
- All on-campus employment must cease by the end date of your shortened I-20. This includes any graduate assistantships.

Considerations for Graduate Students Who Have Only Thesis or Dissertation Remaining

Pre-Completion OPT
- Unemployment is not counted
- Allowed to work full-time
- Cannot apply for STEM Extension
- No cap gap extension available
- May extend program if extra time is needed

Post-Completion OPT
- Unemployment counts
- Can work full-time
- Can apply for STEM extension
- Eligible for cap gap extension
- Cannot extend program if do not finish thesis/dissertation by end of OPT period.
- All on-campus work must cease. This includes graduate assistantships.

2. Applying for OPT

When can I apply for OPT?

- Pre-Completion
  - 90 days prior to the desired start date (no earlier than 90 days prior to having met your one full academic year)
- Post-Completion
  - 90 days prior to completion of coursework or degree completion (graduation)
  - Or up to 60 days after the degree completion date
- STEM Extension
  - 90 days prior to the end of the initial 12 months of OPT
  - Or up to expiration date of current OPT

Is there an application fee?

- Yes, a $410 cashier's check or money order should be made payable to the ***U.S. Department of Homeland Security.***
  (This fee was scheduled to increase to $550 on October 2, 2020. Due to a court injunction, it continues to be $410. Because this could change at any time, make sure to check https://www.uscis.gov/i-765 prior to mailing your application, to ensure you are sending the correct fee amount)

How long does it take for USCIS to process the application?

- Processing times can vary from 30 to 90 days.

Where will my EAD Card be delivered?

- All correspondence will be delivered to the address you provide on your I-765 application form. It is vital that you use an address where you will be able to receive mail throughout the <u>entire</u> OPT application process, as your OPT receipt and EAD card will be delivered there.

When can I start working?

- Pre-Completion and Post-Completion OPT
    - Must have received your physical EAD (Employment Authorization Document) Card
    - Must have reached the "valid from" date on the EAD Card
- STEM Extension:
    - Applicants are automatically authorized to continue employment for up to 180 days after the expiration date of their EAD Card while awaiting the decision of their STEM Extension application.

Choosing POST-Completion OPT Dates:

- ✓ You must choose a start date that falls within 60 days after the date of graduation.
- ✓ Consider things such as:
    - amount of time you will need for your job search
    - whether you have an employer waiting to hire you
    - whether or not you might want a break after your studies

How to Apply

1. Review chapters 1-3 of this OPT Guide to ensure that you fully understand Optional Practical Training (OPT) and to make certain you wish to apply for OPT at this time.
2. Within the appropriate timeframe (see page 6 of this guide), login to iStart and click on the "OPT Application" E-Form under "F-1 Practical Training".
3. Carefully read and complete the OPT Application E-Forms as instructed.
   - Upon approval of your application materials you will be instructed to pick up an updated I-20 and instructions on how to mail your application packet to USCIS.
   - Please note that your OPT application must be received by USCIS within 30 days of the I-20 issue date. If it is received by USCIS more than 30 days after the issue date USCIS will deny your OPT application.

Documents You'll Need to Apply:

- ☐ Two 2" x 2" passport photographs (Photos cannot be more than 60 days old)
- ☐ Cashier's Check or Money Order made payable to: *U.S. Department of Homeland Security*. NO personal checks.
- ☐ Completed Form I-765
- ☐ Photocopy of most recent I-94 card (Front & Back OR Electronic Printout)
- ☐ Photocopy of Port of Entry Stamp
- ☐ Photocopy of the Biographical Page of your Passport
- ☐ Photocopy of your F-1 Student Visa (Or I-797 Approval Notice if you filed change of status in the U.S.)

IF Applicable:

- ☐ Photocopy of previous EAD(s) (Front and back)
- ☐ Photocopy of I-20's with CPT notations (If you have engaged in Curricular Practical Training)

What to expect after you apply

Processing Time

- Processing times can vary from 30 to 90 days
- Current processing times can be found on the USCIS website: https://egov.uscis.gov/cris/processTimesDisplayInit.do.
- You are legally present in the US while your application is pending (even if the waiting period goes beyond 60 days after graduation)
- Your application will be processed through the Texas Service Center

Tracking you Application

- You should receive a receipt from USCIS 3-4 weeks from when you mail the OPT application
- This receipt will contain the receipt number assigned to your application
- This receipt number can be used to track the progress of your application at https://egov.uscis.gov/casestatus/landing.do
- Provide our office with a copy of this receipt by going to your iStart OPT Application and submitting the *OPT Upload I-797* e-form.

Once I receive my EAD, how do I obtain my updated I-20?
- Sign in to iStart.usf.edu, go to your *OPT Application,* submit the *OPT Upload EAD Card.*
- You will be asked to upload a copy of your valid EAD (front and back) and to choose whether you would like a new I-20 reflecting your OPT Approved status.

Maintaining Your Status

Reporting Requirements:

- Employment:
  - You must notify USF of your employment status, as this is reported to SEVIS/DHS

- US Address:
  - Any address changes must still be reported in OASIS within 10 days of the change

Unemployment:

- You may not be unemployed more than a total of 90 days during the 12 month period of OPT
- End of unemployment should be reported in iStart.usf.edu

WHEN do I report my employment status?

- Once you receive your EAD <u>and</u> your OPT period has begun

HOW do I report my employment status?

- Sign in to iStart.usf.edu, click on "F-1 Practical Training - Report", then submit the appropriate report.

Travel During OPT

Can I travel during my OPT period?

- If you are currently on Optional Practical Training following graduation and you have a job or a job offer to return to, <u>you may be eligible</u> to leave the U.S. and re-enter to resume work at the same job OR to start your new job.

What items do I need if I travel during OPT?

- A valid, unexpired passport
- A valid, unexpired F-1 student visa stamp
- An OPT I-20 signed within the last 6 months by an International Services Advisor at USF.
- Letter from your current employer including:
  - Brief job title, job description and mention of the fact that you are traveling for business or pleasure and that you will be returning to your job upon your return to the U.S. OR
  - A job offer letter from an employer listing your name, job title, job description and expected dates of employment.

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8 CFR 214.2 (f)(13)(ii): TRAVEL WHILE AUTHORIZED FOR EMPLOYMENT

"An F-1 student who has an unexpired EAD issued for post-completion-practical training and who is otherwise admissible may return to the United States to <u>resume </u>employment after a period of temporary absence. The EAD must be used in combination with an I-20 ID endorsed for re-entry by the DSO within the last six months."

Beyond OPT

Grace Period

- Once your OPT ends (EAD expires), you have a 60 day grace period.
- You may not work during this grace period.

Change of Status Approved, while you are on OPT:

- Your F-1 status ends upon approval and start date of the new status.
- You may not continue working unless you were granted work authorization connected to your new status.
- Provide a copy of the approval notice to our office

Beginning New Degree Program:

- At Another Institution:
  - Request a transfer of your SEVIS record to another institution
  - Submit "Transfer Out" e-form in USF iStart.usf.edu (you will be required to provide copy of admission letter from the new institution)
  - Your OPT employment authorization ends immediately upon transfer of your SEVIS record to your new institution
  - If your record is transferred during the 60 day grace period following OPT, you must receive the new I-20 before the grace period ends to remain in status.

- At USF:
  - Obtain admission to new program
  - Even if your EAD has not expired, your OPT employment authorization ends upon the commencement of your new USF program
  - If you've waited until the end of OPT to apply for the new program of study, you must receive your new I-20 before the grace period ends to remain in status.

OPT FAQ

Frequently Asked Questions

1. **How much time does it take to process my OPT application at the USCIS?** Processing times vary, usually between 30-90 days. Please see the USCIS website for more information: https://egov.uscis.gov/cris/jsps/ptimes.jsp
2. **Do I lose my F-1 status if I do not receive my EAD card before the end of my 60 day grace period? No**. As long as you apply for Post-Completion OPT before the end of your 60 day grace period, you remain legally present in the US while awaiting the results of your application, even if the waiting time goes beyond 60 days after graduation.
3. **Do I need a job offer before I apply for OPT?** No.
4. **What is the impact of a transfer to another school if I am on OPT?**
   Your OPT ends on the date that your SEVIS record is transferred to the other school.
5. **What date should I use as the starting date for my OPT?**
   That can vary according to your degree completion date plans. However, the OPT must begin no later than 60 days following your program completion date.
6. **How long can I work on OPT?**
   You are eligible for up to twelve months of OPT. However, if you were authorized for 12 months (365 days) of full-time curricular practical training (CPT) during this program of study, you will be ineligible for OPT.
7. **I am finishing my second Bachelors (Masters,etc), can I apply for another OPT? No.** You are eligible for 12 months of OPT at the end of each level of education. If you have already completed 12 months of OPT at the end of your first Bachelor's (or Masters, etc) degree, you are not eligible to apply for OPT at the end of your second Bachelor's degree (Master's, PhD).
8. **Can I work for more than one employer with an EAD card?**
   Yes. You can work for more than one employer or change employers, provided that the jobs are directly related to your area of study.
9. **What if my OPT is approved, but I didn't graduate?**
   You should speak to an International Services advisor as soon as possible.
10. **How do I report to International Services if I get a job or I change jobs?** Please report these in iStart. Sign in to iStart.usf.edu and click on "F-1 Practical Training" then "OPT Information Update".
11. **Can I travel outside the United States while my OPT application is pending?**
    It is generally not recommended that a student travel during this period.
12. **Can I travel outside the United States after I receive my EAD card?**
    An F-1 student with a valid passport, valid visa, a signed I-20, an EAD card and proof of employment (a letter from your employer verifying that you have a job) can travel outside the U.S. and re-enter in F-1 status. However, if you have an EAD card but no job offer, it is not recommended that you travel.

What if I have more questions about OPT?

Contact the Office of International Services office by visiting during Walk in Hours, or calling 813-974-5102, or emailing using the subject line "OPT Application Questions".

4. STEM Extension

STEM Extension:

- Option available for F-1 students who majored in selected STEM (Science, Technology, Engineering, or Mathematics) fields.
- Allows for a 24 month extension of OPT.
- Student may apply twice in a lifetime.

Who is eligible?

- F-1 students currently in their initial 12 months of Post-Completion OPT working for an employer registered in E-Verify and
- Who majored in an approved STEM major

If eligible, WHEN can I apply for STEM Extension?

- During the 90 days before the expiration of post-completion OPT. Cannot apply after EAD expires.

Considerations:

- Work during STEM period must be paid (not volunteer)
- The extension can only be granted in one 24 month period – it cannot be "split" into 2 periods
- Students on "pre-completion" OPT are NOT eligible for the extension

Online Resources:
- STUDY in the STATES - STEM OPT Hub (https://studyinthestates.dhs.gov/stem-opt-hub)
- Determining STEM OPT Extension Eligibility (https://studyinthestates.dhs.gov/students-determining-stem-opt-extension-eligibility)
- USF International Services – STEM OPT Extension (http://global.usf.edu/is/cur-STEM.php)

STEM Extension FAQ

Frequently Asked Questions

Q: **What if my EAD expires before I get my STEM EAD?**
A: A student who files the application timely may continue employment while the extension application is pending, until a final decision is made, or for 180 days, whichever comes first.

Q: **If I am approved for an extension, can I change employers?**
A: A student may change employers during the STEM OPT extension. However, USCIS and SEVP advise against changing employers while the I-765 is pending, since the I-765 names a specific employer. Note: Students are advised to consult with an attorney regarding the effect of changing to an employer that is not the employer named on the I-765. The student must report the change in employer to the DSO and submit a new I-983.

Q: **If I am approved for an extension, can I work for a non-E-verify employer while still employed by the E-Verify employer named on the I-765?**
A: Students may NOT be concurrently employed at a non-E-verify employer. While on a STEM OPT extension, the student is only allowed to be employed by employers who are registered with E-verify.

Q: **If my major is not listed on the DHS STEM Designated Program List can I apply for an extension of my OPT?**
A: At this time, the extension is only for F-1 students who have completed a program in a STEM major.

Q: **Are there special reporting requirements for F-1 students who receive a STEM OPT extension?**
A: Students with an approved STEM OPT extension must make a validation report every six months starting on the date the extension begins and ending when the OPT ends. The validation is a confirmation that the student's name and address, employer name and address, and /or loss of employment is current and accurate. At the 12 and 24 month mark students must include an evaluation (found on the last page of the I-983 Form) with their six month validation. The student must follow all other current OPT reporting requirements. The employer must agree to report the termination or departure of the student to the International Student Office of the student's former school, or through any other process chosen by the Department of Homeland Security.

Q: **Can I work for multiple employers while on STEM OPT?**
A: Yes, but you must provide a complete I-983 for each employer **and** must work at least 20 hours per week for **each** employer.

5. H1-B Cap Gap

What is H1-B Cap Gap?

- Per the April 8, 2008 Interim Final Rule, an F-1 student currently on OPT who is the beneficiary of a timely-filed H-1B petition subject to the cap will have duration of status and OPT employment authorization extended to an employment start date of October 1.

Do I have to file separately for the H1-B Cap Gap?

- No, the extension for "cap gap" status and work authorization officially commences on the date of filing the H-1B application (the date received by USCIS), not the receipt date.

What if my H1-B petition is not approved?

- The automatic extension terminates when USCIS rejects, denies, or revokes the H-1B petition. However, the student would have a grace period after the termination during which the student is authorized to remain in the United States for up to 60 days to prepare for departure from US, change degree level, transfer, change status, etc. as long as the student has not otherwise violated status.

How do I obtain an updated I-20 reflecting H1-B Cap Gap?

- You must first obtain your H1-B application receipt from USCIS, then
    - Log in to istart.usf.edu and click "Upload H1-B Receipt for Cap Gap" under "F-1 Practical Training - Report"
    - You will be asked to upload a copy of the receipt