OPTIONAL PRACTICAL TRAINING - OPT

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(F-1 Students)

OPTIONAL PRACTICAL TRAINING - OPT

- **OPT** is an employment benefit that allows F-1 students to engage in employment that is directly related to their program of study.

Types of OPT

- **Pre-completion OPT** – completed during your program of study.

- **Post-completion OPT** – completed after the end of your program of study.

- **24 Month STEM OPT extension** – An extension of 24 months (for a total of 36 months) is available to certain STEM degree recipients that is published. degree program CIP code must be found on the STEM (Science Technology, Engineering and Mathematics) list published by Immigrations and Customs Enforcement.

- **CAP Gap extensions** area available for those with an OPT employer that is subject to the H-1B cap and that have filed an H-1B petition. Most academic institutions are cap exempt, so this often not applicable.

PRE-COMPLETION OPT

- Pre-completion OPT is employment authorization that allows F-1 students to engage in off-campus employment that is directly related to their program of study before their program end date.

- Employment is limited to 20 hours/week while school is in session and the student still has coursework to complete.

- Full-time employment (over 20 hours/week) can be requested for pre-completion OPT during official school breaks, and for students who have completed all requirements for their degree except for thesis or dissertation.

- Use of Pre-Completion OPT affects the time available for Post-Completion OPT.

POST-COMPLETION OPT

- Post-Completion OPT is employment that allows F-1 students to engage in employment directly related to their program of study after their program end date.

- Students MUST work full-time (>20 hours/week) to avoid limits on unemployment.

- Students are only permitted one 12-month OPT authorization per degree level (Bachelor's Master's, PhD).

- Only Post-Completion OPT can be extended under STEM extension regulations.

OPT ELIGIBILITY

Initial Post-Completion OPT

- F-1 students who have been lawfully enrolled in an SEVP-certified college or university on a full-time basis for at least one academic year.

- Maintained valid F-1 status.

- Completed no more than 364 days of full-time CPT.

- Valid Passport: at least six months into the future

OPT EMPLOYER INFO

- It is not necessary for the student to have received an offer of employment prior to requesting initial post or pre completion OPT. OPT must be applied for and approved by USCIS prior to the student beginning the OPT employment.

- The student must have their employment authorization EAD card in hand to be eligible to start employment.

- For STEM OPT, an employer who participates in E-verify is required to be eligible to apply.

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- There is a $380 fee made payable to the US Department of Homeland Security for each OPT request. Personal checks and money orders are accepted.

- The filing fee is changing to $410 effective December 23, 2016.

LEVEL

- Students are eligible to apply for OPT after completion of each educational level, such as Associate's, Bachelor's, Master's, PhD.

APPLICATION DEADLINES & TIMEFRAMES

- OPT requires a recommendation from Upstate in the form of an I-20 form. Authorization is then granted by USCIS issued in the form of an EAD (Employment Authorization Document)

- You may begin applying for Post-Completion OPT:

- 90 days <u>before</u> the program completion date

- 60 days <u>after</u> the program completion date - **<u>USCIS must receive the application within 60 days</u>** of the program completion date.

- USCIS <u>will not expedite</u> the processing of your request before 90 days of processing time has elapsed

START AND END DATES OF OPT

- Requested OPT start date cannot be more than 60 days past student program end date.

- Requested OPT end date cannot be more than 12 months after the requested OPT start date.

- The requested OPT end date cannot be more than 14 months after your program end date.

- Once you have selected an OPT start date it is difficult to change while OPT is requested or pending and impossible to change once request is approved by USCIS.

- If USCIS cannon process your request by your requested start date, a later start date will be used.

APPLICATION PROCESSING TIME

- OPT takes about 3 months to process.

- OPT application must be submitted to the USCIS Processing Center within 30 days of the date the OPT is requested in SEVIS.

- You can not start employment until you have received your Employment Authorization Card.

- The EAD card looks like a photo id or driver's license with the start and end date of your OPT.

- You will receive a I-797 receipt notification that your application has been received. The application receipt number on the letter will be used to reference your application to USCIS.

CHECKLIST FOR OPT APPLICATION

- I-765 Employment authorization form. The I-765 Employment Authorization form may be found on the USCIS website at www.uscis.gov. The form should be signed in blue ink.

- Complete the G-1145 e-notification of application/petition acceptance form. This form is also found on USCIS.gov with I-765 form. This form should be placed on top of your application.

- $380 check or money order made payable to US Department of Homeland Security. Filing fee changes to $410 effective December 23, 2016.

- Two identical passport style photos on a white background. Must be 2" X 2" in size. Photos can be obtained at CVS or the Copy Center at Marshall Street mall.

- Copy of latest I-20 form with OPT request. (You will get this form when meeting with Jennifer Abbott)

- Copies of prior I-20 forms from Upstate or any other US schools attended

CHECKLIST FOR OPT CONTINUED

- Copy of I-94 card or (both front and back of I-94 card or copy of electronic auto retrieved I-94 info

  - https://help.cbp.gov/app/answers/detail/a_id/1694/~/i-94-automation---how-to-print-a-copy-of-your-i-94-form

- Copy of bio page of passport

- Copy of visa or visa stamp

- Copy of any previous Employment Authorization Cards both sides, if you have engaged in OPT previously at another education level.

- Personal email address and phone number to where you may be reached while you are on OPT

CHECKLIST FOR OPT CONTINUED

- Make an appointment to meet with your Primary Designated SEVIS School Official Jennifer Abbott, International Student Advisor to discuss OPT and to complete the OPT application and SEVIS OPT request. Bring the items on your checklist.

- Plan for the meeting to take at least 30 minutes.

- Determine the start date of your OPT.

- **Primary Designated School Official responsibilities for OPT**

checklist for OPT

- Jennifer Abbott, International Student Advisor will request OPT for you in the SEVIS system, and will issue a new I-20 that reflects your OPT request.

- Jennifer Abbott, International Student Advisor , will draft a cover letter to recommend you for OPT to be included with your application and supporting documents.

- Jennifer Abbott will mail your OPT application

CHECK THE STATUS OF YOUR APPLICATION

- Use the application receipt number received on the I-797 receipt notice from USCIS to check the status of your application.

- Go to www.uscis.gov

- At the Case Status field on the home page of the uscis.gov website, enter the application receipt number received on the letter from USCIS to check the status of your application.

- This will inform you if your application is in process, approved or if USCIS has requested further information.

- Change your US mailing address at www.uscis.gov if your address changes before you have received your EAD card.

I-765 FORM

- Check permission to accept employment for initial OPT

- Check renewal of permission to accept employment for STEM OPT

- Answer to Question 16: (Eligibility Category)

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

- **For Post-Completion OPT:** (c)(3)(B) – This is the category of OPT that you will requesting.

- **For 17-Month STEM OPT Extension**: (c)(3)(C)

- Question 17 only applies to OPT Stem Extension

- Question 18 is not applicable

- Sample I-765 forms for initial and STEM OPT

TRAVEL WHILE OPT IS PENDING

- According to Student Exchange Visitor Program's guidance, students participating in post-completion OPT may travel abroad while the OPT application is pending. However, travel during this period of time is considered a risk for the following reasons:

- If a request for more evidence (RFE) is issued by USCIS: An RFE requires immediate attention by the applicant.

- If the application is approved while the applicant is abroad, the student will be required to present the EAD upon return.

- Students who decide to travel while the OPT application is pending are highly discouraged from leaving the U.S until the application has been received by USCIS and the I-797 receipt notice has been issued. Students should bring the receipt notice with them as proof that an application has been submitted.

LIMITS ON UNEMPLOYMENT

- Students on post-completion OPT may not accrue an aggregate of more than 90 days of unemployment under the initial 12-month period of OPT.

- Students grated a 24-month OPT Stem Extension may not accrue an aggregate of more than 150 days of unemployment during the total 36-month OPT period.

- Students must work at least 20 hours per week in a position in their field of study to be considered employed.

- If students have reached the limit of authorized unemployment, student should prepare to transfer to another institution, change educational level, depart the US or change immigration status.

STUDENT OPT REPORTING REQUIREMENT

While on OPT students must report any of the following changes to their SEVIS Designated School Official, Jennifer Abbott, within 10 days of the change:

- Employer Name

- Employer Address

- Your Position Title

- Employers Employer ID Number (EIN)

- Supervisor's Name, Phone number and Email address

- Period of unemployment or new employers

- Changes in US or foreign residential mailing addresses

- Provide a personal email address and phone number where you can be contacted while on OPT.

PDSO OPT REPORTING REQUIREMENT

- SEVIS will be updated with your information and you will be issued a new I-20 form for employer changes.

- Follow up with your every 6 months while on OPT

- Report on your OPT participation

- Report on unemployment to SEVIS

- Report on permanent, employer or residential address changes

STEM OPT EXTENSION

- Effective May 10, 2016 Students who hold a STEM degree are also eligible to apply for a 24 month STEM OPT extension up to 90 days prior to the end date of the initial OPT request has been approved and before the OPT end date.

- Must have a job offer with an employer that participates in the E-Verify program.

- Must have an employer that participates in the E-verify employer program at the time of application. Employer name, address and E-Verify Employer Name and Number or Client ID must be noted on Question 17 of the I-765 form

- The STEM OPT will start the day after the day on which your initial OPT expires.

- At Upstate MD/PhD students, and students who obtain MS or PhD's in the Biomedical Sciences and Cardiovascular Science Perfusion students earning a Bachelor's degree are the only students eligible for the STEM Extension.

STEM OPT CHECKLIST

In additional to items already required on initial OPT check list, additional items are needed to apply for STEM OPT:

- Completed Form I-983 Training Plan completed by Student and Employer
  - Training plan increases the education benefits that students receive from the practical training by requiring a training plan. New Training plan must be submitted to PDSO for every new employment/training position

- Copy of EAD cards

- Official transcript or copy of your diploma that reflects your STEM degree

- Employer E-Verify Name and Client Number as it appears in E-Verify

- Offer of employment letter

HEALTH INSURANCE WHILE ON OPT

- If you are unemployed or if your employer does not yet cover you for health insurance, you will need to arrange for the SUNY International Health Insurance, through GeoBlue. The insurance is available through the Bursar's Office.

- The cost per month for GeoBlue is $108.50 per month and includes health insurance, medical/security evacuation and repatriation.

TRANSITIONING TO ANOTHER VISA

- Allow at least 3 months or more to transition to another visa

- Determine with your employer how much time you will need to request to change your visa status

- Work with your employer to change your visa

RESOURCES

- https://studyinthestates.dhs.gov/students

- https://studyinthestates.dhs.gov/sevis-help-hub/update-records/maintain-student-records/fm-student-employment/f-1-optional-practical-training

- https://www.uscis.gov/

- https://studyinthestates.dhs.gov/stem-opt-hub

- https://studyinthestates.dhs.gov/2016/03/the-stem-opt-24-month-extension-heres-whats-new

- https://www.ice.gov/sites/default/files/documents/Document/2016/stem-list.pdf

- https://studyinthestates.dhs.gov/form-i-983-overview

- https://www.ice.gov/sites/default/files/documents/Document/2016/i983Instructions.pdf

- https://www.uscis.gov/e-verify