Applying for Optional Practical Training (OPT)

INTERNATIONAL GRADUATE STUDENT SERVICES (IGSS)
FALL 2018
Discussion Items

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- When to Apply
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WHAT IS OPTIONAL PRACTICAL TRAINING?
What is Optional Practical Training?

About

- Up to 12 months of full-time work authorization following completion of each higher degree program of study.
- Must be granted by USCIS after a DSO recommendation.
- Allows a student to extend F-1 status and gain practical experience in his/her academic field. If granted, an Employment Authorization Document (EAD) is issued by USCIS.
What is **Optional Practical Training**?

**Conditions**

- Unused OPT time may not be accumulated

- Two conditions:
  - work must be related to the major area of study
  - be more than 20 hours/week

- May be used anywhere in the U.S.

- OPT is not tied to a particular employer and does not require a job offer for application (unlike CPT and H-1B).
ELIGIBILITY
Eligibility

• Full time student for two academic semesters
  • Must be enrolled full time every semester, or approved for reduced enrollment

• Be in F-1 status at the time of application

• Be in the final semester of study or dissertation

• Be in good academic standing (3.0 or higher)

• Have no holds on student account
Eligibility Cont.

• Students on assistantships may not begin OPT before the end of semester, or end of contract, whichever is later.
• On campus employment must end by the Program End Date on the I-20
WHEN TO APPLY
When to Apply

• OPT application cannot be submitted to USCIS earlier than 90 days before projected completion date on I-20.
• It cannot be received by USCIS later than 60 days after actual program completion date.
• Allow 2 weeks for IGSS processing of the OPT I-20 request.
• Allow at least 90 days for USCIS processing of the OPT application.
• Requested OPT period must begin within the 60 days following the Program End Date on the I-20.
When to Apply Cont.

• Determine when your program will end
  • SSDE – 7 weeks from the start of the semester
  • Assistantship – Fall - 12/24    Spring - 5/15
  • Non-thesis Masters – University commencement
  • Students enrolled in course work – University commencement
  • Thesis and dissertation – University commencement
OPT and Duration of Status

F-1 Status

Academic Program

60 day grace period
No work

12 months OPT
Unemployment < 90 days

60 day grace period
No work

Begin program
End program

Apply for OPT 90 days before end of program
Latest OPT start date

Latest OPT completion date

• Depart
• Transfer
• Start new program
• Change status
COMPILING THE OPT APPLICATION
How to Prepare OPT Application Packet

All of the following information can be found on our website at

• Complete OPT application cover page
• Complete G-1145 for email or text receipt of your application (optional but strongly recommended)
• Complete I-765 per USCIS instructions – type in the fillable PDF and sign in black ink
  • A line-by-line guide and a sample I-765 are also available
• Ask your department for a letter (use sample A for post-completion OPT)
• Have your photos taken (see requirements)
• Make single-sided copies (do NOT staple together):
  • Passport ID page (the page with your picture), any validity date extension pages
  • Visa
  • I-20 forms - pages 1 & 3 of I-20s issued before July 2015, pages 1 & 2 of I-20s issued after August 2015
  • Printed I-94
• Payment of $410.00 – only send one form of payment
  • With a credit card use Form G-1450
  • With a check or money order made payable to U.S. Department of Homeland Security
You will receive an email or text message confirming receipt of your application.

The “official” receipt notice (Form I-797) will be delivered by mail (post). Be sure to keep this document.
Departmental Recommendation

- Signed by your advisor, and printed on VT letterhead

- _____ is expected to graduate with a degree of _____ in month/year. The ______ Department recommends that s/he be given an opportunity for the practical application of her/his academic training. (sample A for post-completion OPT)

- Completion month/year in advisor letter must match the date given on OPT application form.
Submitting the OPT Request

• Submit the completed OPT request packet to IGSS in 120 GLC, **no sooner** than 90 days before projected program end date, and before the end of the 60 day grace period allowing time for IGSS processing.
• We suggest that an immigration advisor review your packet before submission. Meet with an advisor in the IGSS office during Advising Hours.
• A new I-20 will be issued with an OPT recommendation on page 2.
• You will be emailed to pick up the new I-20. The email will contain **important reminders and mailing instructions. READ THE ENTIRE EMAIL!**
• You must come to the IGSS office in 120 GLC to sign the new I-20; copies will be made and the original OPT I-20 will be returned to you.
OPT 1-20

- Program End date may change!
- Be aware of any gap in your employment eligibility!

☑ You may NOT work between your program end date and the start of your OPT authorization.
☑ You may continue with academic work, but not employment.

- USCIS must receive your packet within 30 days of this date.
• Requested dates for OPT authorization

• DSO signature on pg. 2
  ▪ Page 1 and 2 - DSO signature must be within the previous 30 days
  ▪ Automatic travel signature on page 2 – good for 6 months.
Mailing the OPT Packet

- You will mail the OPT packet to one of several USCIS lockboxes; the location is determined by the mailing address used on the I-765.
- If you completed the Form G-1145, you will receive an email and/or text from USCIS when the application is received. This is not an official receipt notice.
- The official receipt notice is mailed by USCIS to the mailing address on I-765.
  - Be certain your name (or the “in Care Of” name) is on the postal service mailbox of the mailing address you used on the I-765.
  - Immigration documents will NOT be forwarded by the post office.
  - Check your receipt notice: verify name, birthdate and address, note the “Receipt Number” in the top left corner. Keep the receipt notice for your records.
  - Notify USCIS if your address changes while your application is pending. You may change your address on the USCIS website or call Customer Service.
- You must also update HokieSpa.
Mailing the OPT Packet

• A tracked shipping method is suggested.
• The OPT application cannot be received by USCIS earlier than 90 days before the program end date on the I-20. It cannot be received by USCIS later than 60 days after the program end date on the I-20.
• It must be received by USCIS within 30 days of the date the Immigration Advisor signs page 1 of the OPT I-20.
CANCELLING OPT APPLICATION
Cancelling OPT Application

- The OPT request can be cancelled by IGSS if the application packet has not been mailed to USCIS.
- If the application has been mailed, but not approved, consult with IGSS before taking action. The application may need to be withdrawn.
- If the application has been approved by USCIS it cannot be cancelled. Contact IGSS.
- If you wish to end your OPT, contact IGSS.
ELIGIBLE EMPLOYMENT
Eligible Employment

• All employment must be in your field of study - you and your employer will be responsible for explaining how your employment is related to your degree
• Multiple employers are allowed
• Contract work – keep detailed documentation of work
• Self Employment – must keep detailed documentation that you work more than 20 hours per week, have proper business licensing, and evidence that business is in your degree program
• Employment through an agency – keep detailed documentation of employment
• Unpaid employment – volunteers or unpaid interns; the position cannot violate U.S. labor laws. Contact an immigration advisor to assist in determining if the position meets OPT requirements. If the employment is at Virginia Tech your department must contact Human Resources directly for approval.
DOCUMENTING EMPLOYMENT
Document Each Position Held During OPT

- Job title
- Location of employment
- Description of the work as related to your degree
- Proof of duration of each position
- Pay stubs and tax records
- Contact information for supervisor or manager
- Hours worked per week

**You are responsible for keeping this documentation as USCIS can request it at any time. IGSS cannot verify this information for you.**
REPORTING REQUIREMENTS
Reporting Requirements

- All F-1 students on OPT are required by the Department of Homeland Security to report all periods of employment and unemployment.
- All changes must be reported within 10 days.
- Update the following information in the SEVP Portal:
  - Current employment
  - Current U.S. address (also update on HokieSPA)
  - Change of your employer’s name or address
  - Any periods of unemployment
- If you are having trouble with the portal, please email igss@vt.edu.
After your OPT is approved by USCIS and the start date on your card has passed, you will receive an email from do-not-reply.sevp@ice.dhs.gov with instructions on how to create a SEVP Portal Account. If you do not see the email, check your spam or junk mail folder. If you still do not see it, email igss@vt.edu requesting the email to be sent again. Please indicate in the Subject Line: Help with SEVP Portal Account

SEVP has created an SEVP Portal Help section on Study in the States with:
- Information about the portal.
https://studyinthestates.dhs.gov/assets/sevp_portal_student_user_guide.pdf
- SEVP portal videos.

If you have any questions about the portal or need technical assistance, call the SEVP Response Center at 703-603-3400. If you are locked out of your account, you must email igss@vt.edu for a password reset.
Reporting Requirements

Update IGSS with the following information and include supporting documentation:

• Copy of EAD card – the Optional Practical Training website has instructions for using the IntlHokies portal (do not email copies of your card)

• Any changes in your official name (due to marriage or other reasons)

• Change of immigration status

• Departing the U.S. and abandoning OPT
UNEMPLOYMENT LIMITATIONS
Unemployment during post-completion OPT may not exceed 90 days (accumulated).

- There is no grace period after the 90-day limit has been exceeded.
- You may be considered “out of status” and accumulate days of unlawful presence.

- Travel outside U.S. while unemployed counts towards the 90 day limit.
- Paid or unpaid employment of 20 hours or less per week (part-time) will **not** stop unemployment days from accumulating.
- Reporting eligible employment of more than 20 hours per week (full-time) stops the accumulation of unemployment.
TRAVEL OUTSIDE THE U.S.
Travel on OPT

• Domestic travel is allowed:
  • Passport
  • I-20
  • EAD card
  • I-94 printout

• International travel:
  • Passport
  • Valid F-1 visa
  • OPT I-20 endorsed for travel within previous 6 months
  • EAD
  • Proof of current employment
  • If you need to renew your F-1 visa, remember that funding information is required; this is typically proof of your current salary
Reminders

• You cannot start working until you receive the EAD card – OPT begins on start date printed on the card.

• You may not enroll full time or be on an assistantship during OPT.

• You **may NOT work during a gap** between the program end date on your I-20 and the start date on your EAD.

• You must comply with all [reporting requirements](#) during your OPT.

• Your OPT **ends** if you transfer to another school, or if you begin another degree program at Virginia Tech, or if you change your visa status. OPT ends on the transfer release date in SEVIS or on Change of Status approval date.

• If you have not exceeded the 90 limit on unemployment, you will have a 60 day grace period at the end of OPT. During the grace period you may start a new degree, change your status, or prepare to exit the U.S. by the end of the 60 days.

• If you plan to apply for the STEM OPT extension, USCIS must receive your application **before** the end of your OPT as listed on your EAD. Please see the Virginia Tech [STEM OPT website](#) and the [Study in the States STEM OPT hub](#) for more information on STEM OPT.
FAQs
FAQs

• Does the start date that I request impact the processing time for my application?
  • USCIS will not change their processing time based on your requested start date. You can check the status of your application on the USCIS website.

• Is there a way to expedite my case?
  • It is extremely unlikely that USCIS will expedite an OPT application. You will need to contact USCIS directly. IGSS cannot assist with this.

• If I receive my card before the start date listed on my card, can I work?
  • No, you cannot work before the start date on your EAD.

• What happens if I file my OPT during my grace period but it is still pending after my grace period ends?
  • As long as you have the receipt from USCIS that shows you filed before the end of the grace period, you are still in-status and can wait inside the U.S. for USCIS to adjudicate your application. You cannot start working until you receive the approval notice and EAD card.
FAQs

• What happens if I am enrolled in coursework but do not complete it by the end of the semester, and I have already applied for/received OPT?
  • You will need to immediately re-enroll in the course you did not complete. You may begin working, but you are only permitted to work less than 20 hours per week.

• What happens if I am a thesis/dissertation student and do not defend by my graduation date, but I have already applied for/received OPT?
  • You need to finish your thesis/dissertation before the end of the OPT period. You must meet the requirements of OPT including fulltime employment in your field of study. The 90 day unemployment limit still applies. Please consult with your faculty advisor about the Graduate School requirements for continuous enrollment. If your degree has not been awarded before the end of your OPT period, you are not eligible for the STEM OPT extension.
FAQs

• What do I do if my OPT application has been pending outside the normal processing time on the USCIS website?
  
  • You should keep track of processing times on the [USCIS website](https://www.uscis.gov). Select form “I-765” and the “Potomac Service Center” as all OPT applications are processed there. If your application is outside the normal processing time, you will need to contact [USCIS](https://www.uscis.gov) directly and open a case with them to determine the status of your application.

• What do I do if my OPT case status is “Approved” online but I do not receive the card within 15 business days?
  
  • You will need to contact USCIS directly and inquire about the mailing status of your card. This usually happens because the card was not deliverable to the address written on the I-765, you moved after submitting the application and you did not update your address with USCIS, or your name was not on the mailbox.

• What happens if I receive my EAD and there is an error?
  
  • You will need to contact USCIS directly and find out what their procedure is. In some cases, you will have to send the card back to them and they will issue a replacement.
FAQs

• Can I work for two employers?
  • Yes, you can work for 2 employers, but all employment must be in your field of study and meet OPT requirements. You MUST report both jobs in the SEVP portal.

• Can I start my own company?
  • Yes, but should also consult with a lawyer to determine what documentation you will need to prove that you are self-employed and abiding by all business-related laws.

• Can I have an unpaid internship or volunteer position?
  • Yes, but you should keep documentation from the company that shows they are not violating any labor laws.

• Can I work virtually for a company based in another state?
  • Yes, keep detailed documentation of employment.

• Can I work in the US for a company based overseas?
  • Yes, keep detailed documentation of employment.

**Please note that these types of employment are NOT considered eligible for the 24 month STEM OPT extension. Please see the Virginia Tech STEM OPT website and the Study in the States STEM OPT Hub for more information.**
FAQs

• Does CPT (Co-op) affect OPT?
  • If you are on CPT for 365 days or more, you will lose all of your OPT.
  • If I used OPT after my Master’s degree, can I get OPT again after a PhD?
    • Yes, you receive another year of OPT when you move to a higher level degree.
  • If I graduate with a Master’s and a PhD at the same time, can I add together the OPT time for both and get two years of OPT?
    • No. You will only receive one OPT authorization, and it will be for the higher degree.
  • If I get a PhD and use my OPT for that, and later get a Master’s degree, can I go back and use OPT for the Master’s?
    • No. You can only receive a new OPT authorization if you move to a higher level. You cannot receive a second year if you move down a level.
QUESTIONS

Please contact us if you have any questions about your immigration status while you are on OPT.

- Tina Lapel
- Kimberley Cossey
- Karen Wills
- Matt Grice
- Jenn Million

International Graduate Student Services (IGSS)
Graduate Life Center at Donaldson Brown
540-231-8486 or igss@vt.edu