Optional Practical Training

March 4, 2016

Agenda

- What is OPT?
- Eligibility
- Employment Requirements
- Limitations
- Timeline
- Application Process
- Rules while on OPT
- Reporting Rules
- 17-Month OPT STEM Extension

What is OPT?

- Optional Practical Training

"temporary employment for practical training directly related to the student's major area of study."

What is OPT?

1. 12-Month OPT
   - **Pre-Completion**
   - **Post-Completion**

2. 17-month extension for STEM degree holders

- Similarities
  - Each requires a separate application to USCIS with a $380 fee
  - Employment must be related to your degree
  - Continue in F-1 status linked to Idaho State University

Pre-completion OPT

Before Graduation

- If you still have coursework:
  - 20 hours per week while school in session
  - During official school breaks: Full time work allowed
    - Summer Break, Winter Break, Spring Break, Thanksgiving Break
- Graduate students done with coursework – working on thesis/dissertation
  - Full-time or part-time work
  - You must extend your I-20 until you have obtained your degree
  - You must make **"normal progress"** toward degree – Abide by Graduate School's *continuous enrollment requirement*

Pre-completion OPT continued

Remember:

Pre-completion OPT will count against your post-completion OPT

12 months are allowed total!

Applications will not be accepted more than 90 days prior to requested OPT begin date.

Post-completion OPT

After graduation or coursework

- Undergraduate students - After Graduation
- Graduate students done with coursework – working on thesis/dissertation
- Apply within 60-day grace period.
- **Highly recommended:** Apply **BEFORE** your graduation date.

Processing times usually take 75 – 90 days

Applications will not be accepted more than 90 days prior to requested OPT begin date.

Post-completion OPT

- 5 month Application Window
  - 90 days *before* graduation
  - 60 days *after* gradation
- Application Date Ranges
  - Spring Graduates (May 7, 2016)
    - Earliest: February 6, 2016
    - Latest: July 5, 2016
  - Summer Graduates (August 5, 2016)
    - Earliest: May 7, 2016
    - Latest: October 4, 2016

17 – Month STEM Extension

- Immediately after completion of Post-Completion OPT
- Only available to students with degrees listed on the Science, Technology, Engineering, Math (STEM) list
- We will discuss this in depth at the end

Duration

- Allowed 12 months of OPT for *each degree level*
- Must be done within 14 months after your graduation date
  - Your I-20 program end date will be shortened to reflect your graduation or course completion date
- To begin employment, both of the following MUST BE TRUE:
  - You have your EAD (OPT card) in hand
  - The begin date on that card has been reached

Eligibility for OPT

- Previously enrolled at ISU for one year (two semesters)
- Having a job at the time of application is NOT required
  - USCIS expects that you are "actively seeking" employment

Limits of OPT

- 12 months per education level (Bachelors, Masters, PHD)
  - You CANNOT get _an additional_ 12 months for doing another degree at the same level
  - You CAN _divide_ the 12 months between two degrees at the same level
    - For example: 8 mos. after Masters of Civil Engineering and 4 mos. after Masters of Mechanical Engineering

Limits of OPT continued

- Dividing between pre-completion and post-completion

  - Example: You could do 3 months *full-time* pre-completion during summer break then 9 months *full-time* post-completion after you graduate.

  - Example: You could do 6 months pre-completion *part-time* during school then 9 months *full-time* post-completion after you graduate. (6 months part-time = 3 months full-time)

  - All available OPT time must be requested when you first apply!!

Your SEVIS record and OPT

- OPT is ***automatically canceled*** if:
    1. Your SEVIS record is transferred to another school OR
    2. A new I-20 is processed for a higher degree level at ISU
- Do not transfer SEVIS record until you are ready to end your OPT employment
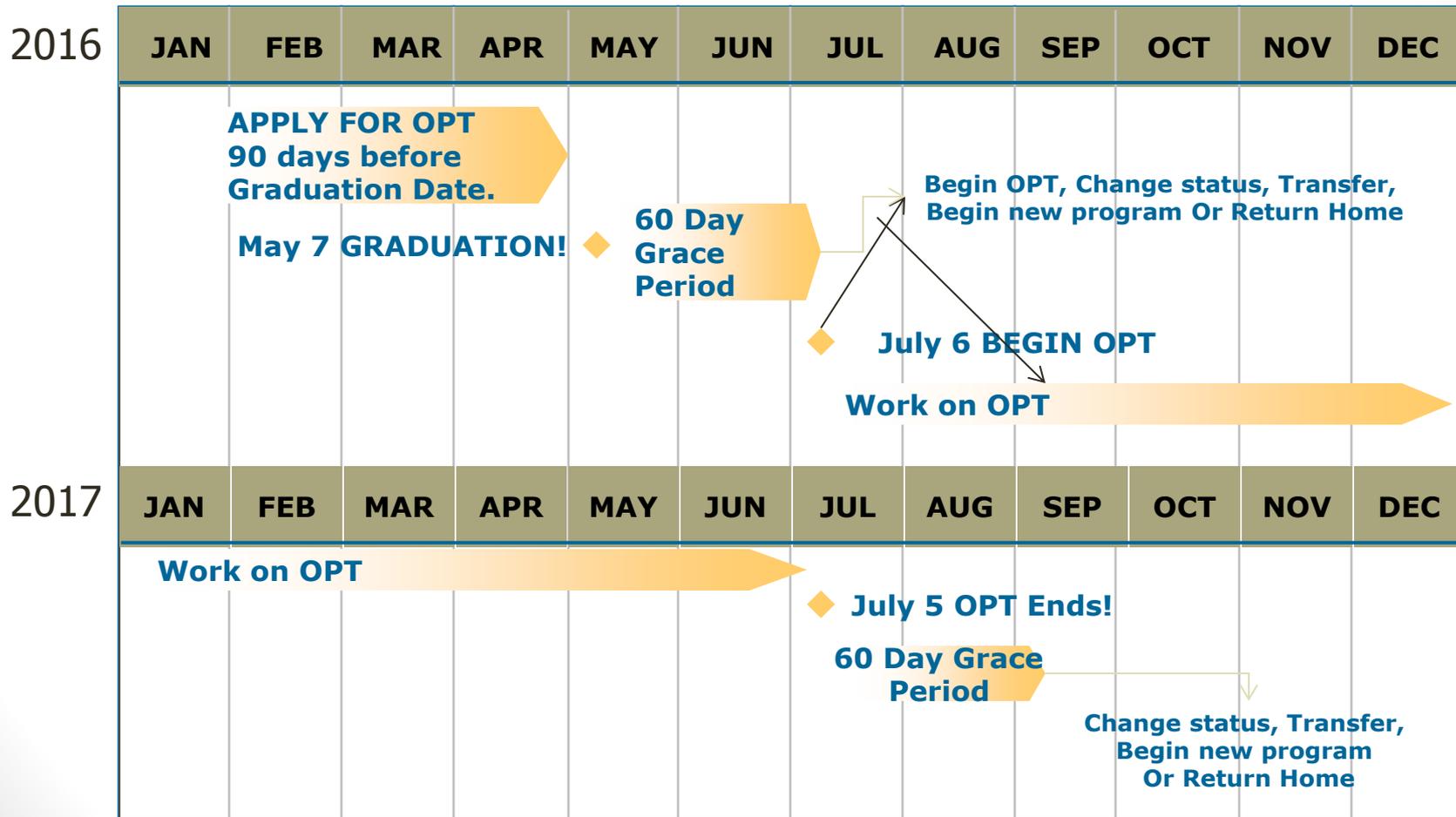
Concurrent OPT and School Enrollment

- If you would like, you may continue your OPT AND enroll in a new degree program
  - Limited to **part-time enrollment** while on full-time OPT
  - **Maintain OPT I-20**, do not request new I-20 for new degree program
  - You would be under the rules of OPT until the end of your OPT authorization

90 day Unemployment Rule

- Students are allowed an ***aggregate*** of 90 days of unemployment during the initial 12-month OPT period
- An additional 30 days is added to this aggregate for 17 month extension students (120 days total for 29-month period)

Timeline

Graduation Date is May 7, 2016

2016 | JAN | FEB | MAR | APR | MAY | JUN | JUL | AUG | SEP | OCT | NOV | DEC

**APPLY FOR OPT
90 days before
Graduation Date.**

May 7 GRADUATION!

**60 Day
Grace
Period**

**Begin OPT, Change status, Transfer,
Begin new program Or Return Home**

July 6 BEGIN OPT

Work on OPT

2017 | JAN | FEB | MAR | APR | MAY | JUN | JUL | AUG | SEP | OCT | NOV | DEC

Work on OPT

July 5 OPT Ends!

**60 Day Grace
Period**

**Change status, Transfer,
Begin new program
Or Return Home**

Application Process

- You collect all application documents

- Pay $60 OPT fee at Cashier's Office

- Call IPO at 282-4320 to schedule an OPT Review

- We will review your documents and print you a new I-20 with OPT authorization on page 3

- You mail the package to the Arizona Lockbox along with $380 application fee
  - We recommend using the International Programs Office address for return address!

Application Process cont…

- You'll receive a receipt notice within 30 days and approval within 90 days
- EAD Card will be mailed to you (or to the International Programs Office if you used our address)

The OPT Application Checklist is available on the International student webpage at: www.isu.edu/ipo/

International Programs Office

ISU Home / IPO Home / Current Students / Forms and Handouts

Current Students

Forms & Handouts

Maintaining F-1 Status

Student Employment

OPT & CPT (Practical Training)

SEVIS Transfer Process

Travel

Gateway for

Future Students

Current Students

Int'l Faculty & Scholars

Study Abroad Students

Forms & Handouts | Current Students

The following forms and handouts are made available for download. **Please note that all document requests have a 3 day processing time.**

Immigration

- Invitation Letter Request Form
- Visa Renewal Request Form
- Reduced Course Load (RCL) Form
- Program Extension Information
- Program Extension Form
- How to get a Social Security Card
- Social Security Form
- Transfer Out Form

Employment

- Employment Opportunities Overview
- Searching for On-Campus Employment
- Economic Hardship Application
- CPT Information & Documents Required
- CPT Authorization Form
- OPT Application Checklist
- OPT Extension Application Checklist

Optional Practical Training (OPT) Application Checklist

ISU International Programs Office

When all documents have been collected and all forms completed, call 282-4320 to schedule an OPT Review. You will meet with an IPO advisor and your application will be processed the next day. **Only completed applications will be accepted for processing!**

Student Name: _____ Student ID: _____ Date: _____

Please bring ALL of the following applicable documents to your OPT Review:

1. ☐ Copy of receipt for the OPT Fee of $40.00 – You must pay this fee at the Cashier's Office in the Administration Building and submit a copy of the receipt. This is an administrative fee to keep your SEVIS record up-to-date while on OPT.

2. ☐ Unofficial Transcript – You can print this from the MyISU web portal.

You will submit to USCIS the following items after your OPT Review

3. ☐ USCIS Form **I-765** – This can be downloaded from the USCIS website. Go to www.uscis.gov and click on Immigration Forms. ***See directions on reverse side***

4. ☐ USCIS Fee of $380.00—this must be a money order or certified check (**no cash or personal checks**). Make the check or money order payable to **U.S. Department of Homeland Security**. Be sure your name is on the check so the DHS knows who the money is for.

5. ☐ 2 Passport Photos. **PLEASE WRITE YOUR I-94 NUMBER ON THE BACK OF EACH PHOTO.**

6. ☐ **COPIES of all I-20s previously issued** to you including those from previous schools.

7. ☐ **COPY** of your **new I-20** containing the OPT recommendation. **This is created at the time of your OPT Review**

DO NOT MAIL YOUR ORIGINAL I-20s TO USCIS!

8. ☐ **COPY** of the Picture page, biographical information and expiration date in **PASSPORT**. If you have a new passport and an old passport, please make copies of both the old and new pages.

9. ☐ **COPY** of the current **VISA** page in passport. If you have changed your status since your entry into the U.S., please submit proof of the approval AND the visa you used to enter the U.S.

10. ☐ **COPY** of front AND back of your **I-94 CARD**.

11. ☐ **COPY** of any previous employment authorization cards, (front and back) if applicable, **including the original form that the card was mailed with**.

Dates:

- SEVIS requires the exact dates you plan to work for all work authorizations. For OPT, you can request 12 months full-time OPT to be used within 14 months of your graduation date.

  Begin Date: _____   End Date: _____

- Estimated Date of Graduation _____

Address for mailing the application:

Postal Mail Address:
USCIS
PO Box 21281
Phoenix, AZ 85036

Overnight/Courier Address:
USCIS
Attn: AOS
1820 E. Skyharbor Circle S
Suite 100
Phoenix, AZ 85034

Instructions for Completing Form I-765

I-765

Do not forget to check the top choice above question number 1!!!!!

- #1 –   Be sure to write your family name first IN CAPS and then your given name(s) NOT IN CAPS.

- #3 –   We recommend that you use our office address, especially if there is a possibility that you may move while your application is pending. This will ensure that communication from USCIS and your employment card arrive without delay. Write the IPO address EXACTLY as follows:

     IPO, 921 S 8th Ave STOP 8038
  Pocatello, Idaho 83209-8038

  If you decide to use your own address, be sure to **use a reliable mailing address**. **DHS mail cannot be forwarded** and will be sent back to DHS if undeliverable.

- #10 –   Alien Registration Number (if you have a current EAD, you have an Alien Registration Number) or the I-94 number found on your I-94 card.

- #12 –   Date and Place of last entry is indicated on your I-94.

- #16 –   (c) (3) (B) for Post-Completion OPT – (c) (3) (A) for Pre-Completion OPT.

- #17 –   Leave this blank. This section is only used for OPT Extensions.

- Include your telephone number.

- Make sure you *sign and date* the document.

THE UNITED STATES OF AMERICA

RECEIPT NUMBER LIN-08-149-50237		CASE TYPE I765 APPLICATION FOR EMPLOYMENT AUTHORIZATION
RECEIVED DATE April 18, 2008	PRIORITY DATE	APPLICANT A135 484 614
NOTICE DATE April 22, 2008	PAGE 1 of 1	

809 SOUTH 4TH AVE 19
POCATELLO ID 83201

Notice Type: Receipt Notice

Amount received: $

Class requested: C03B

Receipt Notice- This notice confirms that USCIS received your application or petition ("this case") as shown above. **If any of the above information is incorrect, please immediately call 800-375-5283 to let us know.** This will help avoid future problems.

This notice does not grant any immigration status or benefit. It is not even evidence that this case is still pending. It only shows that the application or petition was filed on the date shown.

Processing time - Processing times vary by kind of case. You can check our website at www.uscis.gov for our current "processing times" for this kind of case at the particular office to which this case is or becomes assigned. On our websites "case status online" page, you can also view status or sign up to receive free e-mail updates as we complete key processing steps on this case. During most of the time this case is pending, however, our systems will show only that the case has been received, and the processing status will not have changed, because we will be working on other cases that were filed earlier than this one. We will notify you by mail, and show in our systems, when we make a decision on this case or if we need something from you. If you do not receive an initial decision or update from us within our current processing time, check our website or call 800-375-5283. Please save this notice, and any other notice we send you about this case, and please make and keep a copy of any papers you send us by any means, along with any proof of delivery to us. Please have all these papers with you if you contact us about this case.

If this case is an I-130 Petition - Filing and approval of a Form I-130, Petition for Alien Relative, is only the first step in helping a relative immigrate to the United States. The beneficiaries of a petition must wait until a visa number is available before they can take the next step to apply for an immigrant visa or adjustment of status to lawful permanent residence. To best allocate resources, USCIS may wait to process forms I-130 until closer to the time when a visa number will become available, which may be years after the petition was filed. Nevertheless, USCIS processes forms I-130 in time not to delay relatives ability to take the next step toward permanent residence once a visa number does become available. If, before final action on the petition, you decide to withdraw your petition, your family relationship with the beneficiary ends, or you become a U.S. citizen, call 800-375-5283.

Applications requiring biometrics- In some types of cases USCIS requires biometrics. In such cases, USCIS will send you a SEPARATE appointment notice with a specific date, time and place for you to go to a USCIS Application Support Center (ASC) for biometrics processing. You must WAIT for that separate appointment notice and take it (NOT this receipt notice) to your ASC appointment along with your photo identification. Acceptable kinds of photo identification are: a passport or national photo identification issued by your country, a drivers license, a military photo identification, or a state-issued photo identification card. If you receive more than one ASC appointment notice, even for different cases, take them both to the first appointment.

If your address changes- If your mailing address changes while your case is pending, call 800-375-5283 or use the "Online Change of Address" function on our website. Otherwise, you might not receive notice of our action on this case.

Please see the additional information on the back. You will be notified separately about any other cases you filed.
NEBRASKA SERVICE CENTER
U. S. CITIZENSHIP & IMMIG SERVICE
P.O. BOX 82521
LINCOLN NE 68501-2521
Customer Service Telephone: 800-375-5283

THE UNITED STATES OF AMERICA

RECEIPT NUMBER		CASE TYPE	I765
LIN-08-149-50237		APPLICATION FOR EMPLOYMENT AUTHORIZATION	

RECEIVED DATE	PRIORITY DATE	APPLICANT	A135 484 614
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NOTICE DATE	PAGE		
April 22, 2008	1 of 1		

809 SOUTH 4TH AVE 19
POCATELLO ID 83201

Notice Type: Receipt Notice

Amount received: $

Class requested: C03B

Cancelling OPT

- Possible reasons:
  - Fail a class and must delay graduation
  - Decide at last minute to continue in a new program at same level

- 3 things to consider:
  1. If you applied with the IPO but ***DID NOT SEND*** the I-765:
     - IPO cancels OPT through SEVIS
     - You apply later and do not lose OPT time

Cancelling OPT continued

2. If I-765 is pending:
   - You can withdraw the application by writing a letter to DHS (see our office to find out how)
   - You will have to pay the $380 fee when you apply again in the future
   - You can apply later and not lose OPT time

3. If OPT has been approved:
   - This is **extremely** difficult to cancel.
   - It may be possible to apply later but you may lose OPT time and DHS may not approve it.

Requirements of Employment

- Employment must be related to your field of study

- Once your requested start date is reached, you must be *actively looking* for employment
  - Make sure you document this (resumes, job searches, calls made, time spent)
  - Students are allowed an aggregate of only 90 days of unemployment during initial 12-month OPT period

- You may work for more than one employer – both must be related to your major field of study

OPT Reporting...

- You must abide by F-1 student reporting requirements

- http://www.isu.edu/ipo/current/training.shtml

- Update your current, physical address on OPT webpage
  - BengalWeb address updates **WILL NOT** update SEVIS

- Report employment changes on OPT webpage:
  - Employer Name
  - Employer Address
  - Dismissal
  - Other employers

OPT Reporting…

- Report to IPO the status of your application
  - Send a copy of your Receipt Notice
  - Send a copy of your EAD card when received

IMPORTANT! All changes must be submitted within 10 days of the change!

While on OPT . . .

- Pre-completion OPT travel requirements:
  - Same requirements as for all F-1 students
- Post-completion OPT travel requirements:
  - If you have a job and an EAD card, you're fine!
  - If you are missing one of those, it's can be risky!
  - You still need to have I-20 signed for re-entry

Questions up to this point?

Coming next …

Next section applies to:

- anyone who may apply for H1-B status during OPT

- STEM eligible students who may apply for the 17 month extension

H-1B Cap Gap Extension and 17-month OPT Extension

Effective April 8, 2008

CAP-GAP Extension

- Purpose:

To extend the status and employment authorization for individuals who have a timely filed H-1B petition by an employer subject to the H-1B cap.

- Cap Gap: Time between the end of a student's status and the beginning of an approved H-1B status – usually between April and October 1

CAP-GAP Extension

- To qualify for the H-1B cap-gap extension you must:
  - Have not violated the terms or conditions of your F-1 status.
  - Be the beneficiary of an H-1B petition that:
    - has been timely filed (before OPT ends);
    - requests an employment start date of October 1 of the following fiscal year; and
    - requests a change of status

Cap Gap Extension

Result:
- AUTOMATICALLY extends
  - OPT period until decision has been reached by USCIS
  - F-1 status until a decision has been reached by USCIS
- To receive documentation of this extension, just ask for new I-20 from your advisor.
- Extension terminates when USCIS rejects, denies, or revokes the H-1B petition
  - 60 day grace period immediately after rejection

Cap Gap Extension

- Other Issues:
  - Extension of status and work commences on date I-129 petition and fee is RECEIVED by USCIS
  - Not on OPT? Eligible for STATUS extension only (not employment extension) if filed within 60 day grace period
  - Students working for cap exempt employers DO NOT QUALIFY for either extension
  - The same OPT reporting rules continue through the cap gap extension

17 Month STEM Extensions

Eligibility

- Student must:
  - currently be on post-completion OPT
  - have been awarded a Bachelors, Masters or PhD degree
    - Degree must be on the STEM list
    - STEM degrees are Science, Technology, Engineering and Mathematics degrees
    - Includes secondary majors

STEM degrees

- The approved list of majors and the corresponding Classification of Instructional Programs (CIP) codes can be found at www.ice.gov/sevis/stemlist.htm
- CIP codes can be confirmed at http://nces.ed.gov/pubs2002/cip2000/
- CIP codes ending in "99" are not considered STEM degrees
- List of STEM degrees at ISU and their assigned CIP codes can be found at www.isu.edu/iso/immigration/offCampus-STEM.shtml

Eligibility

- Student must:
  - have not previously received a 17-month extension – Only one extension allowed per life-time
  - not be on "pre-completion" OPT
- Employer participates in E-Verify
- Note: the 17 months cannot be split into two different time periods

Applying for Extension

- Apply up to 120 days prior to end of post-completion OPT
- $60 OPT Extension Fee
- You will need to submit the following to USCIS:
  - New I-765 with the $380 fee
  - Copy of degree certificate
    - May include official or unofficial transcript AND/OR
    - Copy of diploma (must state program of study)
  - Employer's E-Verify ID number and name as listed in E-verify.

Applying for Extension

- Recommended: Statement from employer regarding how the employment relates to the STEM field
- New I-20 with DSO recommendation
- Must be submitted to the service center with jurisdiction over the address where you currently reside.
- Student may CONTINUE working until decision is reached by USCIS, or until 180 days have passed

Start of 17-month extension

- 17-month extension period begins the day after the 12-month OPT period ends, regardless of when 17-month period is approved

STEM Reporting Requirements

- You must abide by F-1 student reporting requirements

- http://www.isu.edu/ipo/current/training.shtml

- Update your current, physical address on **OPT webpage**

  - Address updates through BengalWeb **WILL NOT** update SEVIS

- Report employment changes on OPT webpage:

    - Employer Name

    - Employer Address

    - Dismissal

    - Other employers

STEM 6-Month Report

- All information must be verified every 6 months with IPO
- This is done through the OPT Updates Webpage

Reporting Requirements for EMPLOYERS

- Report termination or other circumstances leading to student leaving employment earlier than the end of the authorized OPT period
- Employers must report this information to DSOs w/in 48 hours of student's termination
- Cessation reporting includes normal circumstances AND when employee does not show up for work for more than 5 consecutive days w/o employer consent

Thanks for Coming!