Optional Practical Training

Office of International Students and Scholars
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oiss@unr.edu
What is OPT?

- “Temporary employment for practical training directly related to the student’s major area of study”

What is Post-Completion OPT?

- 12 months of work authorization
- Starts after program completion
- Employment in field of study (Major on I-20)
Who Can Apply for OPT?

- Student must have been enrolled full-time for one continuous academic year
- Student must not have used full-time Curricular Practical Training for 12 months or more
- Student must not have used 12 months of OPT at current education level. Students are eligible for 12 months of OPT per higher education level
- Student must apply for graduation if graduating in the semester before OPT starts
- Student must be maintaining F-1 status
OPT Timeline
(Spring Graduation)

When to come to OISS to apply:
- 90 days: 02/16/2017
- 60 days: 07/14/2017

Choose a date for work authorization to start:

End date*: Up to 12 months after start date

*End date cannot be more than 14 months after program completion

How long should it take to receive the OPT card: 90 days from the date USCIS receives application

What about using CPT to start working earlier:

CPT

Program Completion: 05/17/2017

End date: Up to 12 months after start date

05/18/2017 to 07/16/2017
OPT Timeline
(Summer Graduation)

Program Completion: 08/17/2017

When to come to OISS to apply:

Choose a date for work authorization to start:

End date*: Up to 12 months after start date
*End date cannot be more than 14 months after program completion

How long should it take to receive the OPT card: 90 days from the date USCIS receives application

What about using CPT to start working earlier: CPT

60 days: 05/19/2017
60 days: 08/18/2017 to 10/16/2017
60 days: 10/16/2017

90 days: 05/19/2017

End date*: Up to 12 months after start date
*End date cannot be more than 14 months after program completion

How long should it take to receive the OPT card: 90 days from the date USCIS receives application

What about using CPT to start working earlier:
OPT Timeline
(Fall Graduation)

Program Completion:
12/20/2017

When to come to OISS to apply:
90 days: 09/21/2017
60 days: 02/16/2018

Choose a date for work authorization to start:
60 days:
12/21/2017 to 02/18/2018

End date*: Up to 12 months after start date
*End date cannot be more than 14 months after program completion

How long should it take to receive the OPT card: 90 days from the date USCIS receives application

What about using CPT to start working earlier:
End date: 12/20/2017
90 Day Unemployment Rule

• You should not accumulate more than 90 days of unemployment from the start date on your EAD card during the 12-month post-completion OPT period.

• You are considered to be in violation of your F-1 status if you accumulate 90+ days of unemployment unless you complete any of the following steps before the 90 days:
  • Applied for a new program or to transfer to another U.S. institution
  • Left the U.S.
  • Applied for a change of status
How to Avoid 90 Days of Unemployment?

• Plan your OPT start date
• Find other types of employment in your field of study with at least 20 hours of work per week
  ▪ Part-time paid employment
    ▪ Requires more than 1 employer if less than 20 hours per week
  ▪ Volunteering/unpaid employment
  ▪ Employment hours may vary weekly but should average to at least 20 hours per week each month

Always keep documentation for proof of all employment – paid or unpaid!
How to Apply

1. Go to Optional Practical Training (OPT) Form or come by the OISS to get one
2. Obtain academic advisor’s recommendation for OPT
3. Make an appointment with an advisor at OISS for OPT and bring all required documents
How to Apply (cont.)

4. If you have all the required items, the OISS advisor will create a new I-20 requesting OPT and assist you with your OPT packet
   - The OISS advisor will shorten the end date on your I-20 in order to recommend post-completion OPT

5. Mail the OPT packet to USCIS and wait for your receipt and card

6. Please allow 90 days from the day USCIS receives your application for processing
OPT Packet (What to Mail)

1. Optional: Students may attach Form G-1145 (E-Notification of Application/Petition Acceptance) to the 1\textsuperscript{st} page of the application to request an e-Notification (email or text) of the receipt of the application at the USCIS Lockbox facility. There is no fee for this service.

2. Personal check or money order for the filing fee payment of $410\textsuperscript{00} (four hundred and ten)* payable to U.S. Department of Homeland Security.

* Filing fee subject to change, check http://www.uscis.gov/i-765 for the correct fee.
3. 2 identical passport photos (2” x 2”) taken within 30 days of filing your application with your name and I-94 number lightly written on the back of the photos using a pencil or felt tip pen and in a small envelope or the vendor provided photo sleeve. Go to https://travel.state.gov/content/passports/en/passports/photos/photos.html for specifications

- Please read the instructions and questions carefully
Application For Employment Authorization
Department of Homeland Security
U.S. Citizenship and Immigration Services

For USCIS Use Only

Fee Stamp

Action Block

Initial Receipt

Resubmitted

Relocated

Sent

Completed

Approved

Denied

☑ Application Approved
☐ Authorization/Extension Valid From [ ]
☐ Authorization/Extension Valid To [ ]

☐ Application Denied - Failed to establish:
☐ Eligibility under 8 CFR 274a.12 (a) or (c)
☐ Economic necessity under 8 CFR 274a.13 or 214.2(f)

A#

Subject to the following conditions: [ ]

☐ Applicant is filling under section 274a.12

► START HERE - Type or print in black ink.

I am applying for:
☒ Permission to accept employment.
☐ Replacement of lost employment authorization document.
☐ Renewal of my permission to accept employment (attach a copy of your previous employment authorization document).

1. Full Name
Family Name
First Name
Middle Name

2. Other Names Used (include Maiden Name)
Family Name
First Name
Middle Name

3. U.S. Mailing Address
Street Number and Name
Apt. Number

Town or City
State
ZIP Code

4. Country of Citizenship or Nationality

5. Place of Birth
Town or City
State/Province
Country

6. Date of Birth (mm/dd/yyyy)

7. Gender ☐ Male ☐ Female

8. Marital Status
☐ Single ☐ Married ☐ Divorced ☐ Widowed

9.a. Has the Social Security Administration (SSA) ever officially issued a Social Security card to you?
☐ Yes ☐ No

NOTE: If you answered “Yes” to Item Number 9.a., provide the information requested in Item Number 9.b.

9.b. Your Social Security number (SSN) (if known)

10. Do you want the SSA to issue you a Social Security card? (You must also answer “Yes” to Item Number 11, Consent for Disclosure, to receive a card.)
☐ Yes ☐ No

NOTE: If you answered “No” to Item Number 10, skip to Item Number 14. If you answered “Yes” to Item Number 10, you must also answer “Yes” to Item Number 11.

11. Consent for Disclosure: I authorize disclosure of information from this application to the SSA as required for the purpose of assigning me an SSN and issuing me a Social Security card. ☐ Yes ☐ No

NOTE: If you answered “Yes” to Item Numbers 10 - 11, provide the information requested in Item Numbers 12a. - 13.b.

Father's Name

12.a. Family Name (Last Name)

12.b. Given Name (First Name)
22. (c)(26) Eligibility Category. If you entered the eligibility category (c)(26) in Item Number 20, above, please provide the receipt number of your H-1B principal spouse's most recent Form I-797 Notice of Approval for Form I-129.

23. (c)(35) and (c)(36) Eligibility Category
   a. If you entered the eligibility category (c)(35) or (c)(36) in Item Number 20, above, please provide the receipt number of the Form I-140 beneficiary's Form I-797 Notice of Approval for Form I-140.
   b. Have you EVER been arrested for and/or convicted of any crime? □ Yes □ No

NOTE: If you answered "Yes" to Item Number 23.b., refer to Item Number 5, Item H, or Item I in the Who May File Form I-765 section of these Instructions for information about providing court dispositions.

Certification
I certify, under penalty of perjury, that the foregoing is true and correct. Furthermore, I authorize the release of any information that U.S. Citizenship and Immigration Services needs to determine eligibility for the benefit I am seeking. I have read the Who May File Form I-765 section of the Instructions and have identified the appropriate eligibility category in Item Number 20.

Applicant’s Signature

Signature of Person Preparing Form, If Other Than Applicant
I declare that this document was prepared by me at the request of the applicant and is based on all information of which I have any knowledge.

Preparer’s Signature

Date of Signature (mm/dd/yyyy)
5. Copy of the 1\textsuperscript{st} and 2\textsuperscript{nd} pages of I-20 with OPT recommendation

6. Copies of the bio page of your current passport (include extension page if applicable), current visa, and Form I-94
   
   \begin{itemize}
   \item Go to \url{cbp.gov/i94} for the electronic I-94
   \end{itemize}

7. Copies of the 1\textsuperscript{st} and 2\textsuperscript{nd} pages (or 1\textsuperscript{st} and 3\textsuperscript{rd} pages for I-20s issued before July 2015) of any I-20s with employment authorization (CPT, SEH, OPT)

8. If you changed your status to F-1 within the U.S., make a copy of Form I-797 Approval Notice

9. Front and back copy of any previous EAD card(s), if applicable
Where to Send the OPT Packet?

*U.S. Postal Service deliveries (request tracking option)
USCIS
P.O. Box 21281
Phoenix, AZ  85036

*Express mail and commercial courier deliveries
USCIS
ATTN: AOS
1820 E. Skyharbor Circle S
Suite 100
Phoenix, AZ 85034

* Filing address subject to change, check [http://www.uscis.gov/i-765](http://www.uscis.gov/i-765) for the correct addresses
Where to Send the OPT Packet? (cont.)

• If the address in item 3 of your Form I-765 is not in Nevada, refer to the “Where to File” section at [http://www.uscis.gov/i-765](http://www.uscis.gov/i-765) for the filing address.
What to Expect After Mailing?

• In 2 - 4 weeks of mailing your packet, you will receive a receipt notice, Form I-797C
• Check the status of your OPT application online with your receipt number at https://www.uscis.gov
• About 90 days from the receipt date on the receipt notice, you should receive the OPT card
• If you receive a Request For Evidence (RFE) or Request for Information (RFI), contact an OISS advisor immediately
• If your application processing takes more than 90 days from the received date on the receipt notice, contact an OISS advisor
What About Travel Outside the U.S.?

- You may travel out of the country and return before the program end date on your OPT I-20 with a travel signature and a valid passport and visa.

- If you want to re-enter the U.S. after your program end date, have the following documents with you:
  - OPT I-20 signed for travel (valid for 6 months) on the 2\textsuperscript{nd} page
  - Valid visa (it is possible to renew a visa after OPT approval)
  - Passport valid for at least 6 months from the date you re-enter
  - Receipt notice if your OPT has not been approved
  - OPT EAD card and job offer/contract if your OPT has been approved

- Please note, re-entry after travel out of the country is never guaranteed. If your application is denied while you are out of the country, it may not be possible for you to return on the F-1 visa or to resume OPT.
What if I Don’t Graduate and Post-Completion OPT Has Not Been Approved?

• You may keep the OPT and take part-time classes while maintaining your OPT
• You may withdraw your application by writing a letter to USCIS requesting the withdrawal with an explanation of the reason for the withdrawal
  • The OISS advisor will email the letter to USCIS
• You will NOT be reimbursed your Form I-765 filing fee
What if I Don’t Graduate and Post-Completion OPT Has Been Approved?

- If coursework is still required during fall and spring semesters only work part-time (up to 20 hours/week). The 90-day unemployment limitation will still apply.
- If you only have your thesis or dissertation, you may work full-time.
- You must complete your program before your OPT ends since your I-20 cannot be extended.
OPT Reporting Requirements

- Name and address changes - Change of Address Form
- Employer name and address changes - OPT Update Form - 12-Month
- Report within 10 days of change
- Find update forms at http://www.unr.edu/oiss/forms
- You should maintain health insurance coverage during your OPT authorization period
I’m starting a new academic program/level after I graduate, do I need OPT?

1. Must be admitted to new program/school by end of 60 day grace period
2. New program must start at next available term or within 5 months of program end date, whichever is sooner

The 90 days of unemployment rule is still applicable if a student applies for OPT to bridge the gap between academic programs.
I’m starting a new academic program/level after I graduate, do I need OPT?

1. Must be admitted to new program/school by end of 60 day grace period
2. New program must start at next available term or within 5 months of program end date, whichever is sooner

The 90 days of unemployment rule is still applicable if a student applies for OPT to bridge the gap between academic programs.
24-Month STEM OPT Extension Eligibility

• F-1 students with **STEM field** degrees
• Must be working for a U.S. employer in a job directly related to the STEM field of study (traditional paid employment)
• **Employer must** be registered in E-Verify
• File for extension up to 90 days before 12-month post-completion OPT ends
H-1B (Specialty Occupations)

- Granted up to 6 years
- Must have at least a U.S. bachelor’s degree (or foreign equivalent)
- Will be working in a job that requires at least a bachelor’s degree
- Employer must be willing to sponsor a visa petition
- H-1B Cap of 65,000 new H-1B approvals each year. Graduates with U.S. advanced degrees (master’s or higher) have an additional allocation of 20,000
- If your H-1B petition is timely filed, you will be eligible for a “cap gap extension”, a period in which a student’s status is automatically extended to bridge the gap between the end of F-1 status and start of H-1B status
Students are not eligible to have their post-completion OPT extended during the cap-gap period if their OPT ends before their H-1B petition is submitted.
Students are not eligible to have their post-completion OPT extended during the cap-gap period if their OPT ends before their H-1B petition is submitted.
OPT / H-1B Timeline

(Fall Graduation)

Current Year
DEC

Next Year
APR

OCT

DEC

OPT:

Apply for H-1B (April 1)

H-1B Start (October 1)
OPT STOPS

60 day Grace Period
OPT and J-1/H-1B in Higher Education

• J-1 (Researcher/Professor) can be extended to 5 years
• H-1B’s are not subject to the quota or the timeline
• Changing status to J-1 or H-1B can take 2 weeks to 6 months, so OPT is recommended to maintain status while the change of status application is pending
• Possible to leave the U.S. apply for new visa and re-enter under the new status
• Consider dependent’s work and school options
  ▪ J-2’s can apply to work and engage in full/part-time study
  ▪ H-4’s cannot work, but can engage in full/part-time study
It's QUESTION TIME!!