

F-1 Optional Practical Training (OPT)

Definition of Optional Practical Training (OPT)

OPT is designed to provide you with an opportunity to gain actual employment experience in your field of study in order to complement your academic work.

ELIGIBILITY REQUIREMENTS

F-1 students who have been lawfully enrolled for one full academic year and who are in good standing may apply to the U.S. Citizenship and Immigration Services (USCIS) for OPT work authorization. OPT employment may be part-time (while school is in session) or full-time (during summer or after completion of course requirements), and may occur anywhere in the United States. Employment while on OPT must be directly related to your major field of study and appropriate for someone with your level of education.

If you had a change of degree level (e.g. Ph.D. to MS) or academic concentration that is not yet reflected on your I-20, this must be updated prior to applying for OPT. Undergraduate students must have declared an academic concentration before OPT can be requested.

Various types of OPT for which you may qualify:

Pre-Completion OPT:

- during the annual vacation, provided you are eligible and committed to registering for the next semester
- while school is in session, provided your employment does not exceed 20 hours per week

Post-Completion OPT:

- after completion of course requirements, excluding a thesis/dissertation or final project
- after completion of all academic program requirements

17-Month STEM OPT Extension:

- Available following the standard 12 month period of post-completion OPT for certain students with a degree in a Science, Technology, Engineering, Mathematics (STEM) field (more information provided later in this handout)

***You are not required to have a job offer before applying for Pre- or standard Post-Completion OPT.*

ADDITIONAL CONSIDERATIONS

You are strongly advised to submit your OPT application to USCIS during the 90 days prior to your expected employment begin date (for Pre-Completion OPT) or program completion date (Post-Completion OPT).

Although not advisable due to the lengthy application processing time, you may submit your application up to 60 days following the completion of your academic program. You must be in the U.S. at the time you submit your application to USCIS.

Amount of OPT

F-1 students may be authorized for up to 12 months of OPT per each higher educational level (e.g. from a Bachelor's degree to Master's degree). Any OPT you engage in prior to your program completion will be deducted from the total OPT available for that degree level. Part-time OPT is deducted at ½ rate (i.e. engaging in 6 months of part-time OPT results in a 3 month deduction from the 12 months of OPT otherwise available).

Importance of the Actual Program Completion Date (Information for Graduate Student Only)

Immigration regulations refer to the date you complete all requirements for a program of study, not to the date

you participate in graduation ceremonies and receive a diploma. Many students, especially graduate students in thesis or dissertation programs, may complete requirements for a degree any day during the year. Regardless of the program completion date on your I-20, your lawful F-1 status expires 60 days after the date you complete all degree requirements and you are expected to leave the country by then, **unless you have filed an application for OPT** or have made other arrangements to lawfully remain in the U.S.

Authorization for OPT May Not be Rescinded

Once authorization to engage in OPT is granted, it cannot be rescinded or canceled. Situations such as unexpected delays in completing degree requirements, inability to find an appropriate job or loss of a job may result in a reduction of the total time you have available for work.

90-Day Unemployment Rule

Once approved for Post-Completion OPT, F-1 status is dependent upon employment.

- Students approved for the initial 12-month period of Post-Completion OPT may not accrue an aggregate of more than 90 days of unemployment during the 12 month period.
- Students granted a 17-month STEM Extension may not accrue an aggregate of more than 120 days of unemployment during the entire period (up to 29 months) of OPT.

Unpaid Volunteer Positions

- Pre-Completion: if engaged in a legitimate volunteer position (unpaid, without any form of compensation and that has never in the past been filled by a paid intern or employee), and you have not yet completed your academic program, then you do not need to apply for OPT.
- Post-Completion: a legitimate volunteer position (see above) is considered employment during Post-Completion OPT provided your work totals at least 20 hours a week and is directly related to your field of study/commensurate with your level of education.

Changing Employer

While on OPT, you are permitted to have multiple employers and to change employers provided each new job is directly related to your major field of study and commensurate with your level of education.

Reporting Requirements While on OPT

While on OPT, you are required to report to OISSS any change in residential address, employer name/address and dates of employment or periods of unemployment within 10 days of a change. Please utilize the OPT Employer and Address Update Form: http://brown.edu/Administration/OISSS/students/fl_students.html

Travel Outside the U.S.

If you travel outside the U.S. after completion of studies, you must re-enter in F-1 status; otherwise your OPT authorization will end. Students engaged in Post-Completion OPT must present to the inspecting officer at the U.S. port of entry:

- a Form I-20, endorsed for travel by the International Student Advisor within the last six months;
- a valid Employment Authorization Document (EAD);
- a valid F-1 visa (unless Canadian or eligible for automatic revalidation of an expired visa); and
- a letter from your employer with either a job offer or confirmation of current employment (if returning to the U.S. after the employment start date listed on the EAD).

***Students who do not meet these requirements may be denied re-entry into the U.S. We encourage you to consult with an OISSS advisor when contemplating travel outside the U.S. during OPT.*

H-1B Cap Gap Extension

Duration of F-1 status and work authorization will be extended for a student approved for OPT, who is the beneficiary of a timely-filed H-1B petition requesting an employment start date of October 1 of the following fiscal year. This applies to all students on Post-Completion OPT, not just STEM Extension students. The extension of F-1 status and work authorization would automatically terminate upon the rejection, denial, or revocation of the H-1B petition filed on the student's behalf.

OPT APPLICATION AND AUTHORIZATION PROCEDURES

1. The OPT application process can take 3-4 months. Please contact the OISSS well in advance of your program completion date so that an advisor can determine if you meet OPT eligibility requirements.
2. Attend an OPT workshop (offered twice each semester). Visit the OISSS website for further information.

3. A consultation with an OISSS advisor is required for all OPT applicants

Bring the following documents to your consultation:

- [Graduate students only]: a memo from your department chair or graduate advisor confirming completion of degree requirement with a specific estimated completion date (mm/dd/yy)
- Completed OISSS OPT Request Form (attached)
- Completed Form I-765 (access online: <http://www.uscis.gov/files/form/I-765.pdf>)
- Current Form I-20
- Unexpired passport with I-94 card

*** Be prepared to indicate your desired specific employment start date (mm/dd/yy)*

4. Upon the fulfillment of all application requirements, the international student advisor will create a new Form I-20 with a recommendation for OPT on page 3. **Please allow 3 business days** for processing before picking up your new I-20 at the OISSS front desk.
5. Mail your OPT application to the USCIS Service Center having jurisdiction over the state in which you reside. In most cases this will be the Vermont Service Center:

**U.S. Citizenship and Immigration Services
Vermont Service Center,
Attention: I-765
75 Lower Welden St.
St. Albans, VT 05479-0001**

Checklist of Documents to be Included in Your OPT Application:

- ✓ Completed *original* I-765 [#16, the eligibility category for F-1 practical training, is (c) (3) (A) for Pre-Completion OPT; (c) (3) (B) for Post-Completion OPT; or (c) (3) (C) for a 17 month STEM OPT extension with an E-Verify registered employer]
- ✓ Two photographs: taken within 30 days; white background; 1½"x 1½" or 2"x 2" in size (do not cut to size); name and SEVIS ID # number written lightly on the back (SEVIS ID# is located in the upper right corner of your Form I-20).
- ✓ Personal check for \$340.00 payable to "Department of Homeland Security"
- ✓ Photocopy of the Form I-20 with OPT recommendation (will be generated by an OISSS advisor)
- ✓ Photocopies of all previously issued I-20s
- ✓ Photocopy of the passport biographical page(s) showing the passport expiration date
- ✓ Photocopy of your I-94 card (front and back)

***Your application must be received by USCIS within 30 days of the OISSS advisor recommendation date.*

Send the application via **Certified Mail - Return Receipt Requested** or other **Trackable Express Mail (e.g. Fed Ex, UPS, DHL)**. Keep copies of all documents you send to USCIS. In 2-3 weeks, USCIS will mail a Notice of Action (receipt notice) stating the date your application was received and an EAC# that can be used to track the status of your application online (<https://egov.uscis.gov/cris/jsps/index.jsp>). Keep the receipt notice and refer to EAC# for any future communication with USCIS about your application.

The receipt notice (and EAD) will be sent to the address you indicated on the Form I-765. Applicants who anticipate changing addresses should note that USCIS mail will not be forwarded. Though not completely

reliable, USCIS will accept address updates made online at www.uscis.gov. Processing time at the Vermont Service Center is approximately 3 months. If you have not received your EAD within 90 days from the receipt date indicated on your Notice of Action, please contact OISSS.

Authorization by USCIS

The evidence that you have been approved for OPT is the *Employment Authorization Document (EAD)*, a laminated card with your photo and employment authorization begin and end dates.

***Please provide OISSS with a copy of your EAD once you have received it.*

Actual Date OPT Employment May Begin

You may not begin employment until all three of the following requirements are satisfied:

- You have obtained an EAD from the USCIS;
- The date of your authorized employment period has begun (see dates on your EAD card); and
- You have completed all course requirements for your program of study (Post-Completion OPT only)

17-MONTH STEM OPT EXTENSION

The 12-month limit on OPT can be extended by 17 months, for a total of 29 months, for certain students with a degree in a **Science, Technology, Engineering, Mathematics (STEM)** field:

Actuarial Science; Computer Science Applications (except Data Entry/Microcomputer Applications); Engineering; Engineering Technologies; Biological and Biomedical Sciences; Mathematics and Statistics; Military Technologies; Physical Sciences; Science Technologies; Medical Scientist (MS, PhD)

Additional requirements for the 17-Month STEM Extension:

- Student must have successfully completed a Bachelor's, Master's, or doctoral degree in a field on the DHS STEM Designated Degree Program List
- Student must be currently participating in a period of Post-Completion OPT, working for a U.S. employer, in a job directly related to the student's major area of study
- Student must have a job offer from an employer registered with the [E-Verify](http://www.dhs.gov/e-verify/) employment verification system. More information about E-Verify can be found online: http://www.dhs.gov/files/programs/gc_1185221678150.shtm
- Student must not have previously received a 17-month STEM Extension
- OISSS advisor must recommend the STEM Extension in SEVIS, after verifying student's eligibility
- Student must apply for the STEM Extension using Form I-765 with and by paying an application fee.
- Students who timely file an application for the STEM Extension will be able to continue employment while the application is pending, until a final decision is made or for up to 180 days.
- Employer must agree to report the termination or departure of the student to the OISSS or through "any other means or process identified by DHS." An employer must consider a worker to have departed when the employer knows the student has ceased employment, or if the worker has not reported to work for five consecutive business days without the employer's consent.

Application for the 17-Month STEM Extension

Follow the OPT application procedure detailed in this handout, with a few additional steps. You will indicate your employer's name and E-Verify number on the I-765 form. Your application must include a copy of your degree or university transcript. You must also provide OISSS with your position title; supervisor's name and phone number; and your e-mail address.

STEM Extension 6-Month Reporting:

Schools are required to verify that F-1 students on an approved STEM Extension are participating in the employment segment 6 months and 12 months after the STEM extension begins. Failure to update the OPT extension information within the reporting period will result in the termination of a student's F-1 status. Please respond promptly when OISSS requests verification of your employment status.

OPTIONAL PRACTICAL TRAINING (OPT) REQUEST FORM
Office of International Student and Scholar Services (OISSS)

All students requesting OPT are **required to consult with an OISSS international student advisor**. Please visit the OISSS during the Open Advising Hours (1:30-3:30pm Monday-Thursday) or call 401-863-2427 (on-campus: x3-2427) to schedule an appointment. Please allow 3 business days for OISSS to issue your new Form I-20 with OPT recommendation.

Documents which must be submitted with this request form:

- Current Form I-20
- Passport with I-94 card (front and back)
- Form I-765 (available online: <http://www.uscis.gov/files/form/I-765.pdf>)

Last Name _____ First Name _____ Date of Birth _____

Anticipated Date of Completion of Program _____ Level of education [e.g. B.A., Ph.D.] _____

Major field of study _____ Dependent Spouse or Children I-20 Required? ___ Yes ___ No

Indicate begin and end dates of all previously authorized practical training employment:

Previous OPT date(s) _____ Previous Curricular Practical Training date(s) _____

New OPT Start date (mm/dd/yy) _____ End date _____ Full/Part time _____

Important:

While on OPT, U.S. Immigration regulations require that F-1 students report changes in residential address, employer name and address and actual dates of employment/ periods of unemployment within 10 days of a change.

Please provide OISSS with this required information by submitting the OPT Employer and Address Update Form (available on the OISSS website: <http://brown.edu/Administration/OISSS/students/>)

E-mail address after completion of program: _____

OISSS will also use this e-mail to contact you about any information related to your F-1 student status. Changes in immigration status should be reported ASAP. Once approved, please fax or e-mail a copy of your EAD card to OISSS at 401-863-7543. Thank you.

Employer name and address:

Please note, that you do not need a job offer at the time of application to qualify for Optional Practical Training. However, please provide the employer information as soon as it becomes available.

Company name *Contact person with phone number*

Street *City* *State* *Zip Code*