Optional Practical Training (OPT)

OPT Work Permission for F-1 Students Graduating in August
Optional Practical Training

READ THE OPT HANDBOOK!

Today we will:

- Outline OPT Basics
- Review Application Process & Timing
- Discuss work options in US after OPT (H-1B, etc.)
- Questions?
OPT = Temporary employment for practical training directly related to the student's major area of study.

- Types of OPT:
  - Pre-completion
  - Post-completion
  - STEM extension

- Part-time or Full-time
  - Always full-time after completion of requirements for degree
Practical Considerations

• During OPT period:
  – You remain in F-1 status
  • OPT is not a status, it is a benefit
    – CMU holds your SEVIS record
    – OIE still your advisors/visa sponsor!
OPT Usage

• 12 months per **advanced** degree level
  – Can’t have another 12 months of OPT after 2\textsuperscript{nd} Master’s

• You choose dates...within limits
  – Once it’s granted, it’s “used”
  – Date to begin can be after program is completed... and/or up to 60 days after that
Employment

• What work can you do on OPT?
  – Any
    • related to YOUR field and level of study
    • Paid, unpaid, volunteer, contract
    • Job title *doesn’t* matter...
    • Nature of work *does*

  – No job offer needed to apply
OPT is a 3 part process involving:

1. Your department
   Certifies your expectancy to graduate

2. OIE
   Recommends OPT in SEVIS and issues the OPT I-20

3. USCIS
   Adjudicates your application

   $380 fee and up to 90 day processing time
The goal is your Employment Authorization Document (EAD)
Employment Authorization Document (EAD)

You can only legally work in the U.S. when:

• You have received EAD
• Within valid dates on EAD
The Application Process

Important timelines!!

USCIS must receive your OPT application OR OPT WILL BE DENIED:

• No more than 90 days BEFORE program completion date
• No more than 60 days AFTER program completion date
• OPT I-20 no more than 30 days old
OPT Denial

If OPT is denied before end of 60 day grace period, it MAY be possible to apply again.

If OPT is denied after 60 day grace period, the benefit would be forfeited.
The Application Process

TWO Part System:

**Step 1. Recommendation**
- Signed by your advisor & submitted to OIE
- Goal: new I-20 with OPT recommendation
- I-20 TIME: 5 business days at OIE

**Step 2. Application**
- Mail to USCIS
- Goal: EAD card
- APPROVAL TIME: Up to 90 days
The Application Process: Advisor’s Form

Optional Practical Training (OPT) Recommendation Form

To: Student OPT Applicant
Complete the following information. The OIE advisor will use the information you provide to recommend your OPT. If you do not know the answer to the question, leave it blank and the advisor will assist you during the OPT session.

Name: ____________________________________________ Date of birth (mm/dd/yyyy): __________________________
(Family) (First)

Andrew ID: __________________ Non-Andrew e-mail: __________________

Address*: __________________________________________________________
(Street) (City) (State & Zip Code)
*Address must also be updated in SIO! This does not have to be the address that you’ll use to receive the EAD.

☐ Check here if you have a secondary MAJOR or are in a dual degree program.

OPT Start Date: __________________ OPT End Date: __________________

Full-time or Part-time: __________________ Passport Expiration (mm/dd/yyyy): __________________

Check one: □ WILL □ WILL NOT directly relate to my field of study/degree program.

Have you applied for OPT before?: □ No □ Yes If yes, Educational Level (circle) Bachelor’s Master’s PhD

I attended an OPT session on ______ (date) conducted by ______________________ (OIE advisor name).
The Application Process: Advisor’s Form

This information must be completed and signed by the academic advisor or department coordinator, not by the student.

This is to certify that ___________________________ is expected to complete all requirements for the degree on

8/9/2016 (Student’s name) and will receive the degree of ___________________________ in the field or major of ___________________________.

(Date: mm/dd/yyyy) *actual completion—not end of month (Level) (Field of Study)

(Name of Academic Advisor or Authorized Department Personnel—Please Print) (Signature of Academic Advisor or Authorized Department Personnel)

(Telephone Number and/or email address) (Date) 7

Your academic advisor completes this section. OPT cannot begin before this date.

Updated 9/2013
Completion Date on I-20

**Program of Study**

<table>
<thead>
<tr>
<th>Education Level</th>
<th>Major 1</th>
<th>Major 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Doctorate</td>
<td>Civil Engineering, General 14.0801</td>
<td>None 00.0000</td>
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</table>

<table>
<thead>
<tr>
<th>Normal Program Length</th>
<th>Program English Proficiency</th>
<th>English Proficiency Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>56 Months</td>
<td>Required</td>
<td>Student is proficient</td>
</tr>
</tbody>
</table>

**Program Start Date**

29 August 2011

**Program End Date**

9 August 2016

Program end date = academic advisor’s end date

(I-20 page 1)
Program completion date = Last day of work at CMU
Choosing your OPT start date

Based on your completion date

Start Date:

• Can be the day after program completion
• Up to 60 calendar days after that
• No more than 60 days!
Benefits/Disadvantages in choosing start date:

• **Early start:**
  • Work permission right after completion
  • On-campus work continues

• **Late start:**
  • Good if no job offer
  • Won’t cut into days of unemployment (90 days)
  • Consider travel plans
90 Days of Unemployment Rule

You may not accrue more than 90 days of unemployment during the 12 months of OPT...if more than 90 days, OPT and F status ends.

*Employment (for SEVP) =*

- paid FT (≥ 20 hours)
- paid PT (≤ 20 hours)
- unpaid FT (≥ 20 hours)
- unpaid PT (≤ 20 hours)

**IMPORTANT:** *Unpaid work* is acceptable by USCIS but unless it’s truly “volunteer” work, there could be problems with US labor law!
Choosing your OPT end date

• Start date plus 1 year...or less

• ex: Start date = 9/6/2016
  End date = 9/5/2017

• If you choose less than 12 months, only way to “redeem” remainder of 12 months is to go back to school, complete another program (at same level) and reapply for OPT.
The Application Process: OPT Dates

• **CAREFUL! CAN’T CHANGE OPT DATES**

• OPT pending? **Status is fine to stay in the US...but NO WORK without EAD!**
Submit OPT Recommendation Form

- Completed Advisor’s Form...
  - Turn in today
  - Drop off at OIE front desk

- OPT I-20 ready in 5 business days

- No email reminder sent
OPT I-20: The 30 day rule!!

• OPT application must be received by USCIS within 30 days of the date your OPT I-20 is issued.
• Be ready to file when you turn in your request!
• I-20 more than 30 days past issuance date = OPT DENIED!
OPT dates

<table>
<thead>
<tr>
<th>EMPLOYMENT AUTHORIZATIONS</th>
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<tbody>
<tr>
<td>AUTHORIZATION TYPE</td>
</tr>
<tr>
<td>POST-COMPLETION OPT</td>
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</table>

CHANGE OF STATUS/CAP-GAP EXTENSION

AUTHORIZED DROP BELOW FULL COURSE OF STUDY

<table>
<thead>
<tr>
<th>TRAVEL ENDORSEMENT</th>
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<tbody>
<tr>
<td>This page when properly endorsed, may be used for reentry of the student to attend the same school after a temporary absence from the United States. Each certification signature is valid for one year.</td>
</tr>
<tr>
<td>SCARLE DEVENBURGH</td>
</tr>
<tr>
<td>SIGNATURE</td>
</tr>
<tr>
<td>Carly Devanera</td>
</tr>
</tbody>
</table>
EADs issued after start date requested

Comments: Full-time OPT recommended in the field of Information Technology (eBusiness Technology) for the recommended dates above OR 12 months from adjudication, whichever is later. Seeking to gain practical experience in the field.

If you request dates 9/6/2016 to 9/5/2017 and immigration does not process your card until 10/1/16, your EAD will have dates 10/1/16 to 9/30/17.

No work until card received and you are within start and end dates on card!
Timing of your application

• Be aware of processing times:
  • Up to 90 days to be approved...
    ..or longer if application is returned, something is missing, etc.
  • Cannot expedite OPT!! Trying can slow the process!
What do I include with my application?

Include ALL Materials on PAGE 1 in OPT handout.
What do I include?

✓ **G-1145** form
✓ Check for $380
  (payable to U.S. Department of Homeland Security)
✓ **Two U.S. passport-sized photos**
✓ Completed, signed **I-765** form
✓ **Copies** of all I-20s issued to you
✓ Copy of passport
✓ Copy of F-1 visa stamp
✓ Copy of I-94 record ([www.cbp.gov/i94](http://www.cbp.gov/i94))
✓ Copy of previous EAD (if you’ve applied for OPT before)

Items are listed on page 1 of the OPT handout!!
### G-1145 Form

<table>
<thead>
<tr>
<th>Applicant/Petitioner Full Last Name</th>
<th>Applicant/Petitioner Full First Name</th>
<th>Applicant/Petitioner Full Middle Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Carnegie</td>
<td>Andrew</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>E-mail Address</th>
<th>Mobile Phone Number (Text Message)</th>
</tr>
</thead>
<tbody>
<tr>
<td><a href="mailto:oie@andrew.cmu.edu">oie@andrew.cmu.edu</a></td>
<td>412-268-5231</td>
</tr>
</tbody>
</table>

- **G-1145 - first page of application**
- **Free to file**
- **More like 1-2 weeks...**
- **Disregard form expiration date – be sure to download from uscis.gov**
Preparing your check

US Department of Homeland Security

Three hundred eighty and-----------------00/100

OPT application

sign your name here

mm/dd/yyyy

$380.00
Preparing your check

Leave the back **BLANK**
Preparing your application: Photos

- Write your name AND I-94 # on back
- Make sure they are the **correct size**!
Preparing your application: Tip

You can include your check & photos in marked white envelope: attach to application – don’t staple photos!
Form I-765


• Complete online – form fillable pdf
• USCIS uses machine readable scanner
Check the box: "Permission to accept employment"
**I-765 Form**

1. **Full Name**
   - (Family Name) (First Name) (Middle Name)

2. **Other Names Used (include Maiden 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**  
   - Married  
   - Single  
   - Divorced  
   - Widowed

9. **Social Security Number (Include all numbers you have ever used, if any)**

10. ** Alien Registration Number (A-Number) or Form I-94 Number (if any)**

11. **Have you ever before applied for employment authorization from USCIS?**  
    - Yes (Complete the following questions)  
    - Which USCIS Office?  
    - dates  
    - Results (Granted or Denied - attach all documentation)  
    - No (Proceed to Question 12.)

12. **Date of Last Entry into the U.S., on or about (mm/dd/yyyy)**

13. **Place of Last Entry into the U.S.**

14. **Status at Last Entry (B-2 Visitor, F-1 Student, No Lawful Status, etc.)**

15. **Current Immigration Status (Visitor, Student, etc.)**

16. **Eligibility Category.** Go to the “Who May File Form I-765?” section of the instructions. In the space below, place the letter and number of the eligibility category you selected from the instructions. For example, (a)(8), (c)(17)(m), etc.

17. **(c)(3)(C) Eligibility Category**. If you entered the eligibility category (c)(3)(C) in Question 16 above, list your degree, your employer’s name as listed in E-Verify, and your employer’s E-Verify Company Identification Number or a valid E-Verify Client Company Identification Number in the space below.
   - Degree
   - Employer’s Name as listed in E-Verify
   - Employer’s E-Verify Company Identification Number or a Valid E-Verify Client Company Identification Number

18. **(c)(26) Eligibility Category**. If you entered the eligibility category (c)(26) in Question 16 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.

**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 Question 16.

**Applicant’s Signature**: Don’t forget to sign!

- **Date of Signature (mm/dd/yyyy)**
- **Telephone Number**

**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)**
- **Printed Name**
- **Address**

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- **Be careful of address!**
- **Where will you be in 90 days?**
- **No forwarding by USPS**

**If using OIE address:**

5000 Forbes Ave  
Intl Education  
Pittsburgh PA 15213
I-765 Form

1. Full Name (Family Name) (First Name) (Middle Name)
2. Other Names Used (include Maiden 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
9. Social Security Number (Include all numbers you have ever used, if any)
10. Alien Registration Number (A-Number) or Form I-94 Number (if any)
11. Have you ever before applied for employment authorization from USCIS? [ ] Yes (Complete the following questions) Which USCIS Office? [ ] No (Proceed to Question 12)
12. Date of Last Entry into the U.S., on or about (mm/dd/yyyy)
13. Place of Last Entry into the U.S.
14. Status at Last Entry (B-2 Visitor, F-1 Student, No Lawful Status, etc.)
15. Current Immigration Status (Visitor, Student, etc.)
16. Eligibility Category. Go to the “Who May File Form I-765?” section of the Instructions. In the space below, place the letter and number of the eligibility category you selected from the instructions. For example, (c)(3)(B)(i), etc.
17. (c)(3)(C) Eligibility Category: If you entered the eligibility category (c)(3)(C) in Question 16 above, list your degree, your employer’s name as listed in E-Verify, and your employer’s E-Verify Company Identification Number or a valid E-Verify Client Company Identification Number in the space below.
18. (c)(26) Eligibility Category: If you entered the eligibility category (c)(26) in Question 16 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.

Write in I-94 # www.cbp.gov/i94
Refer to your latest port of entry stamp in passport
Sign within lines in dark blue ink
Post completion OPT code: (c)(3)(B)
Required photocopies of documents

• I-94 printout ([www.cbp.gov/i94](http://www.cbp.gov/i94))
  OR White I-94 card (front & back)

• Photo page of passport

• Most recent F-1 visa stamp

• ALL I-20s ever issued (including OPT)
  • Sign all I-20s in item #11
Optional Cover Letter

Cover letter not required, unless something is missing or further explanation is required:
• Missing I-20 (check your records then contact your school)
• Missing EAD

No template: Just “To whom it may concern:”
Dependents in F-2 Status

• F-2 dependents **will** receive a new I-20
• F-2 documents not submitted in application
• **F-2 travel** during OPT
  • Use new I-20
  • Carry copies of F-1 OPT I-20, EAD card, job offer letter
Make a copy!!

Make a copy of your complete OPT application for your records!
Mailing your Application: FedEx/UPS

On I-765 (#3), if you use an address in:
Alabama, Arkansas, Connecticut, Delaware, DC, Florida, Georgia, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Oklahoma, Tennessee, Texas, Vermont, Virginia, West Virginia

USCIS
Attn: AOS
2501 S. State Hwy. 121 Business Suite 400
Lewisville, TX 75067
Mailing your Application: FedEx/UPS

On I-765 (#3), if you use an address in:


USCIS
Attn: AOS
1820 E. Skyharbor Circle S
Suite 100
Phoenix, AZ 85034
Collecting EAD Card

• Address
  • If you used OIE’s address, we will email you \textit{as soon as} your OPT card arrives in the office. Do not call!

• Complete OIE’s Mail Request form \textit{before} leaving Pittsburgh

• Arrange for a friend to collect EAD
The waiting game: Next steps

You should receive from USCIS:
1) Text message or email with case number (within about a week)
2) Receipt Notice (within 4 weeks)
3) Approval Notice (up to 90 days)
4) EAD card (up to 90 days)
Case Status Online: www.uscis.gov

On November 3, 2014, we received your Form I-765, Application for Employment Authorization, Receipt Number EAC 23456789, and sent you the receipt notice that describes how we will process your case. Please follow the instructions in the notice. If you do not receive your receipt notice by December 3, 2014, please call Customer Service at 1-800-375-5283. If you move, go to www.uscis.gov/addresschange to give us your new mailing address.
Collecting EAD Card from OIE

USCIS → Squirrel Hill

CMU → OIE

Office of International Education
Reporting requirements

Report ANY changes in employer/address to the OIE portal:

Keeping records & maintaining status

Job **must** be related to level & field of study at CMU

Keep documentation of employment for **your** records:

- Employer/company
- Employer address
- # hours per week
- Job description
- Supervisor contact info
Keeping records

• Paid work: Paystubs, W-2 forms, etc.

• Unpaid work: Employer letters
  • **NOTE:** Employer MAY NOT be able to write letter for unpaid work – **check before starting job!**

For more information, refer to OPT Policy Guidance
http://www.nafsa.org/uploadedFiles/opt_policy_guidance_042010.pdf
Remember the 90 day unemployment rule

You may not accrue more than 90 days of unemployment during the 12 months of OPT...if more than 90 days, your SEVIS record will be terminated. OPT and F status ends.

Employment (for SEVP) =

• paid FT (> 20 hours)
• paid PT (≤ 20 hours)
• unpaid FT (> 20 hours)
• unpaid PT (≤ 20 hours)

http://www.nafsa.org/uploadedFiles/opt_policy_guidance_042010.pdf

IMPORTANT: **Unpaid work** is acceptable by USCIS but unless it’s truly “volunteer” work, there could be problems with US labor law!
Travel Issues on OPT

ALWAYS TRAVEL WITH:

- ✔ Passport
- ✔ OPT I-20 travel signature (< 12 months)
- ✔ F-1 visa sticker
  - Valid AND unexpired for re-entry...except for Canadians
- ✔ EAD
- ✔ Job Offer Letter
- ✔ Employer information reported in SEVIS
OPT Travel Issues Continued

• EAD says not valid for re-entry!
  – don’t worry, this means it’s not valid for re-entry alone

• Canada and Mexico + adjacent islands?
  – 30-day exception for expired US visa
  – *unless you apply for and are denied a US visa*

• Do NOT Enter as a tourist!! Will end OPT!
Travel Issues Continued

• **H-1B application pending?**
  – CONSULT your H employer!

• **Travel questions** (need a new visa, etc.)?
  – Consult an OIE advisor
Options after your initial 12 months of OPT expire

• 24-month STEM Extension
• H-1B Temporary Work Visa
24-month STEM Extension

Am I eligible?

To be eligible you MUST:

1. have your most recent degree in a **STEM designated field**
2. be in the initial 12-month OPT period
3. have a job or job offer with an **e-verify** employer
24-month STEM Extension

How do you apply?
Submit a 24-month STEM I-20 request to OIE. Can be done remotely!

Mail STEM application to USCIS
Must reach USCIS:
• Within 90 days of 12-month OPT end date
• Before end of 12-month OPT period
H-1B Temporary Work Visa

• Private Sector:
  – H-1B effective start date is Oct 1\textsuperscript{st}
  – The H-1B “CAP” or quota
    • 65,000 annually available to employers April 1\textsuperscript{st} (6 months in advance)
    • 20,000 additional H-1B spaces set aside for advanced degree holders

• Universities not subject to Cap
  – University employers can apply at any time for any start date
H-1B / OPT Timeline

FY 17 H-1B FILING OPENS 4/1/16

OPT START DATE 9/6/16

END OF SUMMER TERM 8/9/16

H-1B START DATE 10/1/16

FY 18 H-1 FILING OPENS 4/1/17 – YOUR EMPLOYER APPLIES

YOUR H-1B START DATE 10/1/17

OPT ENDS 9/5/15

Cap Gap
Cap-Gap Extension

If H is timely filed (between 4/1 and end of your OPT)...

- OPT AUTOMATICALLY extends from end of your OPT to 9/30/2017

- If your employer wants new I-20...email OIE
  - We need a copy of your H approval notice
H-1B vs. OPT

• OPT is *based on your degree.*
  – If you don’t like your job, you can start working somewhere else using your OPT.

• H-1B is directly linked to your employer.
  – If you don’t like your job and decide to quit, you will have no status.
  – Once H is approved, OPT is ended and F-1 is complete.