

## Optional Practical Training (OPT)

### What Do I Need to Know BEFORE I Apply for OPT?

#### **What is Optional Practical Training?**

OPT is off-campus employment that is related to your major field of study.

#### **Who is eligible for OPT?**

Students who are in F-1 status and have been enrolled full-time for at least one full academic year are eligible for Optional Practical Training:

1. **After completion of a course of study** (This is the most common use of OPT.)
2. Before completion of studies if engaged in thesis or dissertation research
3. During the summer or over winter break
4. During the regular academic year (on a part-time basis, deducted from the 12-month maximum at a proportional rate)

#### **When can I apply?**

You may apply for OPT no sooner than 90 days **before** graduation/completion of your program, and as late as 60 days **following** graduation/program completion (make sure that Homeland Security *receives* your OPT application in the mail before the 60 day period is over). Having said this, we remind you that it normally takes an average of 2-3 months for OPT to be approved. We *strongly* suggest you apply 60 days before graduation/completion. **Plan ahead.**

<p><b>Do not mail your application to USCIS more than 90 days</b> before graduation/program completion – they will reject your application and the fee will <b>not</b> be returned!</p>
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#### **Do I need a job offer in order to apply?**

No.

#### **Can I go in person to a USCIS office to apply for OPT?**

No. OPT applications must be submitted to the USCIS by mail, as the instructions in this packet indicate. (The Clarke PDSO, Kate Zanger *recommends* OPT permission; the USCIS must *approve* it.)

### **Can I file the OPT application electronically?**

No. While USCIS does permit some other types of applications to be done electronically, OPT applications should absolutely NOT be done this way. You must follow the application procedure outlined in this application packet.

### **What kind of work can I do while on OPT?**

You may work anywhere in the United States, but the key criteria is the work must be related to the degree you just obtained and for which the OPT is being authorized. OPT employment cannot be done based on prior degrees earned in the U.S. or abroad; the employment must relate to your current degree program.

### **When can I start to work under OPT?**

You may only begin employment when you have received the EAD (Employment Authorization Document) card *and* the beginning date of employment authorization (shown on the EAD) has arrived.

### **Does OPT employment need to be full time?**

After graduation, you must apply for full time OPT. (Part-time OPT is only available for pre-completion OPT.) Anything over 20 hours/week is considered full time. You may also work for more than one employer while on OPT.

### **How do I apply for OPT?**

1. **Complete form I-765** (a sample form is provided for reference). You may download this form at <http://www.uscis.gov/i-765> You can type into this form and print it out. It is suggested that you use your campus MS as your address. The campus post office can keep an eye out for mail even after graduation. You might move and change your mailing address and you don't want to risk the correspondence getting lost.

2. Make an appointment with PDSO Kate Zanger x6517, [kate.zanger@clarke.edu](mailto:kate.zanger@clarke.edu).

### **3. Bring the following items to the appointment:**

- The completed **I-765** form
- A letter from your academic advisor recommending you for Optional Practical Training
- Two "natural color" US-style passport photos (print your name and SEVIS number on the back of each photo)
- Application fee: **\$380**. A personal check is preferable as it can be more easily traced, but money orders are also possible.
- Your immigration documents, including passport and visa, I-94 card, and all previous I-20s, including I-20's from your previous school if you are a transfer student.

4. The PDSO will help you copy all necessary documents and will print a new I-20 recommending OPT. You must choose the beginning date for your OPT, no more than 60 days AFTER your end of program. You will not be able to change your start/end employment dates after you submit your application to USCIS.

**Mailing Your Application to USCIS**

**Make sure you do not mail it more than 90 days before graduation/program completion! Send the following documentation to USCIS to apply for OPT, arranged IN THE ORDER listed below:**

1. **Application Fee** - The cost is **\$380**. Personal checks or money orders must be in the exact amount and payable to "**United States Department of Homeland Security**." **Personal checks are preferable to money orders**, because they can more easily be traced in case of problems.
2. **Two identical "natural color" passport photos** – These are **U.S.-style** passport photos – passport photos taken in your home country will probably not be acceptable. The photo should be no larger than 2 inches x 2 inches. Lightly print your name and your SEVIS number on the back of each photograph with a pencil to prevent problems should your photographs become separated from your I-765 application. You should use commercial passport photographs; do not attempt to take these photos yourself. For more details on the photograph specifications, please go to: [http://travel.state.gov/passport/pptphotoreq/pptphotoreq\\_5333.html#](http://travel.state.gov/passport/pptphotoreq/pptphotoreq_5333.html#)
3. **Form I-765**
4. **Recommendation Letter from Advisor**
5. **Copy of new OPT I-20, signed**
6. **Photocopies of all prior I-20's** – including the last page/page 3, particularly those containing prior CPT authorizations
7. A copy of your MOST RECENT **Form I-94**, front and back (make sure the immigration stamp is visible on the copy).
8. A copy of BOTH your **passport photo/information page showing the passport expiration date** AND your **most recent U.S. visa**.
9. A copy of your **previous EAD card, if you have ever had one before**, and your Social Security Card if you have one.

***Where to Mail Application:***

We strongly recommend that you make a photocopy of your entire application and that you send it by "**certified mail, return receipt**." This will provide you with evidence that your application was received by USCIS.

***USCIS Phoenix Lockbox  
U.S.C.I.S.  
P.O. Box 21281  
Phoenix, AZ 85036***

***Note: USCIS must receive your OPT application within 30 days of the date the new OPT I-20 is made. In the event that there is a delay in the processing of your application, we will not be able to help you if you do not have a photocopy of your application and a U.S. Postal Service certified mail return receipt.***

## **What Happens After I Mail My OPT Application?**

### **Processing Information:**

About 3-4 weeks after you mail your application, you should get a special receipt letter from the USCIS called a ***Notice of Action***. **Remember to keep this letter, since it will contain a special number beginning with the letters "LIN..." that refers to your specific application.** If you do not receive the Notice of Action after 5 weeks, please notify International Studies Office.

You may check on the status of your application by going online to:

<https://egov.uscis.gov/cris/jsps/index.jsp>. To do so you must have the LIN number from your Notice of Action.

### **Decision on Your Application:**

The average processing time for OPT is currently 3 months; it could happen faster or could take longer in individual cases, so apply well in advance. If your application is approved, your Employment Authorization Document (EAD) card will be mailed to your campus mailing address. In the very unlikely event that your application cannot be granted, you will receive an explanation for the denial. Likewise, if USCIS wants you to send additional or supporting documentation before they will proceed with your application, they will send you a letter with a "request for evidence" (RFE).

### **Can I travel outside the USA if I have OPT or have applied for OPT?**

In order to re-enter the U.S. after you have applied for OPT, you must have your I-20 signed by the International Student Advisor within the last six months, a valid F-1 visa, a valid passport and your EAD card.

#### ***In January 2005, Immigration and Customs Enforcement indicated the following:***

- If your OPT is approved and **you are employed or have been offered employment**, you should be able to re-enter the U.S. with the documents mentioned above, PLUS a letter from your employer confirming that you are or will be employed there under Optional Practical Training.
- If your OPT application is still **pending** when you wish to re-enter the U.S., you will be allowed to re-enter to look for employment (in case your OPT is approved while you are outside the U.S., we strongly recommend that ON THE DAY YOU ARE TO LEAVE THE U.S. you go to the website <https://egov.immigration.gov/cris/jsps/index.jsp> where you can enter the LIN number from your Notice of Action and print a statement showing the OPT application is still pending as of that date, and have this with you when you come through the Port of Entry).
- If your OPT application has been **approved** and you leave the U.S. before finding a job (as evidenced by a job offer letter, which you should be prepared to show the officer at the Port of Entry), your OPT will be considered canceled and you may NOT be allowed to re-enter **the U.S.**

#### ***In April 2008 SEVP added the following points regarding travel and unemployment while in OPT:***

- If the student whose approved period of OPT has started travels outside of the United States while unemployed, the time spent outside the United States will count as unemployment against the 90/120-day limits.
- If a student travels while employed either during a period of leave authorized by an employer or as part of their employment, the time spent outside the United States will not count as unemployment.

### **Is OPT a different visa?**

No. A person with OPT authorization is still in F-1 status, holding an EAD for OPT. You still need an international advisor signature on your I-20 if you want to re-enter the United States during your time on OPT. This signature should be no more than six months old at the time you re-enter. (NOTE: If your F-1 visa has expired, you will need to renew it in order to re-enter the United States. Often embassies are hesitant to renew a visa only for OPT....so you should consider this before travelling outside the US while on OPT.)

### **Employment Questions:**

#### **What types of employment are allowed for post-completion OPT?**

- All OPT employment, including post-completion OPT, must be in a job that is related to the student's degree program. This employment may include:
  - **Paid employment.** Students may work part time (at least 20 hours per week when on post-completion OPT) or full time.
  - **Multiple employers.** Students may work for more than one employer, but all employment must be related to the student's degree program.
  - **Short-term multiple employers (performing artists).** Students, such as musicians and other performing artists may work for multiple short term employers (gigs). The student should maintain a list of all gigs, the dates and duration. If requested by DHS, students must be prepared to provide evidence showing a list of all gigs.
  - **Work for hire.** This is also commonly referred to as 1099 employment where an individual performs a service based on a contractual relationship rather than an employment relationship. If requested by DHS, students must be prepared to provide evidence showing the duration of the contract periods and the name and address of the contracting company.
  - **Self-employed business owner.** Students on OPT may start a business and be self-employed. In this situation, the student must work full time. The student must be able to prove that he or she has the proper business licenses and is actively engaged in a business related to the student's degree program.
  - **Employment through an agency.** Students on post-completion OPT must be able to provide evidence showing they worked an average of at least 20 hours per week while employed by the agency.
  - **Unpaid employment.** Students may work as **volunteers** or unpaid interns, where this does not violate any labor laws. The work must be at least 20 hours per week for students on post-completion OPT. These students must be able to provide evidence from the employer that the student worked at least 20 hours per week during the period of employment.

#### **How do I show that my employment is directly related to my degree program?**

- SEVP recommends that students maintain evidence — for each job — of the position held, proof of the duration of that position, the job title, contact information for the student's supervisor or manager, and a description of the work.
- If it is not clear from the job description that the work is related to the student's degree, SEVP highly recommends that the student obtain a signed letter from the employer's hiring official, supervisor, or manager stating how the student's degree is related to the work performed.

#### **Can I change employers if I am authorized for full-time OPT?**

- Yes. As long as the employment is related to your field of study, you can work for any employer or even multiple employers at once.

### When can I apply for a Social Security Number?

- You cannot apply for a social security number until the date listed on your EAD card. If you received a social security number for on-campus employment while you were a student, you will keep that number. (In Iowa, you will also need the social security number and your EAD card to extend your Iowa driving license for the period of your OPT.)

### What If I Cannot Find a Job?

***Under new OPT rules, students on OPT cannot accrue more than 90 cumulative days of unemployment during the 12-month period of OPT.***

- If you accumulate 90 days of unemployment, your legal F-1 status ends and you need to make arrangements to leave the U.S., start a new degree program, or change to a different status.
- Unpaid volunteering and self-employment – as long as they are related to the area of study – are included as “employment” during “regular” OPT. If you are having trouble finding a job you should consider seeking some volunteer opportunity of 20 hours/week or more in your field.
- Each day during the period when OPT authorization begins and ends that the student does not have qualifying employment counts as a day of unemployment. ***The only exception is that periods of up to 10 days between the end of one job and the beginning of the next job will not be included in the calculation for time spent unemployed.***

### What should I report to ensure that my status does not expire due to excessive unemployment time?

- Students are encouraged to report changes in employment to their DSO as soon as possible. SEVP recommends that students report changes within 10 business days of the change to avoid situations where a DHS official may determine the student is out of status.
- The following table suggests the best way to report employment or a change in employment:

Situation	Report
New job	• Name of the employer • Start date of employment • Mailing address for the employer
Change to a new job	• Name of the previous employer • Ending date of the employment with the previous employer • Name of the employer • Start date of employment • Mailing address for the employer
Multiple short-term gigs in one period with less than 10 days between gigs	• Report at the beginning of the first gig and indicate “Multiple short term gigs”
Work for hire (start)	• Indicate “Self-employed work for hire” • Indicate the start date of the contract

Work for hire (ending more than 10 days between the end of one contract and the beginning of another contract or a new job)	<ul style="list-style-type: none"> <li>• Indicate “Self-employed work for hire”</li> <li>• Indicate you have no current contract</li> <li>• Ending date of the last contract worked</li> </ul>
More than 10 days of unemployment	<ul style="list-style-type: none"> <li>• Indicate “unemployed”</li> <li>• Ending date of last job</li> </ul>
Self-employed business owner (start)	<ul style="list-style-type: none"> <li>• Indicate “Self-employed business owner”</li> <li>• Indicated date went into business</li> </ul>
Self-employed business owner (end)	<ul style="list-style-type: none"> <li>• Indicate “Self-employed business owner”</li> <li>• Indicate date business closed or student no longer worked for the business full time</li> </ul>
Student decides to exit the United States and complete his or her F-1 status prior to the end date of OPT	<ul style="list-style-type: none"> <li>• Indicate “Completing OPT and exiting the United States”</li> <li>• Date of exit</li> </ul>

**How should I report employment/unemployment information to my PDSO (International Student Advisor, Kate Zanger)?**

- At Clarke, we request that you report changes **within 10 days** to the International Student Advisor (PDSO) Kate Zanger, either by mail or by email to [kate.zanger@clarke.edu](mailto:kate.zanger@clarke.edu). SEVP recommends using e-mail as it provides both evidence of reporting and the date reported. Students should keep a record of all reports made to the PDSO and the method by which the report is made.

**What are the consequences of failing to report my employment/unemployment or address change information to my PDSO (International Student Advisor, [kate.zanger@clarke.edu](mailto:kate.zanger@clarke.edu))?**

- **DSOs are NOT responsible for determining if a student has exceeded the limit of unemployment time while on OPT.** DSOs are responsible for updating SEVIS with employment information provided by the student or the student’s employer. DHS will determine if the student has violated his or her status by exceeding the permissible unemployment period.
- **Students may be denied future immigration benefits that rely on the student’s valid F-1 status if DHS determines that the student exceeded the limitations on unemployment.** Additionally, ICE/SEVP may examine SEVIS data for an individual, a selected group, or all students on post-completion OPT and terminate a student’s record if it fails to show the student maintained the proper period of employment. In such cases, the student will be given an opportunity to show that he or she complied with all OPT requirements, including maintaining employment.
- Because of the possible serious consequences, students are encouraged to a) **report promptly** any changes; and b) **keep good records** of their reporting and their employment.

## **What Other Things Should I Know?**

### **Can I take classes while I am on OPT?**

- If you have graduated and have OPT, regulations allow you to take classes informally, as long as you maintain your OPT employment. However, if you begin a new course of study (i.e., a new degree program), this will automatically cancel your OPT authorization. You are also advised not to take a class that may later be used to satisfy new degree program requirements. For Example: Informal, part time ESL classes would be allowed. A full-time ESL program would not be allowed.

### **Can I change employers if I am authorized for the 12-month OPT?**

- Yes. There is no immigration-related procedure required for doing so. As long as the employment is related to your field of study, you can work for any employer or even multiple employers at once. However, you must report each change of employment to your DSO.

### **How long can I stay in the United States after my OPT expires?**

- Sixty days, unless you have obtained a new I-20 to enter a new degree program, applied to extend your OPT, or applied to change to another immigration status.

### **Can I return to school after completing OPT?**

- Yes. You need to obtain an I-20 for the next program of studies, and complete the USCIS procedure for moving to a "new level of studies" (if you resume studies at the same school) or the procedure for school transfer (if you go to a different school). Please note that if you transfer to a new school you are only allowed to remain in the U.S. for up to 5 months between the time your OPT ends and the new program of studies is to begin; if the time period is greater than 5 months, you will be required to leave the U.S. and can only re-enter within 30 days of the start of your new program of study.

### **If I have OPT for a year and return to school for another degree, can I have another year of OPT?**

- You will be eligible for another year of OPT if your new degree will be at a HIGHER level of study. For instance, if you obtained a Master's degree, did 12 months of OPT, then enter a PhD program, you will be eligible for another 12 months of OPT following the PhD program.

### **Can I request less than 12 months of OPT?**

- No. Previously students might ask for 6 months of OPT for a Master's degree, and save the remaining 6 months if they knew they would pursue a second Master's degree (i.e. the same degree level). This is no longer possible; OPT applications will automatically be approved for 12 months (or will end 14 months from graduation, whichever comes first).

### **If I apply for OPT and then decide not to use it, can I get my OPT time back?**

- If the USCIS has not yet issued your EAD at the time you decide you do not want OPT, you may request to withdraw your application. This is not always successful, so please talk to the adviser. If the EAD card has been issued, it is not possible to cancel and the USCIS will consider you to have used up your OPT even if you really did not work. Hence decisions to cancel MUST be made early before the EAD has been issued.

**I have heard that some students on OPT are now allowed to apply for an additional 17 month OPT extension. How can I do this?**

- Right now, the OPT 17 month extension is ONLY for students with certain academic majors, called the “STEM” fields (Science, Technology, Engineering, and Mathematics). The Master of Business Administration is not a STEM field and you will not be eligible for the extension.

**What if my employer agrees to sponsor my application for H-1B but my OPT will expire before the start date requested for the H-1B (usually October 1)?**

- Under the new regulations, duration of status and work authorization will be automatically extended for a student OPT who meets the follow criteria:
  - Your employer filed you H-1B application on April 1 requesting an employment start date of October 1 of the same year, requesting a change of status to H-1B
  - You have otherwise followed the F-1 regulations.
  - This automatic H-1B gap coverage” applies to all students on OPT. This means that even if your OPT ends before October 1 you will be able to remain in the US and continue working for the same employer who filed the H-1B for you until your H-1B becomes effective on October 1.
  - However, be aware that the extension of duration of status (ability to stay in the US) and work authorization will automatically terminate if your H-1B application is rejected, denied, or revoked.

**Tax and Other Information for Employers of Students on F1 Visas**  
***Students: Feel free to share this page of information with prospective employers!***

Employers may legally hire students in F-1 visa status for academically-related employment when they receive either Curricular Practical Training (CPT) or Optional Practical Training (OPT).

**TYPES OF EMPLOYMENT AUTHORIZATION**

CPT	In most cases, international students in F-1 status pursuing degrees at Clarke University are eligible for internships in their fields of study. This permission is granted by Clarke University and submitted to SEVIS, the immigration service's informational database.
OPT	Following graduation or completion of coursework, most students in F-1 status are eligible to accept up to 12 months of employment for "optional practical training" experience. This authorization is granted by U.S. Citizenship & Immigration Services. OPT is an extension of F-1 status that allows for a period of work.

**VERIFYING EMPLOYMENT ELIGIBILITY**

Employers must ensure that all students have the proper work authorization.

CPT	A SEVIS I-20 issued by Clarke University with the employment authorization (employer name, address, dates of validity) listed on Page 3.
OPT	An Employment Authorization Document issued by U.S.C.I.S., also known as I-688B. Note the expiration date of employment listed on the small, laminated card. In a few circumstances some may be eligible for a 17-month extension.

**TAXES**

Students who have been in the U.S. less than 5 years (and are therefore nonresidents for tax purposes) and who are on practical training off-campus are not subject to any FICA (social security) and Medicare withholdings. The mechanism for the exemptions are found under Internal Revenue Code 3121 (b)(19) and is available to persons in F-1, J-1, M-1 and Q immigration status. It is a blanket exemption with the only qualification being that the person be a nonresident for tax purposes and that the work is authorized (CPT, OPT, AT). IRS Publication 519 is a good resource.

Though F-1 and J-1 students working off campus are exempt from FICA, they are subject to the higher federal (and state) withholding for nonresident aliens.

Since it is cumbersome to request a refund of taxes withheld in error, it would be best if employers can make a determination of the student's tax status prior to withholding. In most cases, the student will be a nonresident alien and therefore not subject to the taxes mentioned above.

**COMPLETING THE I-9**

The employer should mark in Section 1 that he/she is "an alien authorized to work until" (date of expiration of work authorization). The admissions number is the 11 digit number given on both his/her I-20 or DS-2019 and the I-94 entry document.

For students on Optional Practical Training, the employer can use the I-688B to complete List A on the I-9. The document title is "Employment Authorization Document", issuing authority is CIS, document number and expiration can both be found on the front of the card.

For further information, see the U.S. Department of Justice Handbook for Employers, Publication M-274 available at <http://www.uscis.gov/files/nativedocuments/m-274.pdf>.

## **STUDENT RESPONSIBILITIES**

It is the responsibility of the student to insure that the job he/she takes on practical training is related to the degree he/she is seeking or has completed at the Clarke University. The student is also responsible for maintaining contact with Clarke University, as the institution is still responsible for the student's legal status in the U.S. Under federal immigration law, students have 10 days to report a change of name or address to the PDSO at Clarke University.

## **Some Final Reminders!**

### **\*\*\* Your Reporting Responsibility to Clarke\*\*\***

While on OPT you are still legally required to report certain information to the University. Changes to any of the following must be reported within 10 days of the event. To report, you must notify the PDSO, Kate Zanger (by mail or email).

**If you have any questions or are unsure about anything, just phone or email the PDSO (563.588.6517; kate.zanger@clarke.edu)**

- Changes in name or residential/ mailing address.
- Report your employer name, address, and supervisor's email within 10 days of any changes or new employment. (Include date you begin/end each employment.)
- Report if you change to another immigration status.
- Report if you leave your OPT employment before your OPT end date.
- Report if your e-mail addresses changes.

### **Students:**

*Remember that it is your responsibility to report this information to Clarke University, PDSO, Kate Zanger. Clarke University is not responsible for attempting to collect the information if you fail to provide it within the 10-day deadline. Please understand that your failure to provide the required information to Clarke University within the 10-day deadline could result in later problems between yourself and the USCIS.*

Sources for this handout:  
SEVP Policy Guidance 0801-01  
University of Iowa Office of International Students & Scholars