Optional Practical Training (OPT) Workshop

International Student & Scholar Services (ISSS)
OPT
OVERVIEW
What Is OPT?

• OPT is 12 months of off-campus work authorization granted by the U.S. Government (USCIS). This is available to all students in F-1 status.

• You are entitled to do one year (12 months) of OPT at each successive/higher level of study – one year for a Bachelor’s degree, then one year for a Master’s degree, then one year for a PhD.

• OPT is designed to give you work/volunteer experience in your major field of study.

• Students in the STEM fields (science, technology, engineering and mathematics) may, in certain circumstances, be eligible for a 24-month extension to their OPT.
OPT as a Benefit of Your F-1 Student Visa

- This means that OPT is available to everyone in F-1 status as long as they meet the eligibility requirements.

- Those eligibility requirements include:
  1. You are a student in valid F-1 status at the time of application.
  2. You are earning your degree at a US institution of higher education. Exchange/study abroad or non-degree students are not eligible for OPT.
  3. You have been enrolled as a full-time student and maintaining your status for at least one full academic year.
  4. Whatever employment you engage in is directly related to your major field of study.

- Students are issued an Employment Authorization Document (the EAD card) as proof that they have been approved for OPT.
Types of OPT

- There are three types of OPT. The type of OPT you will need depends on where you are in your academic program and what your specific circumstances are.

- The types of OPT are:
  1. Pre-Completion OPT (done before graduation)
     - Rarely used because there may be other, better options available
     - Limited to 20 hours per week while school is in session
     - Consult ISSS to discuss this option
  2. Post-Completion OPT (after graduation)
     - The most common type
     - 12 months of full-time work authorization
  3. 24 month STEM Extension
     - Only for people in the STEM majors (as determined by DHS CIP code list) working at least 20 hours per week, paid employment, for E-Verify employers
More on Pre-Completion OPT

• Pre-Completion OPT is most often used when students wish to work off-campus (in a job that is related to their major) but no other form of off-campus work authorization is available to them. Luckily, this is rare.

• Any time used in Pre-Completion OPT is counted against time for Post-Completion OPT (i.e. if you use 2 months of full-time pre-completion OPT, you have 10 months of full-time OPT remaining)

• To do Pre-Completion OPT, students must still be registered as full-time student during their period of employment (12 credits)

• Because of the registration requirement, Pre-Completion OPT is limited to 20 hours a week during the semester, but may be full-time during summer vacation.

• Each period of Pre-Completion OPT requires a separate application with USCIS (including the fee and 3 month wait time).

• Graduate students who are in the final stages of finishing their thesis/dissertation may do either Pre-Completion or Post-Completion OPT. Please consult ISSS for options.
More on Post-Completion OPT

• **You do not need a job offer to apply for OPT.**

• In order to do Post-Completion OPT, students must apply no more than 90 days prior to the completion of their program. Students may also apply up to 60 days after the completion of the program, but this is discouraged. The earlier the better – due to timing issues.

• The Post-Completion OPT application process with USCIS takes on average at least 90 days.

• To determine the end date of your program (not necessarily the end date on your current I-20):
  
  • For thesis/dissertation students, the program ends once your thesis/dissertation is defended, approved, and turned in to your department and/or Graduate Studies or the official end of the current semester.

  • For everyone else, your programs end on the last day of final exams for that semester Post-Completion OPT must begin anytime within 60 days after completion of program.

• **After the program end date, the student cannot work on or off campus, paid or unpaid, until he or she receives an EAD card and reaches the start date approved by USCIS.**
More on Post-Completion OPT (continued)

- Once a new I-20 for OPT is issued by ISSS, the application must be received by USCIS no more than 30 days after that I-20 was printed by ISSS.

- If you apply for Post-Completion OPT, but do not graduate as planned, the OPT application can be cancelled (before approval by USCIS) and the I-20 extended for another semester.

- If you do not apply for and use your year of OPT at the time you are eligible, you will lose the right to do OPT. You cannot “save it for later.”

- For thesis/dissertation students, you can choose to do either Pre-completion or Post-completion OPT in the semester/term prior to completing your programs. Please consult ISSS to discuss the pro’s and con’s of both types of OPT and to decide which option is better for you.
Recommended time frame to apply for OPT is 90 days before completing your degree program.

May apply for post-completion OPT up to 60 days after completing your degree program.

OPT authorization will start no more than 60 days after your program completion date and end within 14 months of your degree program completion date.
More on the OPT STEM extension

- Students majoring in a STEM field may apply for an additional 24 months of OPT (for a grand total of 36 months) following their year of Post-Completion OPT.

- Students in the STEM fields (Science, Technology, Engineering and Mathematics) are identified by the CIP codes associated with their majors as identified on a list produced by the US government. Consult ISSS if you have questions about your major being on this list.

- Your employer must also be registered with the E-Verify System for you to qualify for the extension, and you must complete an I-983 training plan with the employer.

- The earliest you can apply for the extension is 90 days before your initial 12 month OPT period ends, and you must apply prior to the EAD card expiring.

- Students are eligible for up to two OPT STEM extensions per lifetime. OPT STEM must immediately follow an approved 12-month post-completion OPT period.
Limited Periods of Unemployment Allowed Under OPT

- Students on OPT are allowed no more than 90 days of unemployment throughout their 12 months of OPT.
- This 90 days is **cumulative** over the entire 12 month period. Once it is used up, there is no more.
- The 90 days may be used at the beginning of OPT to look for employment. Be very careful if using your time this way.
- After 90 days of unemployment, you are out of status and are expected to go home immediately. There is no grace period time in this case.
- Volunteer work, as long as it is related to your major, counts as employment under OPT. This may help guard against the use of unemployment time. Please be careful to ensure that your volunteer works meets all other Department of Labor requirements and carefully document any time spent volunteering.
- Students with OPT STEM extensions are allowed an additional 60 days of cumulative unemployment during the 24 month extension period.
- It is very important that you update ISSS on your employment by filling out the “OPT Data Form” and sending it to ISSS. **You are legally required to update ISSS within 10 days of any change to employment, personal and/or status information.**
Travel While on OPT

• Traveling outside the USA is possible while on OPT, if you follow these guidelines:

1. Traveling after the application submission, but before graduation has some risk. Consult ISSS first.

2. Traveling after graduation, but before your OPT is approved may be possible with additional documentation, but it can be even riskier. Please consult ISSS if you need to travel at this time.

3. Once OPT has been approved and you have the EAD Card, you must have certain documentation to travel in and out of the USA. This includes:
   • A valid passport (6 months validity remaining)
   • A valid F-1 visa
   • A valid I-20 with the OPT listed on page 3 (with a signature for travel less than 6 months old)
   • A valid EAD Card
   • An offer letter from your employer – if you do not have a job, DO NOT TRAVEL!

• If you need to renew your visa to re-enter the USA, you will need to renew your F-1 student visa at a US Consulate overseas.
Grace Periods

• F-1 students have a 60 day grace period to remain in the USA after the completion of their academic program.

• Post-Completion OPT must begin within this 60 days. Remember: apply early – it takes 90+ days to be approved for OPT.

• An additional 60 day grace period will be allowed at the end of OPT. This does not apply to students that have used all their unemployment time – they are out of status.

• Once you apply for OPT, you are in a pending status, not a grace period, following graduation. Pending status refers to the time when your application is still pending with USCIS. You may remain in the United States while the OPT application is pending.
Health Insurance while on OPT

• You must have health insurance while on OPT. If you are working full-time, employers are required (by law) to provide you with some form of health insurance.

• What happens while you are looking for a job?
  1. If you currently have the HTH International Student Insurance, you can continue on with that coverage by re-enrolling within 30 days after graduation.

  2. If you are covered under a university policy because you are a GA/TA/RA, you have two choices.
     • COBRA – an extension of your current benefits (more expensive)
     • GeoBlue – less expensive, but you have to enroll BEFORE graduation.

• For insurance questions, please contact Henny Jong-Futerko, Health Insurance Coordinator, at IntInsurance@albany.edu.
H-1B CAP GAP Extension

• Applications for most H-1B visas are accepted by USCIS starting on April 1st, and the visa status takes effect on Oct. 1st.
• This means that students whose EAD cards expire between April 1st and October 1st may experience a “gap”
• Cap-gap extends the work authorization for eligible students who have timely filed H1b applications with USCIS that fall under the cap
• If you believe you are eligible for a cap-gap extension of status and/or work authorization, contact ISSS. ISSS will need proof from USCIS of a timely filed, receipted, or approved H1b application before issuing a new I-20 for cap-gap extension.
• Please wait for your approval notice before contacting ISSS. We cannot respond to inquiries like “Can you check to see if my I-20 has been updated so I can know if I got the H-1B?” USCIS, not SEVIS, is the agency which can provide information on the status of H1B applications.
Reporting Requirements While on OPT

• When you receive your EAD card, make a photocopy and give it to ISSS.
• Even though you have graduated and moved on to OPT, you are still on an F-1 visa/I-20 through the University at Albany. We are required to report certain information about you to SEVIS, even though you are no longer enrolled here.
• You will need to report the following events to ISSS within 10 days of their happening:
  • You move and change your address (change your “SEVIS USA” address in MyUAlbany)
  • You start a new job, end employment, change employers, or other information regarding your employment changes
  • Your visa status changes
• You will need to report to ISSS every six months, even if nothing changes.
• ISSS will e-mail you an OPT Data Form to have you update your information – do not ignore these e-mails. The form is also available on our website at: http://www.albany.edu/isss/assets/OPT_data_form_January_2017.pdf
• Once you fill out the OPT Data Form, e-mail it to ISSS at ISSS@albany.edu.
APPLICATION

PROCESS
OPT Application Process

There are two steps to the application process:

1) Apply to ISSS for a new I-20 Form for OPT

2) Apply to USCIS for an EAD card after you get your new I-20
Step 1

I-20 Application Process
Step 1: I-20 Application Application Materials

To apply for a new I-20, submit the following documents to ISSS:

- Completed ISSS application form with academic advisor’s approval;
- Completed I-765 form;
- Completed G-1145 form;
- Photocopy of current Form I-94 (both sides) or electronic I-94 (https://i94.cbp.dhs.gov)
- Photocopy of identity pages in passport, including expiration date and most recent F-1 visa stamp;
- Photocopies of all previous I-20s;
- Employment offer letter (if any).

Make 2 sets of photocopies, one to turn in to ISSS and one to send to USCIS. ISSS will not return the photocopies to you.

*Remember, it takes 5-7 business days to get a new I-20!!!*
Step 1: I-20 Application Tips
Completing the ISSS Application

- Be sure to include the date that you would like to start working as the “Start Date Requested for OPT”. Remember, your OPT MUST begin within 60 days after the completion of your program – but you need to pick the date. Consult ISSS if you have any questions.

- The bottom of this form must be completed and signed by your academic advisor (not ISSS).
Step 1: I-20 Application tips
Completing the I-765

• In the I am applying for section, check the top box – “Permission to accept employment”.

• For question 3 – Address – ISSS recommends that you use our mailing address and have your EAD card sent here. If you want your card mailed to us, please use: 1400 Washington Ave., ISSS, SL G-40, Albany, NY 12222

• The codes for question 16 are:
  • (C)(3)(a) for Pre-Completion OPT
  • (C)(3)(b) for Post-Completion OPT
  • (C)(3)(c) for the OPT STEM extension

• Only answer question 17 if you are filing for the OPT STEM extension.
Application For Employment Authorization
Department of Homeland Security
U.S. Citizenship and Immigration Services

For USCIS Use Only

Check that the date of the form has not expired.

Your I-94 number is the admission number at the top of the I-94.

If you have never before applied for an EAD card, check no.
If you have applied for an EAD card in the past, check yes and complete the additional questions.

You can find information for numbers 12-15 on your most recent I-94 (https://www.cbp.gov) and under the Travel History section of the I-94. If the travel history does not accurately reflect your last entry, please consult an ISSS advisor.

Your EAD card will be mailed to this address. This address must be clearly identifiable to be delivered. In your mailbox, please make sure your name is written inside. You may put the ISSS office address if you are unsure where you will be living.

ISSS address:
First Line—ISSS, SL G-40,
1400 Washington Ave
Second Line—Albany, NY 12222

(c) (3) (B) - Post-Completion OPT
(c) (3) (A) - Pre-Completion OPT

Please note: There are now two pages to the I-765
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.

19. (c)(35) and (c)(36) Eligibility Category

a. If you entered the eligibility category (c)(35) or (c)(36) in Question 16 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 Numbers 19.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 Question 16.

Applicant's Signature [Signature]

Date of Signature (mm/dd/yyyy) [02/21/2017]

Telephone Number [5185918172]

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 [Signature]

Date of Signature (mm/dd/yyyy) [ ]

Printed Name [ ]

Address [ ]

Sign and date the form. While all other sections of the form can be typed, your signature must be an original signature in blue or black ink. Include your phone number and date.

Most students should leave this section blank. This section should only be completed if someone else is completing the form and filing it on your behalf (such as a lawyer or company).
Step 1: I-20 Application tips
Completing the G-1145

• By completing this form you give USCIS permission to send you e-mail/text message notices of your application progress.

• You will still get notices in the mail.
Step 1: I-20 Application Submission Procedures

• Submit completed OPT application forms and copies to the front desk at the Center for International Education and Global Strategy.

• ISSS processing time is 5-7 business days so please plan ahead!
Step 2

EAD Application Process
Step 2: EAD card application

Application Materials

To apply for an EAD card, submit the following to USICS:

- A money order, certified check or personal check for the amount of $410, payable to U.S. Department of Homeland Security; make sure your name is somewhere on the check/money order
- Cover letter addressed to the Dallas Lockbox USCIS processing center;
- Completed Original Form I-765;
- Photocopy of the new Form I-20 issued for OPT (do not send the original);
- Photocopies of all Form I-20 ever received (pages 1 and 3 for old formatted I-20s, page 1 and 2 for newly formatted I-20's);
- Photocopy of current Form I-94 (both sides);
- Photocopy of identity pages in passport;
- Photocopy of most recent U.S. Visa;
- Two identical passport photographs, with white background; see guidelines at http://www.albany.edu/issis/forms.php#photo
- Photocopy of any previous Employment Authorization Document (EAD) issued to you (both sides);
- Form G-1145 E-Notification of Application/Petition Acceptance (optional)
Step 2: EAD card application tips

Check or Money Order

- Personal checks or money orders only. USCIS does not accept cash, credit cards or debit cards.
- Be certain that you have sufficient funds in account to cover check at all times – the check could be deposited at ANY time.
Step 2: EAD Card Application Tips

- Send the **Originals** of:
  - Cover letter addressed to USCIS Dallas Lockbox
  - Form I-765 – make sure USCIS can tell it’s original: use blue ink, don’t use felt tip pens (they look like photo copies)
  - Form G-1145 (optional)
Step 2: EAD Card Application Tips

• **Send Copies of:**
  - The new I-20 ISSS has just given you
  - All of your old I-20s
  - Passport – page(s) showing: photo, name, date of birth, expiration
  - Visa – most recent visa in your passport
  - I-94 – most recent one. You can print it out at [http://i94.cbp.dhs.gov](http://i94.cbp.dhs.gov)
  - Both sides of any previous EAD card issued
  - Employment offer letter (if any)
Step 2: EAD Card Application Tips Submission Procedures

• Make a copy of your application packet for your own records.

• All applications should be mailed so that they can be tracked. This could be through the postal service certified mail, return-receipt requested or expressed mailed (by the student). However, remember that this is a lockbox facility, so do not request a signature for receipt.

• The addresses to mail your application to are found in the OPT packet.
Important Reminders for OPT Application

- USCIS must receive your application **within 30 days of the creation of the new I-20. Failure to submit on time will result in a denied OPT application. This is the most common reason we see a denial.**

- Completion of all course requirements of academic program of study should be the same semester during which the application for OPT takes place.

- The current end date listed on the I-20 form will be shortened to the official program completion/graduation date for the semester you apply for OPT (remember– no work on or off campus after this date!).

- If unsure whether you will graduate during a given semester, talk with an ISSS member before submitting your application.
AFTER THE APPLICATION PROCESS
After OPT Application Submission

• Receipt for application usually arrives 3-4 weeks after mailing (I-797)

• We do not recommend that you travel outside the US while your OPT is pending.

• It takes approximately 3 months to receive your EAD card.

• You cannot start working until you receive your EAD card.

• If you receive an RFE (Request for Evidence) from USCIS, please contact ISSS immediately for assistance.
OTHER IMPORTANT OPT INFORMATION
Other Information

• For complete requirements and application instructions, please consult the OPT for F-1 Students Application Packet located at http://www.albany.edu/isss/forms.php#OPTSTEM

• Update ISSS of any changes that occur during OPT (employer information, visa status changes, etc.) by filing an OPT Data form located at http://www.albany.edu/isss/forms.php#OPTSTEM

• Keep your address and e-mail up to date in MyUAlbany.

• ISSS will also e-mail you the OPT Data Form periodically during OPT. When you get these emails, please report in. Do not ignore them.

• You can check the status of your OPT case at www.USCIS.gov by clicking “Check Your Cases Status” at the bottom and entering your receipt number.
Questions?
Contact our Office

E-mail: isss@albany.edu

Web: www.albany.edu/isss

Phone: 518-591-8189

Fax: 518-591-8171

Science Library, G-40