Optional Practical Training (OPT) Workshop

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Overview

- As a student applying for OPT, you are responsible for knowing and understanding all federal regulations pertaining to OPT and your F-1 status prior to applying for OPT. This includes all of the information included in this presentation.

- As international student advisors, we are responsible for providing you this information and answering your questions.

- While on OPT, you are still in F-1 student status. This means that you continue to be under the University for immigration purposes, and you must continue to report regularly to the ISSS office and the University at Albany.
What Is OPT?

OPT stands for “optional practical training.”

OPT is designed to give students work/volunteer experience in their major field of study; it is the “practical training” and application of skills/knowledge learned from the program.

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

Students are eligible to do one year (12 months) of OPT at each successive/higher level of study:

- One year for bachelor’s, one for master’s, and one for doctorate. Students only do OPT once per degree level.

Students in the STEM fields (science, technology, engineering and mathematics) may, in certain circumstances, be eligible for a 24-month extension to their OPT.

If USCIS approves a student for OPT, the student will receive an Employment Authorization Document (EAD card) as proof of work authorization.
Eligibility Requirements for OPT

- OPT is a benefit of F-1 status. It is available to F-1 students as long as they are eligible.

- The eligibility requirements for OPT include that:
  1. The student is in a valid F-1 status at the time of application
  2. The student is earning his/her degree at a US institution of higher education.
     - Exchange/study abroad or non-degree students are not eligible for OPT
     - To be eligible for post-completion OPT, the student must have completed his/her degree program.
  3. The student has been enrolled as a full-time student for at least one full academic year and is maintaining status.
  4. The student intends to only engage in employment that is directly related to his/her major field of study.
This presentation is primarily intended for students applying for post-completion OPT (i.e. work authorization following the completion of studies and/or graduation). If you are interested in pre-completion OPT or STEM OPT, please consult at ISSS advisor during advisement hours.

- **Students do not need a job offer to apply for OPT.**

- The application is a two step process:
  
  1. The student requests an I-20 from ISSS recommending him/her for post-completion OPT (average processing time is 5-7 business days)
  2. The student files a complete OPT request, including a copy of a new I-20 from ISSS, to USCIS within the acceptable filing period (average processing time is 90 days or more).

- If a student does not apply for and use the 12 months of OPT at the time he/she is eligible to apply, the student forfeits their OPT. OPT cannot be “saved for later.”

- If you apply for post-completion OPT and find out you are not graduating as planned, **speak to an ISSS advisor immediately.** This may cause serious issues with your application because post-completion OPT is for students who have “completed” all degree requirements.
The earliest a student may file with USCIS is 90 days before the program end date, and the latest USCIS may accept an application is 60 days after the program end date.

Due to new/updated policies, it is imperative that you take advantage of your full 90 days advance time period to submit an OPT application.

Additionally, a student must file within 30 days of when ISSS recommends the student for OPT.

You can determine this date by looking at the date that prints on page 1 of your new I-20 (next to the advisor’s signature).

Please Note: Failure to file within the proper time frames is the most common reason for an F-1 OPT denial.
Filing Period for OPT

To determine the end date of your program (not necessarily the end date on your current I-20):

- For Master’s/Bachelor’s students: the program end date is the last day of final exams of the semester you are graduating. Ask ISSS for the exact date.

- For thesis/dissertation students: your program end date, upon consultation with your academic advisor and ISSS, could be:
  - The date you defend successfully (as long as all other course work is completed)
  - The date you submit your thesis or dissertation (as long as all other course work is completed)
  - The last day of final exams of the semester you are graduating

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.
Choosing an OPT Start Date

- Students may request an OPT start date within 60 days of the program end date.
  - Example: Students whose program end date is December 18, 2018 may request an OPT start date between December 19, 2018 and February 15, 2019.

- When selecting a start date, keep in mind that:
  1. You cannot begin work until your OPT is officially approved by USCIS and you have received the EAD card in hand
  2. USCIS takes on average 90 days or more to process and approve an OPT application
  3. Your 12 months of employment AND 90 days of unemployment will start counting from the start date on the EAD.

- USCIS officers adjudicating your case ultimately decide upon your start and end dates.

- If you choose a start date and USCIS is unable to process/approve the request by that date, you run the risk of losing employment time and possibly accumulating unemployment time, as the USCIS may:
  - Update your start date to the date approved, but not change the end date
  - Not update your start date (therefore you would have been accumulating unemployment)
  - The very last end date an officer can assign regardless of when the OPT is approved is 14 months after your program end date.
OPT authorization will start no later than 60 days after your program completion date, and the OPT will end within 14 months of your degree program completion date (at the latest).
Post-Completion OPT Timetable Based on Fall 2018

- **Filing Period with USCIS for OPT**
  - **Filing period opens 90 days prior:** September 17, 2018
  - **Program End Date:** December 18, 2018
  - **Eligible Start Dates:** 12/19/18 - 2/15/19
  - **Filing period closes 60 days later:** February 15, 2019
  - **14 months later (last possible date of OPT authorization):** February 14, 2020
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.

- Once you have applied 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.
  - If the application is denied, revoked, or withdrawn and you are more than 60 days past your program end date, you must leave the United States immediately.

- If your OPT is approved, your 60 day grace period will take place at the end of your OPT period. This does not apply to students that have used all of their unemployment time or otherwise failed to maintain status.
  - Students who exceed the allowed unemployment time are considered to have violated status and therefore do not get a grace period.
Acceptable Employment on Post-Completion OPT

- ISSS does not approve your employment as appropriate OPT work, we only report your information to SEVIS.

- Students must work a minimum of 20 hours per week in work directly related to their field of study to be considered fully employed.

- Employment may be paid or unpaid, including volunteer work.
  - The key is that any and all employment is directly related to your field of study.

- Students may have multiple employers.
  - But again, all employment must be directly related to your field of study.

- All employment, and changes in employment, must be reported to ISSS so that it can be reported in SEVIS.

- Work cannot begin until the OPT is approved and the student has physically received the EAD card.
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.

- This includes weekends and time outside the United States (unless the time outside the United States is approved by your employer and you are still considered to be their employee, as is the case for business trips and approved leave from an employer).

- If a student exceeds 90 days of unemployment he/she has violated status. To avoid violating status, before exceeding 90 days unemployment the student must leave the United States immediately (there is no grace period) or transfer to start a new full-time degree program.

- 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.**

- SEVIS has the capability to automatically terminate any student who exceeds the allowed 90 days of unemployment.
Federal regulations require that F-1 students on OPT report any of the following changes **within 10 days** to their DSO (i.e. the ISSS office):

- **Demographic/Contact Information Changes**
  - Changes to your physical residence in the United States = update your SEVIS USA address in MyUAlbany
  - Changes to your email and/or phone number = update your demographic data in MyUAlbany
  - Changes to your legal name = provide documentation to ISSS

- **Employment Changes**
  - Including but not limited to: starting a new job; adding a second job; ending of employment; change in employer address/number of hours/payment/position titles and duties

- **Status Changes**
  - If you change status (i.e. approved for H1b, Permanent Residency, etc…)
  - If you leave the United States and do not plan to return for further employment under OPT
  - If you plan to enroll full-time at a new school

- **Provide ISSS a copy of your EAD card when you receive it**

- **You must check in and verify all of the above information with ISSS every 6 months, even if nothing changes.**
How to Report Changes to ISSS

- Please update ISSS using the OPT Data Form, which you can find on the forms page of our website: [https://www.albany.edu/isss/forms.php#OPTSTEM](https://www.albany.edu/isss/forms.php#OPTSTEM)

- Email this form to ISSS@albany.edu. Allow 5-7 business days for processing and reporting

- While ISSS sends auto-reminder emails to students who have not reported employment or are due for a 6 month report, it is ultimately the student’s responsibility to remember to report

- If you have changed status, please include documentation (such as an approval notice from USCIS)

- Report address, e-mail and phone number changes through the Demographic section of MyUAlbany
SEVP allows students to view and report certain information through an SEVP Portal, which then transfers that information to SEVIS.

Students may still report through ISSS using the OPT Data Form and then use the Portal as a “read-only” platform to check the information. This way ISSS can still evaluate your information for any errors.

The system is a free (no charge) system, meaning at no point in using it will you be required to provide any payment information or Social Security Number. If you see anything suspicious or believe any emails you receive may be fraudulent, please contact ISSS for guidance.
Students are expected to receive an email from do-not-reply.sevp@ice.dhs.gov. This is the only email address Portal information will be sent from. In order for a student to receive an email invitation to the portal, the student must:

- Have been approved for OPT by USCIS (and received the EAD card)
- Currently be on the OPT program (i.e. past the approved start date on the EAD)
- Have a current, up to date email address in MyUAlbany (this is the email address in SEVIS)

More information is available on our website under the “Forms” tab (https://www.albany.edu/issss/assets/Instructions_for_Using_the_SEVP_OPT_Portal.pdf)
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. Travel is not advised. 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. Travel is not advised. Please consult ISSS if you need to travel at this time.

3. Once you have your EAD card and you have reported employment to ISSS, you may travel with the following documents:
   - A valid passport (6 months validity remaining)
   - A valid F-1 visa
   - A valid I-20 (with a signature for travel less than 6 months old from the date re-entering)
   - A valid EAD Card
   - A letter from your employer—Make sure your employment has been reported to ISSS before travelling.

If you do not have a job, do not travel!
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 University 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)
     - University Insurance (UnitedHealthcare) – less expensive, but you have to enroll BEFORE graduation.

- For insurance questions, please contact Henny Jong-Futerko, Health Insurance Coordinator, at IntInsurance@albany.edu.
Students majoring in a STEM eligible field may be eligible to 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.

- Consult ISSS if you have questions about your major being on this list.
- Eligible codes are determined by DHS, and your code is set in cooperation with the accrediting agency for the University, so ISSS cannot change these codes.
- Students may apply for up to two STEM extensions per lifetime.

The earliest students can apply for a STEM extension is 90 days before the post-completion OPT EAD expires, and students must apply to USCIS before the EAD expires. **Before applying with USCIS, students must obtain a new I-20 from ISSS.**
**OPT STEM Extension - General Information**

- **Employment requirements for STEM extension:**
  - the employer for a STEM extension must be e-Verified
    - Use the E-Verify Employers Search Tool: [https://www.uscis.gov/e-verify/about-program/e-verify-employers-search-tool](https://www.uscis.gov/e-verify/about-program/e-verify-employers-search-tool)
    - Many large employer are NOT e-Verified
  - the employment must be paid employment at least 20 hours per week
  - The employer and student must complete an I-983 Training Plan
  - The employer and student must have a bona-fide employer/employee relationships
    - Students cannot be self-employed on STEM.

- Students who are considering a STEM extension should be looking for this type of employment, because students must already have secured employment meeting the requirements BEFORE applying for a STEM extension
H-1B CAP GAP Extension

- Most private employers fall under what is called the H1b “cap,” meaning there are a set number of H1b visas USCIS approves each year
  - Some institutions, most notably universities, are “cap-exempt.” If you work for a cap-exempt employer the cap-gap extension does not apply to you
- H1b filing opens April 1st each fiscal year, but H1bs (if approved) don’t take effect until October 1st
  - The cap-gap is intended to fill the “gap” in work authorization for F-1 students on OPT who have been approved or have a pending H1b, but whose EAD will expire before October 1st
- To be eligible, the F-1 student must be in status on the date of filing
  - To be eligible for a work authorization extension under cap-gap, the student must also have a valid EAD card on the date of filing
- Students whose employers have sponsored them for an H1b and believe they qualify for a cap-gap extension may contact ISSS for a new I-20 showing the cap-gap extension. Evidence of filing must be included (such as a receipt notice from USCIS)
- Cap-gap extensions immediately end if an H1b application is denied, revoked, or withdrawn
- ISSS does not advise on H1b applications and cannot check the status of your H1b application.
- Helpful resource to see if employers sponsor: https://www.myvisajobs.com/
OPT Denials

- Based on updated USCIS guidance regarding unlawful presence and NTAs ("Notices to Appear") OPT denials could have potentially serious consequences.

- If you receive a denial, RFE (request for evidence), or NTA please contact ISSS immediately so that you can be referred out to an immigration attorney as appropriate. Individual circumstances may determine how you should proceed.

- Generally, If your OPT is denied and you are past your 60 day grace period you should make plans to depart the United States immediately. Unlawful presence may begin accumulating.

- Unlawful presence can result in bars from entry to the U.S. Individuals who accrue more than 180 days but less than one year of unlawful presence and depart voluntarily may be barred for 3 years. Individuals who accumulate one year or more of unlawful presence may be barred for 10 years (whether they left voluntarily or were removed).

- USCIS has previously stated that they may issue NTAs for denied applications. An "NTA" is a notice to appear before an immigration judge for deportation proceedings. As of August 2018 that policy has been delayed.

- With these new/updated policies, it is imperative that you take advantage of your full 90 days advance time period to submit an OPT application.
APPLICATION PROCESS
There are two steps to the application process:

1) Apply to ISSS for a new I-20 Form for OPT (5-7 business days for processing)

2) Apply to USCIS for an EAD card after you get your new I-20 (on average 90 days or more to process)
To apply for a new I-20, submit the following documents to ISSS:

- Completed ISSS OPT application form with your academic advisor’s signature of 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 your identifying passport page
- Photocopy of your most recent F-1 visa and F-1 entrance stamp
- Photocopies of all previous I-20s (including I-20s from previous schools)
- If applicable: photocopies of previous EAD cards; employment offer letter

**Take 3 photocopies: one for you, one for ISSS, and one for USCIS**

*Remember, it takes 5-7 business days to get a new I-20! Your application must be complete before processing can begin.*
You must list your requested start date on the ISSS OPT I-20 request form. Remember, your OPT MUST begin within 60 days after your program end date.

The second page of the form must be completed and signed by your academic advisor (not ISSS). Your advisor must verify that you are expected to complete that term.

If you are not sure that you will complete all of your requirements for graduation in that term, speak with an ISSS advisor before submitting your application.
The I-765 form is a USCIS form; it is 7 pages long. All 7 pages must be submitted to USCIS with your OPT request.

USCIS provides instructions for how to complete the form. Please read all of these instructions carefully.

The student is responsible for completing the form correctly because the student is the applicant. While ISSS offers resources to students, ISSS does not complete the form or hold responsibility for whether the form is completed correctly. Please follow the USCIS instructions carefully to ensure you fill it in accurately.
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 official notices in the mail, which you must keep. These notices are important legal documents.

- You should still get the notifications in the mail.
Step 1: I-20 Application Submission Procedures

▶ Submit completed OPT application 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. To be fair to all students, we process applications in the order they are received.

▶ You will receive an email once the application is complete.
Step 2
EAD Application Process with USCIS
Step 2: EAD card application
Application Materials

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

- 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 (included in OPT packet)
- Completed Original Form I-765
- Completed Original Form G-1145
- Photocopy of the new Form I-20 issued for OPT (do not send the original)
- Photocopies of all Forms 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 if cardstock, or 1 page if electronic I-94 printed from https://i94.cbp.dhs.gov)
- Photocopy of identity page in passport
- Photocopy of most recent F-1 visa
- Two identical passport photographs, with white background; see guidelines at http://www.albany.edu/isss/forms.php#photo. Students are advised to write their name and I-94 number on the back of their photos.
- Photocopy of any previous Employment Authorization Document (EAD) issued to you (both sides)
- Changed status to F-1 in the U.S.? See an advisor regarding additional documentation which may be needed.
Step 2: EAD card application tips

Check or Money Order

- Checks or money orders preferred. Credit cards possible but risky. USCIS does not accept cash.
- 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

- Only send originals of the cover letter, I-765, G-1145, check and passport photos.
- Everything else must be a photocopy, because you will not get anything back.
- 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.
- Save the delivery receipt with a copy of your application.
- 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 for an OPT denial.
- 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 you are unsure whether you will graduate during a given semester, talk with an ISSS member before submitting your application.
After OPT Application Submission

- Make sure your name is written in the mailbox of the address listed on your I-765

- You should receive three documents in the mail from USCIS. Keep these documents since they are official documents:
  - Receipt notice (arrives approximately 3-4 weeks after filing)
  - Approval notice (arrives approximately 90 days after date of filing)
  - EAD card (arrives approximately 1-2 weeks after OPT is approved)

- 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.
For the application and additional instructions, please pick up the OPT application from the ISSS office or view it on our website:

https://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. If you move while OPT is pending, consult ISSS for advice.

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

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Science Library, G-40