

Optional Practical Training

Employment Authorization for International Students in F-1 Status Before or After Completion of Studies

International students in F-1 immigration status are permitted to work off-campus with certain restrictions. The U.S. Citizenship and Immigration Services (USCIS) regulates the various types of employment authorization available to international students. Regent's Office of International Student Services (OISS) is the only office on campus authorized to provide information and advice to F-1 international students seeking employment authorization. Optional Practical Training (OPT) is just one type of employment authorization available to students in F-1 status. All students who plan to work in the U.S. must obtain a social security number for employment and taxation purposes. Details about the social security number application can be found in the "International Student Handbook", under the "Current Students" page of the OISS website.

What is OPT?

Optional Practical Training is a benefit of the F-1 status. It is a form of employment authorization that allows F-1 international students to engage in temporary employment for practical training in an area which is "directly related" to the student's "major" area/field of study. OPT can be done before or after the completion of the degree. **Students are not required to have a job offer to apply for OPT and the employment may occur anywhere in the U.S.** As of January 1, 2003, "a student may be authorized 12 months of practical training, and becomes eligible for another 12 months of practical training when he or she changes to a higher educational level." Following are the rules regarding pre-completion OPT--which is done before the student has completed ALL requirements for the degree (including all coursework and thesis/dissertation); and post-completion OPT--which is done after the student has completed ALL requirements for the degree.

► Pre-completion OPT

--Students who still have required coursework remaining for degree completion may only engage in part-time pre-completion OPT (20 hours or less) during Fall/Spring semester and MUST be enrolled in classes full-time. These students may engage in full-time pre-completion OPT only when school is not in session.

--Students who have completed all required coursework for the degree, but still need to complete their thesis or dissertation, can apply for full-time pre-completion OPT while making normal progress for degree completion.

--Students can apply for pre-completion OPT up to 90 days prior to completing their first academic year in F-1 status, but the period of employment cannot start prior to the completion of the first academic year. Students who have already completed their first academic year in F-1 status can apply for OPT up to 120 days in advance.

► Post-completion OPT

--OPT MUST be full-time after the completion of the degree (40 hours/week).

--A student cannot request an employment start date that is more than 60 days after the degree completion date, and all post-completion OPT must be completed within 14 months after completion of the degree.

--Applications for post-completion OPT cannot be submitted more than 90 days prior to the degree completion date. Applications must be received by USCIS within 60 days after the completion of the degree and within 30 days after the OISS/DSO has recommended the student for the benefit in SEVIS.

--Those on post-completion OPT can no longer accrue more than 90 days of unemployment.

Eligibility Requirements For OPT

► F-1 students will qualify for OPT once they have been "lawfully enrolled on a full-time basis, in a Service-approved college, university, conservatory, or seminary for one full academic year." [214.2(f)(10)]

► Students must have maintained lawful F-1 status to qualify for the OPT benefit.

► The proposed employment must be "**directly related**" to the student's "**major**" area/field of study.

► Students who have engaged in 12 months or more of full-time Curricular Practical Training (required academic internships) are not eligible for the OPT benefit.

(over)

OPT Authorization Period

One 12 month period of Optional Practical Training is now available to eligible F-1 students for each degree level that is pursued in the U.S. The 12 month OPT period can be divided throughout the student's course of study. For example, 3 months of full-time OPT authorization can be obtained **during** the summer of one's master's degree, and 9 months of OPT authorization will still remain for **after the completion** of the master's degree. Any part-time pre-completion OPT (20 hours/week or less) will be deducted from the 12 month total at a 50% rate. (For example, 4 months of part-time OPT will count as 2 months of full-time OPT, which will leave 10 months of OPT remaining.) **Each request for part-time or full-time OPT requires a separate application and a separate fee is required for each application.** Post-completion OPT cannot be divided once the degree has been completed. **All post-completion OPT must be completed within 14 months after completion of the degree.** (SPECIAL NOTE: As of 4/8/08 the maximum period of OPT has been extended from 12 months to 29 months in total for students who have degrees in STEM fields (Science, Technology, Engineering, and Mathematics) who work for special E-Verify employers. The 29 month eligibility only applies to students in STEM fields, which do not pertain to Regent University students.)

The Application Process

Once a student has mailed his/her application for OPT to the USCIS Service Center, it takes USCIS approximately two-three months to process the application. **OPT application packets will only be distributed at the required OPT Information Sessions, offered by the OISS, which will be advertised through the OISS newsletters and emails.** After attending an Information Session, you must make an appointment with the OISS to have your application reviewed and processed in the SEVIS system. After mailing your application to the USCIS, with the appropriate fee payment, you will either receive a "Request for Evidence" or a Form I-797 (Notice of Action/Receipt Notice) within several weeks. **If you receive a "Request for Evidence", you should notify the OISS immediately and respond to the request.** The I-797 will indicate that your application has been received and is being processed by USCIS. If you do not receive I-797 after 4 weeks, you should contact the OISS. If the USCIS is satisfied that you qualify for OPT, you will receive an "Employment Authorization Document" (EAD). **The EAD will be mailed to the address on your I-765 application form and will NOT be forwarded to any other address.** The EAD will include your photo and authorized dates of employment. **► It is a serious violation of the F-1 immigration status to work before or after the dates authorized by USCIS on your EAD. ◀**

Requirements for Maintaining Lawful F-1 Status With OPT

In order to maintain lawful F-1 status while you are on OPT, you MUST:

- Continue to enroll full-time for pre-completion OPT during the Fall/Spring semesters; and
- Report any interruptions in employment and any address changes, name changes, or changes in employer to the International Student Services Office within 5 days.

IMPORTANT NOTE: Students must submit a copy of their EAD to the International Student Services Office (OISS) at RU immediately upon receipt. You must also fax the OISS a copy of any immigration status changes (to H-1B, etc) that might occur during your authorized OPT period. Failure to do so could cause immigration problems for you.

Travel Outside the U.S. AFTER Your Degree Completion

► **BEFORE OPT Authorization/Employment--**Students who complete their studies and leave the U.S. **before** obtaining authorization (the EAD) for OPT employment will not be able to return to the U.S. in F-1 status to apply for OPT. In addition, students may also be denied admission to the U.S. if they have obtained their EAD card, but are NOT employed, because the F-1 regulations state that students can be readmitted to the U.S. with valid documents to "resume" employment, and not to look for employment.

► **DURING OPT Authorization/Employment--**Students who travel outside the U.S. while employed for Practical Training can be readmitted if they have the following documents: a valid passport, a valid F-1 visa, a valid EAD card, all of your I-20s with page "3" of the OPT I-20 endorsed for travel by the International Student Advisor within the past "6" months, and a "letter of employment" from their employer. The letter should include the dates of the employment and the salary. Time spent abroad is charged against the student's practical training time.

Transferring/Beginning A New Degree & OPT Termination

OPT authorization is automatically terminated when a student transfers to another school or begins study at another educational level.

Termination of Lawful F-1 Status/Departing the U.S.

F-1 students must NOT work past the last date they are authorized for employment on their EAD card. Within 60 days after the last date of employment authorization on the EAD, all students must depart the U.S., transfer to another school, or apply for a change of status. Failure to do so is a violation of the F-1 immigration status.

► **If you have any questions regarding this information, please make an appointment with the Director of International Student Services (OISS).**

(LJ, 2/6/09)