F-1 EMPLOYMENT: Optional Practical Training (OPT) Workshop

OFFICE OF INTERNATIONAL SERVICES

UT Health Science Center
SAN ANTONIO
Optional Practical Training (OPT) Overview

What is OPT?

• It is a work authorization benefit to allow for practical work experience in your field of study.
• You may apply for OPT once for each degree level.
Optional Practical Training (OPT) Overview

Three types of OPT

- **Pre-completion OPT**: before graduation
  - Part-time employment during school year and full-time during school breaks.
  - Employment must be in the area of academic major and may be paid or unpaid.

- **Post-completion OPT**: after graduation
  - Must be employed at least 20 hours per week in the area of academic major
  - Employment must be in the area of academic major and may be paid or unpaid.

- **24-month STEM extension**: after initial OPT for STEM majors (Science, Technology, Engineering, and Mathematics).
  - Different job requirements as compared to post-completion OPT
  - Employer must be part of the E-Verify program
  - Student must submit I-983 training plan signed by both student and employer
Optional Practical Training (OPT) Overview

Who is eligible?

- F-1 students maintaining status
  - Enrolled full-time for at least one academic year
  - Completing a course of study (*post-completion*)
  - Have not used 12 months or more of full-time Curricular Practical Training (CPT).
Types of employment allowed

All OPT employment must be in a job that is related to your academic major. You must be employed for at least 20 hours per week.

- Paid Employment
  - Multiple employers
  - Work for hire
  - Self-employed business owner
  - Employment through an agency
- Unpaid Employment (volunteers, unpaid interns)
  - Must not violate labor laws
When should you apply for OPT?

The earlier, the better!

• No more than 90 days before your program end date and up to 60 days after your program end date.
• STEM OPT extension: no earlier than 120 days and no later than 45 days before the EAD card expires.
When is your program end date for the purposes of OPT?

- **Two Options:**
  - Thesis/Dissertation Defense date
  - End date of last semester of academic studies/research to complete degree/certificate
OPT Application Process Overview

1. Attend mandatory advising session
2. Submit a complete OPT packet to OIS
3. OIS advisor will review OPT packet in 5 to 10 working days
4. OIS Advisor will issue a new form I-20 for OPT. You must come to OIS to pick up your new I-20 form.
5. You will mail the OPT application packet to USCIS.
6. USCIS will review and adjudicate your request – on average, it takes around 90 days.
7. If your request is approved, USCIS will mail out your EAD card to you.
8. Report any work and address changes to OIS
Optional Practical Training Guide

F-1 students wishing to apply for Optional Practical Training (OPT) should read this guide and follow the instructions carefully. This guide will explain eligibility for OPT and what procedures need to be followed to apply for and obtain OPT.

If you have questions or concerns after reviewing this packet, please call the Office of International Services (OIS) at 210-567-6241 to schedule an appointment with an International Advisor. An appointment is not necessary if you do not have questions but would like to submit your application.

What is OPT?

Optional Practical Training is defined as "temporary employment for practical training directly related to the student's major area of study." It allows for work authorization granted by U.S. Citizenship and Immigration Services (USCIS) for up to 12 months per degree level, for the purpose of gaining practical experience directly related to their program of study. An F-1 student who has maintained lawful F-1 visa status for at least one academic year is eligible to apply for Optional Practical Training (OPT). OPT may be granted before or after completion of a program of study; however limitations apply.

How long is OPT work authorization?

The maximum amount of time for which OPT may be granted is 12 months* full-time per degree level. This means if you have previously completed a Bachelor's degree and used 12 months of OPT and subsequently complete a Master's degree, you may apply for another 12 months of OPT. If you completed two Master's degrees, you will only receive one 12-month period of OPT. Part-time pre-completion OPT is deducted from the total OPT period at half rate. For example, if you work part-time using pre-completion OPT for 6 months, you will have used 3 months of your total available OPT work authorization.

What is STEM OPT?

Students in Science, Technology, Engineering, and Mathematics (STEM) fields may apply for a 17-month OPT extension if certain criteria apply. Please refer to the STEM OPT Extension Packet for further details.

When should an F-1 student apply for post-completion OPT?

Students applying for post-completion OPT may apply for and submit their OPT applications to USCIS as early as 90 days before the program and date indicated on the I-20 form and NO LATER THAN 60 days after the program end date. Once a student has completed all degree requirements, regardless of whether the date of graduation is weeks or months later, that student is considered to have finished their program. OPT applications must be received by USCIS no later than 60 days from this date. Late applications will be rejected by USCIS. Also, USCIS must receive your application for post-completion OPT within 30 days of the post-completion OPT recommendation issued by your OIS International Visitor Advisor on your I-20 form. The USCIS may grant a later start date for OPT than you originally requested depending upon the timing of the processing of the application.

When is my program end date?

Your program end date can be:

- Thesis/dissertation defense date
- Official end date of the semester in which you will complete your degree requirements (whether be course requirements or thesis/dissertation)

There is some flexibility in determining your program end date depending on the type of program in which you are completing. If you have additional questions about this, please contact your International Visitor Advisor.

http://uthscsa.edu/ois

F-1 students:
- OPT Training Guide
- OPT Reporting form
- OPT STEM packet
What do I include in my OPT packet?

1. OPT Recommendation Form
2. Form I-765
3. Form G-1145
4. 2 passport style photographs
5. Copies of: passport bio page, F-1 visa stamp, and I-94 card/record
6. Copies of all previous Forms I-20 issued
8. Copies of any previous EADs
9. STEM applications only: Copies of degree and official transcripts.
OPT Recommendation Form

TO BE COMPLETED BY THE INTERNATIONAL STUDENT

Name: ____________________________ E-mail: ________________________________

Requested OPT Start Date: __________ End Date: __________

☐ Full-time ☐ Part-time

*Please be aware it can take USCIS up to 90 days to issue the OPT EAD and you will not be able to work until you receive the EAD card*

I am requesting the following:

☐ Pre-completion OPT – OPT will take place prior to completion of all my degree requirements. Please indicate (c)(3)(A) in question #16 of Form I-765

☐ Post-completion OPT – OPT will take place after I have completed all of my degree requirements. Please indicate (c)(3)(B) in question #16 of Form I-765

Signature: ____________________________ Date: ____________________________

OPT Recommendation Form

Top section is completed by the student.

REQUEST DATES: Be sure to consult with your advisor if you have any questions.

For post-completion OPT, your start date should be after you have completed all program requirements

-Not earlier than one day after program end date.

-Not more than 60 days after program end date.

Bottom section is completed by the academic program.

We cannot process an OPT request without the student’s signature and the appropriate signature from the academic program.
Form I-765 Application for Employment Authorization

http://uscis.gov

16. Use the right code for the type of OPT you are requesting.

The form must have a recent signature. USCIS will not accept applications that have a signature dated more than 30 days before the petition is received.
Form G-1145 e-Notification of Application

USCIS will notify you via text message and/or e-mail when they have accepted your petition. This notification does not grant employment authorization.

You will receive a number to check the status of your application via the USCIS website: http://uscis.gov
Two passport style photos

The picture must be taken within the last 30 days from the date your application is submitted to USCIS.

Lightly print in pencil or felt pen your name & I-94 number on the back of each picture.
Copies of immigration documents

Submit clear copies of your immigration documents (No double-sided copies).

- Passport: page(s) with biographical data and passport expiration date
- Visa stamp: ONLY submit a copy of your latest F-1 visa stamp
- I-94 record or I-94 card (from last entry to U.S.): copies of front and back or https://i94.cbp.dhs.gov
Copies of all previously issued Form I-20

Submit copies of all I-20 forms you were ever issued. If you are a transfer student, or if you ever held F-1 status in the past, you must submit copies of those Form I-20 as well.

Do not submit double sided copies.

Older I-20 forms: Page 2 is not necessary, you may submit copies of Pages 1 and 3 only.
Check or money order

Payable to: U.S. Department of Homeland Security
Amount: $410*

*Amount is subject to change. Always check the USCIS website for the latest information.

Money orders: make sure all the information is filled out including your own information (name, address, etc.)

Check/money order must be recent.
Overview of OPT Application Process

Student gathers & submits a complete OPT request packet to the Office of International Services (OIS). *(Forms can be found at www.uthscsa.edu/ois)*

OIS reviews packet. If documents are missing or additional information is needed OIS will contact the student.  
**OIS Processing Time: 5 to 10 business days**

Once there is a complete OPT request packet, OIS will issue a new I-20 form with the OPT recommendation on Page 2. OIS will notify student by e-mail when the OPT application packet and new I-20 form are ready to be picked up at OIS.

Student will collect OPT application including new I-20 form from OIS and mail copy of new, signed I-20 and all supporting documents listed on checklist (Page 6 of OPT Training Guide), to USCIS for review.  *OPT applications must be submitted to USCIS within 30 days of the date new I-20 form issued by OIS.*

USCIS may take 90 days to process OPT applications. When OPT EAD (work permit) is approved, student will receive EAD. Students are required to submit copies of EAD approval notice and EAD to OIS.
Mailing your OPT Application Packet to USCIS

- Students must submit the complete OPT Application Packet to the correct USCIS Lockbox Facility for processing and adjudication.
- OIS will not submit the packet for you.
- Please refer to USCIS website to determine correct USCIS Lockbox (based on state of residence):
  http://www.uscis.gov/i-765-addresses
After USCIS receives your case

- Receive notification via text message or e-mail
- You will receive the I-797C Notice of Action. The receipt number in this form is the same receipt number you will receive via text message or e-mail.
- You can check the status of your application via [www.uscis.gov](http://www.uscis.gov)
When your petition is approved

- EAD card will be sent to the address on the I-765 form.
- You must send a copy of both your approval notice and EAD card to our office as soon as you receive them: international@uthscsa.edu
- You must have the EAD card in hand before working.
My OPT is approved, now what?

You are still considered an F-1 student at the UT Health Science Center at San Antonio.

- Report each employer name and address immediately to the OIS upon accepting a job offer so that your employment record can be updated. **OPT STEM Extension students must submit the OPT reporting form every six months (Form available on OIS website).**
- Report to OIS if you stop working for one employer or add a new part-time employer.
- Report changes of address to USCIS and to OIS within 10 days of the move by submitting the AR-11 form (The form is available on USCIS website.)
- Report any changes to your name or visa status to OIS within 10 days of the change taking place.
- Cannot accrue more than **90 days of unemployment** from OPT EAD start date. **If you accrue more than 90 days of unemployment, you are violating your F-1 visa status and departure from the U.S. would be required.**
- F-1 SEVIS records will now auto-terminate in SEVIS after 90 days of unemployment. This means that if there is no employment information in your record for 90 days, your SEVIS record will be terminated and you must depart the U.S. immediately.
Documenting employment that is related to your academic major

We recommend that you keep the following for your records in case of a future audit:

• A detailed listing of employment sites.
• A list of activities and projects, specifically the number of weekly hours of work for each work site.
• A letter from your supervisor confirming the job is related to your academic major if it is not clear in the job description or title.
• In addition, for volunteer positions: detailed records of attendance for the duration of volunteer work.
Travel during OPT (Initial OPT or STEM OPT)

**While application is pending**

- Traveling before program completion: Must re-enter the U.S. before the end date of your Form I-20 and you must present a valid visa stamp and passport. See F-1 Travel Information document on OIS website for detailed instructions.

- Traveling after program completion: **NOT RECOMMENDED.** Could result in denial of OPT application and/or inability to re-enter the U.S.

**After application is approved**

- You may travel abroad once your OPT is approved as long as you already have a job. Re-entry to the U.S. while on OPT requires:
  - Documents listed on F-1 Travel Information document on OIS website
  - Valid F-1 visa stamp
  - Valid Form I-20 with OPT recommendation on Page 3 and with a travel validation signature within past 6 months.
  - EAD card
  - Employment documentation: letter from employer, copies of pay stubs, etc.
What happens to my F-2 dependents?

- When your new Form I-20 is issued with the OPT recommendation, F-2 dependent’s Form I-20 will be issued as well with updated information.
- If your dependents are traveling abroad during your OPT employment period, they need to carry:
  - Form I-20 with a travel validation signature from the past 6 months.
  - Copies of F-1 student’s: Form I-20 with OPT recommendation, EAD card, and proof of employment.
60-day grace period after OPT

You have a 60-day grace period from the end date of your OPT EAD card.

• Work is not allowed during your grace period, but you can travel within the U.S. and make preparations to go back home.

• If you travel abroad during your grace period you cannot re-enter the U.S.
24-month STEM OPT Extension Eligibility
Science, Technology, Engineering, & Math

Employer must be registered in E-Verify system

- Contact your employer to find out if your workplace participates in E-Verify
- You can find information online via the USCIS E-Verify Employer Search Tool: http://www.uscis.gov/e-verify/about-program/e-verify-employers-search-tool

Degree must be in a STEM field

- See CIP code on Page 1 of your I-20 form and compare it to this list: https://www.ice.gov/sites/default/files/documents/Document/2016/stem-list.pdf

Must process the extension request through OIS

- OPT STEM application packet on OIS website http://uthscsa.edu/ois
- Application must be submitted to OIS no earlier than 120 days and no later than 45 days before your current OPT expires

Per DHS final rule published in March 2016, the form I-983 training plan must be submitted with any OPT STEM Extension applications to OIS. The training plan must demonstrate that employment has training element, more akin to an internship than independent employment.
Employment during STEM OPT extension

• If STEM OPT EAD card is filed and pending with USCIS but not approved by expiration date of initial OPT EAD card, you may continue working for 180 days.

• Must work for at least 20 hours for an E-Verify employer.

Types of employment allowed:
  ▫ Paid Employment

Types of employment **NOT** allowed:
  ▫ Unpaid Employment (volunteers, unpaid interns)
  ▫ Work for hire
  ▫ Self-Employed business owners
REPORTING FORM FOR F-1 STUDENTS ON STEM OPT EXTENSION

STUDENT RESPONSIBILITIES

REPORTING CHANGES

All universities sponsoring students on F-1 visas are required to report to the U.S. Department of Homeland Security information on F-1 students engaging in STEM Optional Practical Training (OPT). As an F-1 student on STEM OPT you must inform the Office of International Services (OIS) of any of the following changes within 10 days of them occurring or you will be violating the law:

- Change in legal name
- Change of residential address
- Change of employer
- Change of employer’s address and changes in employment status, including full-time (20+ hours per week) to part-time employment, termination/endor of employment, start of new employment and start or end of second job
- Change of phone number and/or e-mail address

U.S. Department of Homeland Security regulations require that every 6 months starting from the start date of your STEM OPT extension, you confirm that that information which you previously reported to the OIS regarding your legal name, residential or mailing address, your employer’s name, your employer’s address continues to be correct. Any changes must be reported within 10 days of the change.

If you change employers, you must also submit a new Form I-983 Training Plan signed by you and your employer. There are instructions and information regarding this form at the following site:


The OIS will not update your employment information without receipt of completed I-983.

INSTRUCTIONS

U.S. Department of Homeland Security regulations require that every 6 months starting from the start date of your STEM OPT extension, you confirm that that information which you previously reported to the OIS regarding your legal name, residential or mailing address, your employer’s name, your employer’s address continues to be correct. Any changes must be reported within 10 days of the change.

Please use this form to report any of these changes while you are engaged in STEM Optional Practical Training. Check the appropriate box(es) indicating the information which you are reporting and insert the relevant information. If you have any questions about how to complete this form, please contact the OIS at 210.587.5243 or international@uthscsa.edu. Please submit the completed form to the OIS at international@uthscsa.edu.

PART A. INFORMATION TO BE COMPLETED BY ALL STUDENTS ON STEM OPT Extension

Name: ____________________________

SEVIS Number: __________________

CHANGE OF ADDRESS, EMAIL ADDRESS, AND/OR PHONE NUMBER

Residential (physical) address: ____________________________

Mailing address: ____________________________

Email address: ____________________________

Phone number: ____________________________

EMPLOYMENT/VOLUNTEER ORGANIZATION INFORMATION

Position/Job Title: ____________________________

Are you employed in a paid position? Yes No

Are you employed full-time (20 hours per week or more)? Yes No

Legal Name of Employer: ____________________________

Physical Address of Employer: ____________________________

Employer’s E-Verify Number (This number is required for students on a STEM OPT extension): ____________________________

Second Job/Employment: Yes No (If Yes, please submit a separate Reporting Form to OIS for each job.)

Start date of employment: ____________________________

End date of employment: ____________________________

a. If new hire and permanent employment, indicate “N/A – permanent.”

b. For positions from which you have recently resigned, been terminated from, or departed for any other reason, indicate last day of employment.

Supervisor’s Name: ____________________________

Supervisor’s Email Address and Phone Number: ____________________________

Supervisor’s Position/Job Title: ____________________________

Explain in 2 – 3 sentences how the job relates to the field of study and degree listed on your I-20 form:

______________________________

______________________________
PART B. INFORMATION TO BE COMPLETED BY EMPLOYER OF STUDENT ON STEM OPT EXTENSION

U.S. Department of Homeland Security regulations require that an employer of a student on a STEM extension of OPT, report to the Designated School Official at the student’s school within 48 hours, if the student is terminated or “departs” prior to the end of the OPT period. A departure occurs when the student leaves the employment (resigned) or fails to report for work for a period of 5 consecutive business days without the consent of the employer, whichever is earlier.

Name of Employer’s Representative Completing Form: ____________________________

Name of Employing Company or Organization: ____________________________

Has the student been terminated from his/her employment? Yes No

Date of Termination: ____________________________

Has the student resigned from his/her employment? Yes No

Date of Resignation: ____________________________

Has the student failed to report to work for 5 consecutive business days? Yes No

Date Student Last Reported to Work: ____________________________

CHANGE OF NAME

New Legal Name: ______________________________________________________

Please submit to the OIS copies of the documents supporting the legal name change (for example, certified copy of marriage certificate or court order).

REQUIRED SIGNATURE

Signature: ____________________________

Name: ____________________________

Indicate if student or employer completing this form.

If employer, please provide title: ____________________________

Date: ____________________________

If you have any questions, please contact the OIS at 210-567-6241 or international@uthscsa.edu.
Employment during STEM OPT extension

- An additional 60 days of unemployment is given for STEM OPT. You are not permitted to have more than 150 days of unemployment for the entire 36 months of OPT.

- Same reporting requirements apply: change of employer, name, new address, change of status, etc.

- If you change employers after STEM OPT is approved, you are still required to work for an E-Verify employer and you must submit a new I-983 training plan! Make sure you confirm this before accepting a new job.
Summary of DHS Final Rule for STEM published in March 2016

- OPT STEM Extension extended from 17 to 24 months
- Form I-983 training plan must be submitted with STEM Extension applications to OIS Advisor (not submitted to USCIS)
- Employment must be paid and other restrictions on types of employment that may be accepted
- Unemployment period extended from 30 days to 60 days on STEM OPT
- Allowance for previous STEM degrees obtained to be used for purposes of applying for STEM Extension as long as student is currently on period of authorized OPT and has earned degree within past 10 years from SEVP certified and accredited U.S. institution
H-1B Visa and the Cap-Gap

• OPT students that have timely filed H-1B application for change of status can receive an automatic extension of their work authorization to gap the time between the end of the OPT EAD card and the start date of the H-1B visa status.

**TRAVEL DURING THE CAP-GAP PERIOD SHOULD BE AVOIDED.** Providing intent to pursue F-1 activities can be difficult while an H-1B is pending or approved.

• If your employer is a higher education institution or another cap exempt employer such as certain non-profit organizations, they will not be subject to the H-1B “cap” and they could petition for your H-1B visa status to start immediately after your OPT EAD card expires.

• Notify OIS immediately upon receipt of H-1B approval so that your record is updated accordingly. You will be required to send a copy of the Form I-797 Approval Notice.
Questions?
Office of International Services
International@uthscsa.edu
www.uthscsa.edu/ois
210-567-6241