

OPTIONAL PRACTICAL TRAINING

PRIOR TO COMPLETION OF STUDY AND POST-COMPLETION OF STUDY FOR STUDENTS IN F-1 STATUS

Current U.S. Citizenship and Immigration Services (USCIS) regulations governing Optional Practical Training (OPT) took effect on April 8, 2008. **These regulations apply to all students in F-1 status** (*those who were in the United States on or before that date and those who enter the United States after that date*).

Practical training is defined as, “paid employment **directly related to your major area of study**, following the completion of your academic degree.” **Students in F-1 status must have been enrolled full-time for at least nine consecutive months (one academic year) before they are eligible for Optional Practical Training.**

TO OBTAIN A SEVIS FORM I-20 TO APPLY FOR OPT

In order to receive your SEVIS Form I-20 authorizing OPT you must submit the following:

- Graduation Application Receipt from the Registrar’s Office, which shows that you are eligible for graduation this academic year
- Academic Advisor’s Recommendation form (attached)
- Completed Form I-765 (attached)

WHAT SHOULD YOUR OPT START DATE BE?

Practical training **must** begin no later than 60 days following your semester end date.

Possible Start Dates for OPT

SPRING 2009 GRADUATES:

Semester End Date: 05/22/2009

Earliest possible OPT Start Date: 05/23/2008 Last possible OPT Start Date: 07/21/2009

SUMMER 1 2009 GRADUATES:

Semester End Date: 07/02/2009

Earliest possible OPT Start Date: 07/03/2009 Last possible OPT Start Date: 08/31/2009

SUMMER 2 2009 GRADUATES:

Semester End Date: 08/13/2009

Earliest possible OPT Start Date: 08/14/2009 Last possible OPT Start Date: 10/12/2009

FALL 2009 GRADUATES:

Semester End Date: 12/23/2009

Earliest possible OPT Start Date: 12/24/2009 Last possible OPT Start Date: 02/21/2010

SPRING 2010 GRADUATES:

Semester End Date: 05/21/2010

Earliest possible OPT Start Date: 05/22/2010 Last possible OPT Start Date: 07/20/2010

You may choose any date between the Earliest and Last OPT start date.

Post Completion Optional Practical Training (OPT)

A student in F-1 status may apply up to 90 days before the completion date or semester end date and up to 60 days after their completion date. Students **MUST** apply within 30 days of the creation of the OPT I-20 with OPT recommendation. Program completion refers to the date that you have finished all coursework and any project/thesis/dissertation for your degree. **It is not your graduation date. There is no grace period for applying for OPT.**

Optional practical training is **limited to a total of 12 months**. Students in certain “STEM” (science, technology, engineering, mathematics) fields may be eligible for a one-time extension of 17 months of post completion OPT. There is a separate application for filing for this extension. Please speak with an advisor from the ISSC if you feel you may qualify for the extension.

Employment and Unemployment

An offer of employment is not required to obtain approval for OPT. OPT is recommended by the International Student Service Center (ISSC), and authorized by the USCIS. During OPT **NO** student may be unemployed for an aggregate of more than 90 days* or their status will be put in jeopardy. **For STEM students approved for the 17 month extension the limit on unemployment is raised to an aggregate of no more than 120 days.*

Students are required to report to the ISSC within 10 days:

- **The beginning of employment, with the name and address of the employer.**
- **The termination of employment.**
- **Any change in your personal address.**
- **Any change in your employers Address.**

Studying while on OPT:

- Authorization for OPT is automatically terminated when you transfer your SEVIS record to another school or begin full-time study at a different educational level.

Pre Program OPT (Pre-OPT)

A student in F-1 status may apply for Pre-OPT and begin employment prior to the completion of their program. Students engaged in Pre-OPT can work a maximum of 20 hours per week while school is in session*. During annual vacations and while school is **NOT** in session, students can engage in Pre-OPT on full or part-time basis.

***If you are authorized to work on-campus and also choose to engage in Practical Training (CPT or Pre-OPT), per ICE regulations the total number of hours for the Practical training and on-campus employment can NOT exceed twenty hours while school is in session. You may work full-time during periods when school is not in session or during your annual break.**

http://www.ice.gov/sevis/employment/faq_f_on1.htm#_1_13

Pre-OPT employment does **NOT** constitute a reason for a student to be enrolled for a reduced course load.

Time granted to a student for Pre-OPT is deducted from the 12 months of Post Completion OPT eligibility. For each month of Pre-OPT that the student is authorized for full-time employment, a month is deducted from the students Post Completion OPT. For every two months of Pre-OPT that the student is authorized for part-time employment, one month is deducted from the students Post Completion OPT.

NOTE: Other employment categories, such as Curricular Practical Training or Off-Campus employment based on Economic Hardship may be better choices than Pre-OPT, provided that the student qualifies for the type of employment. These categories permit the student to work while still enrolled; yet in most cases, the student will still be eligible for the full 12 months of Post Completion OPT.

PROCESSING INFORMATION

An application filed without the required fee, all the necessary documents, signature and photographs will be returned to you as **incomplete**. You may correct the deficiency and **resubmit** the application, however, an application is not considered properly filed until the USCIS accepts it. If your application is complete and filed at a USCIS Service Center, you will be mailed a **Notice of Action Form I-797**, receipt notice.

DECISIONS ON YOUR APPLICATION

- **Approval:**
If approved, your EAD card will be mailed to you at your filed address.
- **Request for further information:**
If additional information or documentation is required, a written request will be sent to you requesting further specific information.
- **Denial:**
If your application cannot be approved, you will receive a written notice explaining the basis of your denial. You can appeal by filing an appeal with a “motion to reopen”.

TIME

It will take the **USCIS Vermont Service Center 2-3 months to process your request**. Processing times may vary on the USCIS Vermont Service Center’s workload. Employment may NOT commence until you have obtained approval from the USCIS Vermont Service Center and you have received your Employment Authorization Document (EAD) card.

TRAVEL

The DHS and the U.S. Department of State (DOS) agree that an F-1 student who has timely filed an application for OPT post-completion of study may travel outside the United States while the OPT application is pending, provided that the F-1 student can present the Notice of Action Form I-797, proving that the application has been filed.

However, once the EAD card for OPT is issued to the F-1 student if a student decides to travel abroad, the student can only re-enter the United States to **resume employment**. DHS has clarified that the F-1 student does not need to have already begun actual employment before leaving, as long as the student has a job offer for which he/she is returning.

If you have recently applied for Optional Practical Training and you do decide to travel, you will need the following documents for re-entry:

1. SEVIS I-20 signed by the Designated School Officer at Baruch College
2. Valid EAD card
3. Unexpired passport
4. Valid F-1 visa
5. Letter from a US based employer certifying that you are returning to resume or commence employment

OPT CHECK LIST

All applications must be filed with the documents required below.

You must submit:

- **A copy of your current SEVIS I-20 (with OPT authorization indicated on the 3rd page)**
- **Copies of all your previous I-20's** (1st & 3rd pages).
Important: If you are missing any of your previously issued SEVIS I-20s, you must submit a police report, which states that your SEVIS I-20s were lost or stolen. The ISSC will not provide you with any copies of SEVIS I-20s without a police report.
- **A copy of your Form I-94 Departure Record** (front and back).
- **A copy of your passport identification page** (which includes your photograph).
- **Form I-765** (original)
- **Two photos** with a white background taken no earlier than 30 days before submission to USCIS. They should be un-mounted, printed on thin paper glossy, and un-retouched. See attachment of the Press Release for detailed information about the photos. **Lightly print your name and your Admission number**, if known on the back of each photo with a pencil.
- **A copy of your last EAD, if applicable** (front and back).
- **Fee** Applicants must pay a fee of **\$340.00** to file this form. If the request is denied the fee will not be refunded. Pay in the exact amount. Checks and money orders must be payable in U.S. currency. Make check or money order payable to **“U.S Citizenship and Immigration Services”**. There will be an additional charge and delay if your check is not honored.
- **Where to file** If you live in New York, New Jersey, Connecticut, or Pennsylvania, mail your application to:

**Dept. of Homeland Security
USCIS Vermont Service Center
75 Lower Welden Street
St. Albans, VT 05479-0001**

Note: Please be sure to write in the lower left hand corner of your mailing envelope: **Optional Practical Training – Form I-765. See Example below.**

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| <p>Department of Homeland Security USCIS Vermont Service Center 75 Lower Welden Street St. Albans, VT 05479-0001</p> <p>Optional Practical Training Form I-765</p> | <input type="checkbox"/> |
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OPTIONAL PRACTICAL TRAINING

INSTRUCTIONS FOR FORM I-765

United States Citizenship and Immigration Services (USCIS) recommend that you retain a copy of your completed application for your records.

COMPLETE ITEMS 1-16 ON THE I-765 FORM:

- Above Item #1, check the box next to “Permission to accept employment”
 - Item # 1-8: Personal information
 - Item # 9: Social Security Number, if available.
 - Item #10: Alien registration Number or I-94 Number.
 - Item #11: You should **only** answer yes if you have ever applied for Economic Hardship or Optional Practical Training employment before.
 - Item #12: Date of last entry into the U.S.
 - Item #13: Place of last entry into the U.S.
 - Item #14: Manner of last entry (As a **Student** or **Tourist** or **Worker etc.**).
 - Item #15: Current Immigrant Status (**Student**).
 - Item #16: Eligibility Categories - (c) (3) (B)* - *F-1 Students Seeking Optional Practical Training in an Occupation Directly Related to Studies. The USCIS adjudicates a request for employment authorization by determining whether an applicant has submitted the required information and documentation, and whether the applicant is eligible. In order to determine your eligibility; you must identify the category in which you are eligible and fill in that category in question 16 on Form I-765.*
- * For **Pre-OPT** the code is (C) (3) (A).
- **Certification:** Sign within the white space (do not cross the line), put your telephone number and the date

• **Please do not mail your OPT application package until you receive your SEVIS I-20 with the recommended OPT dates indicated on the third page.**

• **Once you receive your EAD Card you are required to provide the ISSC with a copy of the card. We will then issue you a new I-20 indicating that the OPT has been approved.**

You MUST report the beginning of, and termination of employment to the ISSC within 10 days of the beginning of or termination of employment!!! You must also report any change in your personal address or your employers Address within 10 days.