

Center for International Studies

Optional Practical Training for F-1 Students

The Basics

F-1 students are eligible to participate in a 12 month employment authorization known as Optional Practical Training (OPT) once they have been in continuous, legal, F-1 status for a full academic year. The USCIS defines a full academic year as two complete semesters or nine months.

A student who has completed his/her course of study may apply for permission to pursue Post-completion OPT employment. Post-completion OPT authorizes the student to work full-time. Full time employment is defined as 40 hours per week.

Prior to the completion of a course of study, a student can apply for Pre-completion OPT. Students on Pre-completion OPT are limited to part-time employment (20 hours per week) while school is in session and can only work full-time when classes are not in session.

A student is required to engage in employment that is directly related to the course of study listed on the Form I-20.

An F-1 student is eligible to receive a total period of 12 months of OPT for each successive degree level that is completed. For example: A student who completes both a Bachelor's and a Master's degree would be eligible to receive a sum total of 24 months of OPT (12 months for the Bachelor's and 12 months for the Master's). **A student cannot accumulate OPT time and the 12-month OPT authorization must be used at the time the degree is completed.**

Permission to participate in a Standard OPT program is granted by the USCIS. The International Student Advisor/Designated School Official in the Center for International Studies has to submit the OPT request in the SEVIS System **before** the application can be submitted to the USCIS.

Although having a job is **not a prerequisite** for OPT eligibility, the USCIS requires all students in a period of OPT to be employed. A student who is actively pursuing employment during the approved OPT period is considered to be in legal, F-1 status.

Students may work for as many different employers as they choose during the approved OPT period.

Candidates for a graduate degree who have successfully completed all course requirements but who are still working on a dissertation or thesis are eligible to submit an application for and receive a period of Post-completion OPT prior to conferment of the degree.

Application Procedures

Recommendation: The USCIS will not adjudicate an application for OPT unless it has been recommended in the SEVIS System by the International Student Advisor/Designated School Official.

Submission Date: The USCIS has stated that a student may submit a Post-completion OPT application no more than 90 days prior to the program end date listed on Form I-20. An OPT application can also be submitted during the 60-day grace period that follows the program end date listed on Form I-20.

Receipt Notice: Once your application has been received by the USCIS, you will receive a Receipt Notice. This is a very important document that contains your application receipt number. Should your Employment Authorization Document (EAD) not arrive in a timely manner, this is the primary proof that your application was submitted to the USCIS Service Center.

Address: The address that you list on Form I-765 determines which USCIS Service Center will process your application. The USCIS will mail your Receipt Notice and EAD to the address provided on the I-765. It usually takes between 2-3 months for the USCIS to adjudicate an OPT application. If you will not be at your present place of residence in 2-3 months time or you would like for your card to be sent to Wake Forest University, you can use the address of the Center for International Studies:

Your Name
P.O. Box 7385
Winston-Salem, NC 27109

On-Line Status Check: The status of your application can be checked on-line by accessing the following website: <https://egov.uscis.gov/cris/Dashboard.do>

Processing Delay: If the USCIS requires additional evidence or your application is returned for another reason, the processing time will be increased. For this reason, it is important that you do not make any careless mistakes when completing the application.

Beginning and End Dates

Employment Start Date: When you apply for OPT, you are allowed to choose the beginning date for your period of employment authorization. The earliest you are able to begin your OPT is the date when all academic requirements for your course of study have been fulfilled. Graduate students can choose to begin OPT as soon as all course-work for the degree has been completed. The latest that you are allowed to begin a period of OPT is 60 days after the end date listed on your I-20.

Beginning Employment: You are not allowed to begin employment until the start date listed on the EAD. Please keep this in mind when talking with prospective employers.

End Date: All employment must cease on the end date listed on the EAD. The nonimmigrant may remain in the U.S. for a period of 60 days following the end date of the OPT, but no employment may be performed during this 60-day grace period, except in certain circumstances (please see the information related to “cap gap” employment).

Beyond OPT: If you have the intention of remaining in the United States after you have completed your 12 month OPT authorization and do not want to interrupt your employment eligibility, you will need to file for a change of status **prior** to the end date of your OPT. For many nonimmigrants, this step

involves applying for and obtaining an H-1B visa for a specialty occupation. If you plan on taking this course of action, you will need to find an employer who is willing to sponsor you.

Cancellation Policy

If you apply for OPT and then decide to cancel your application, you will need to have the Center for International Studies inform the USCIS Service Center before the application is approved. **Once your application is approved and production of your EAD has been ordered, it is extremely difficult, if not impossible, to cancel the period of OPT for which you have been approved.**

Mistakes on the EAD

In the past, the USCIS has made mistakes in the spelling of names, birth dates, gender, etc. If you find one of these so-called “trivial” mistakes on your card, you have the option of returning the card to the USCIS and hoping that the mistake is corrected and the card is returned in a timely manner. In most instances, however, you would probably be better served to simply ignore the mistake. If it is a misprint of larger proportions, such as a mistake in the start or end dates, etc., you will need to contact the Center for International Studies so that an inquiry can be made on your behalf.

Lost EAD

A lost EAD will result in your having to apply for a new one from the USCIS Service Center. A new application and filing fee will have to be submitted. When you receive your card from the USCIS, make sure that you retain a copy for your records.

Entering and Exiting the Country While on OPT

IMPORTANT: While on OPT, you are still considered to be in F-1 status. Therefore, if you reenter the U.S. after a temporary absence, you will always need a valid F-1 visa stamp in your passport. **The EAD does not take the place of the F-1 visa stamp.**

Exiting and reentering the U.S. prior to the end date listed on Form I-20 while you have an application for OPT pending with the USCIS should not pose a risk. When reentering, however, you are advised to have a copy of the I-765 Receipt Notice with you.

Once you complete your program of study, it is advised that you do not leave the country until you have the EAD in hand. If an emergency or other situation dictates that you make a departure prior to receiving your card, please consult with the Center for International Studies prior to leaving. If you make a departure without your card and you do not have the card in hand when you attempt to reenter the U.S., the Immigration Officer at the border may question your eligibility to reenter in F-1 student status since you have already completed your course of study and have no proof that you have been approved to engage in OPT.

When you take possession of your EAD, you may make a reentry to the U.S. after a temporary absence of less than five months as long as you have a **valid visa stamp and an I-20 that has been validated for travel by the International Student Advisor/Designated School Official**. If you need a validating signature while on OPT, you may mail the I-20 to the Center for International Studies. A revalidation of your F-1 visa stamp can only be done at a U.S. Embassy/Consulate outside of the U.S.

If you remain outside of the U.S. for a period of time that exceeds **five months**, you will lose your current F-1 status along with any period of OPT that was approved prior to your departure. **Please be**

aware of the fact that an Immigration Officer is probably going to be suspicious of a student applying for reentry who is not employed and has spent an extended period of time outside of the U.S.

When making a reentry to the U.S., it is strongly advised that you have a letter from your current employer that explains the details of your employment situation. If you are not employed when you make the reentry, you will need to convince the Immigration Officer that you are actively seeking employment (i.e. proof of pending job interviews, etc.).

The USCIS has stated that being employed while on OPT is a requirement for reentry. At present, however, the Center for International Studies has not heard of any students being denied entry due to the fact that they were unemployed at the time. This unwritten practice is, of course, always subject to change.

If you exit and then reenter the U.S. in another nonimmigrant visa category, your remaining period of OPT will be cancelled immediately upon receipt of the new visa classification. For example: An F-1 student on OPT forgets to obtain a revalidation of his/her F-1 visa stamp while abroad. They enter the U.S. in B-2 Visitor visa status using the visa waiver program. This change in status to a B-2 Visitors visa effectively cancels the employment authorization.

Documents you will need to present when making a reentry to the U.S. while on OPT:

1. Valid passport: it is strongly recommended that the passport be valid for at least six months into the future at the time of reentry
2. Valid F-1 visa stamp
3. Form I-20 that has been authorized for travel on page three by the International Student Advisor/Designated School Official
4. Valid EAD
5. Letter from employer that verifies current employment status. In the absence of such a letter, you may be required to prove that you are actively seeking employment in the U.S. (i.e. invitation for interview, etc.)

Note: It is advised that you refrain from traveling if the end date on your Form I-20 has passed and you are waiting to receive your EAD from the USCIS. Anytime you travel outside of the U.S. while your OPT application is pending, you should have the I-765 Receipt Notice with you when you apply for reentry.

Part-Time OPT

Calculation: A student who has been in legal, F-1 status for a full academic year is allowed to apply for and engage in part-time Pre-completion OPT. Part-time OPT is defined as employment that does not exceed 20 hours per week. The time spent in part-time OPT will be subtracted from your 12 month allowance at a rate that is ½ that of regular OPT.

For example: Juan Valdez engages in part-time OPT for a period of six months. This means that three months of employment will be subtracted from his 12-month maximum.