

STANDARD OPTIONAL PRACTICAL TRAINING (OPT) RULES & REGULATIONS

RULES/REGULATIONS OF OPT

- F-1 visa holders are eligible to participate in an aggregate total of 12 months of employment known as Optional Practical Training (OPT).
- Student must have been enrolled for at least 1 academic year (9 academic months) to be eligible for OPT.
- All employment (paid or unpaid) must be tied to major/program of study listed on the student's Form I-20. *Ex: If a student pursues a Masters in Accounting, the employment during the 12-month period must be related to the field of accounting.*
- A period of OPT is available once per successive degree level earned at a U.S. institution of higher education authorized to sponsor F-1 students.

Ex: Bobby pursues a Bachelor's degree in the U.S., he is eligible for a period of 12 months of OPT during or after his Bachelor's degree. Bobby then goes on to pursue a Master's degree in the U.S. Bobby is eligible for another 12 months of OPT during or after completion of his Master's degree. If Bobby went on to pursue a second Master's degree, he would NOT be eligible for another 12-month period of OPT if he already used it for his previous Master's degree.

- A period of OPT must be used while or directly after pursuing the degree. OPT is a "use it or lose it" benefit.

Ex: If Bobby chose to forgo his period of OPT after his Bachelor's and enroll directly in a Master's degree, he would not have 24 months of OPT available to him during or after his Master's degree; he would only have 12 months of OPT available.

TYPES OF OPT

1. POST-COMPLETION OPT (most common)

- A student is eligible to extend their F-1 student status for up to 12 months post-graduation to pursue employment opportunities if they have been enrolled in F status for 9 academic months.
- Graduate students whose only academic obligation left is a thesis/dissertation may pursue post-completion OPT prior to the end date listed on the I-20 form. All other students are not eligible to begin until the program end date on the I-20 form.

2. PRE-COMPLETION OPT

- Any student is eligible to pursue OPT prior to end date listed on the I-20 form so long as they have been enrolled in F status for 9 academic months. While using pre-completion OPT, students are limited to the following hours:
 - 20 hours/week while classes are in session
 - 40 hours/week during breaks

FREQUENTLY ASKED QUESTIONS (FAQs)

WHO ADJUDICATES THE APPLICATION?

US Citizenship & Immigration Services (USCIS) reviews the application. Although the application process is ultimately decided on by USCIS, you will assemble the application in an appointment with an ISSS advisor in the GPS office. If approved, USCIS sends back an Employment Authorization Document (EAD). The OPT card is formally referred to as an EAD or Form I-766. The term “OPT card” is an informal term.

IS OPT ANOTHER EMPLOYMENT VISA?

No, OPT is simply a continuation of your F-1 student visa status. You are NOT switching to another visa type, nor is OPT considered a separate visa status. Your visa sponsorship remains with Wake Forest University.

DO I NEED AN EMPLOYMENT OFFER FIRST?

An offer of employment is not a pre-requisite to applying for OPT. However, pursuing employment is required once your period of OPT has started.

90 DAY UNEMPLOYMENT GRACE PERIOD

- Once your period of OPT begins, you are allotted a 90-day unemployment period during the 12 months.
- You are obligated to report all employment activity to the ISSS office within 10 days of accepting, terminating, or changing employment:
<http://global.wfu.edu/iss/employment/opt/reporting-form/>
- Students that are unemployed for more than 90 days will need to exit the U.S.

HOW IS EMPLOYMENT DEFINED BY THE DEPARTMENT OF HOMELAND SECURITY (DHS)?

For the purposes of OPT, the “employment” obligation can include:

- Gainful full-time employment
- Gainful part-time employment (20 hours/week minimum)
- Self-employment (20 hours/week minimum)
- Unpaid full-time or part-time (20 hours/week) internships
- Volunteering for 20 hours/week

CAN I BE EMPLOYED WITH MORE THAN ONE EMPLOYER?

Yes. With OPT, you can have multiple employers, and you can also switch employers very easily. Wake Forest remains your immigration sponsor throughout the duration of your OPT program. Any changes of employment should be reported to ISSS.

OPTIONAL PRACTICAL TRAINING

WAKE FOREST INTERNATIONAL STUDENT & SCHOLAR SERVICES (ISSS)

WHAT HAPPENS AFTER THE PERIOD OF OPT?

All employment must end by the end date on the OPT card unless you are eligible for the Cap-Gap extension because an employer sponsored and successfully switched you to an employment based visa or STEM extension. If you are not eligible for either extension, you have a 60-day grace period within which you can remain in the U.S.

APPLICATION TIMELINE

- By law, US Citizenship & Immigration Services (USCIS) can take **90 days or more** to adjudicate an application.
- You are eligible to begin applying for Post-Completion OPT up to 90 days prior to the program end date listed on the I-20 form.
- If you have an offer of employment, and/or intend to begin employment soon after graduation, it is strongly encouraged that you apply early.
- The last date to submit an OPT application to USCIS is 60 days after the program end date on the I-20 form.

USCIS PROCESSING:

Once your application is submitted and officially received by USCIS, they have 90 days or more to make a formal decision on your application. Be aware the 90 days does NOT include card production and card mailing time. A receipt notice will be provided by USCIS to the applicant with a receipt number and receipt date.

REQUESTS FOR EVIDENCE (RFE):

USCIS may on occasion issue a request for evidence if further clarification is needed or if any documentation is missing. Once an RFE is issued, the 90-day clock stops temporarily until you provide the evidence they are requesting. RFE's usually have a generous response time (85 days) but it is generally best to respond sooner rather than later. Generally, most RFE's for OPT applications are easy to resolve and do not cause significant delays.

APPLICATION PROCESS

STEP 1: ATTEND A MANDATORY OPT INFORMATION SESSION (dates and times TBA each semester)

STEP 2: ADVISOR & STUDENT COMPLETE "CONFIRMATION OF PROGRAM COMPLETION" FORM (download at <http://global.wfu.edu/iss/employment/opt/>)

STEP 3: GATHER DOCUMENTS

- Copy of passport data page
- Copy of most recent F-1 visa stamp (even if expired)
- Copy of most recent I-94 record (access through CBP website: www.cbp.gov/i94)
- Copy of all I-20 forms, especially those with approved periods of Curricular Practical Training (CPT)
- Confirmation of Program Completion form (see step 2 above).

OPTIONAL PRACTICAL TRAINING

WAKE FOREST INTERNATIONAL STUDENT & SCHOLAR SERVICES (ISSS)

- Photocopy of Transcripts - **recommended only for programs that are less than 12 months** (Ex: LLM, Management, etc.). You must request transcripts from your respective school's registrar office (Ex: School of Business Registrar, School of Law Registrar, etc.).
- 2 passport style photos (2 inches x 2 inches) – any local drugstore or post office can issue passport photos (CVS, Walgreens, etc.)
- Check or money order for \$410.00 (rate effective December 23, 2016) made out to **Department of Homeland Security**
- Completed form I-765 (download at www.uscis.gov/i-765)
- Completed form G-1145 E-Notification of Application/Petition Acceptance (download at www.uscis.gov/i-765). Fill in your name, non-WFU email, and phone number at the bottom.

STEP 4: SCHEDULE AN APPOINTMENT WITH A DESIGNATED SCHOOL OFFICIAL (DSO) WITHIN ISSS TO RECEIVE THE OFFICIAL OPT RECOMMENDATION:

- **Reynolda Campus:** 336.758.5938 (Group session appointments *only*; offered bi-weekly)
- **Health Sciences/Bowman Gray Campus:** 336.716.4224

STEP 5: BRING ALL APPLICATION DOCUMENTS TO YOUR APPOINTMENT, along with your preferred start date for your OPT to begin. During the appointment, the advisor will review your documents for accuracy. The advisor will input the recommendation into the SEVIS system along with the start and end dates of your OPT, and you will pick-up your new I-20 in the GPS office within 5 business days.

IMPORTANT: DO NOT MAIL YOUR APPLICATION TO USCIS WITHOUT THE UPDATED I-20 RECOMMENDING OPT!

OPT START DATE CONSIDERATIONS

DO I CHOOSE THE START DATE AND END DATES FOR OPT?

Yes, you choose the start date for your period of OPT during your OPT group appointment with a DSO. On the OPT recommendation page in SEVIS, the DSO will input the selected dates. For post-completion OPT, you may begin your period of OPT at any point during the 60-day grace period following the end date of your I-20 form.

*NOTE: Once the recommendation has been input and the application has been submitted to USCIS, it is **not possible** to change the dates, so please think carefully about your start date before your appointment to submit your application.*

WHAT ADDRESS DO I USE ON THE I-765 FORM?

Please choose a stable address on the Form I-765. The application process can take 90 days or more. If you plan to move from your current location, it is strongly encouraged that you choose an alternate secure address (a trusted friend or family member). If your address does change after you submit your application, you may change it by visiting the USCIS website and filing an online change of address form.

WHAT HAPPENS AFTER I SUBMIT MY APPLICATION TO USCIS?

After USCIS receives your application, a receipt notice will be mailed out within 30 days. The receipt notice will contain a receipt number and official date of receipt. Do not lose this notice.

WHILE WAITING FOR USCIS APPROVAL

TRACKING THE STATUS OF YOUR APPLICATION

You can track the status of your application, but BE AWARE, the USCIS website does not always accurately record the true status of your application, so do not place too much credence in the accuracy of the tracking. The application process can take 90 days or more. During this time, you simply need to be PATIENT and wait. Calling USCIS or a DSO in ISSS will not help expedite the application.

IS THERE A WAY TO EXPEDITE?

No, currently there is no expedite option offered by USCIS for I-765 petitions (OPT applications). There are limited criteria for expediting an I-765 petition, but many are difficult to meet, and USCIS retains full discretion on whether they will grant an expedite request or not. To date, ISSS has not seen USCIS grant an expedite request from a student, so please do not count on being granted an expedite from USCIS. Plan your application timing accordingly.

WHAT IF MY APPLICATION IS PENDING FOR MORE THAN 90 DAYS?

An advisor in ISSS can put in a request for a status update once the petition has been pending for 85 days. This generally prompts action from USCIS, but is not guaranteed. If your application has been pending for 80 days or more from the date on the receipt notice, contact an advisor in ISSS.

CANCELLING A PERIOD OF OPT

If the card has not yet been produced and you wish to cancel your application, please an ISSS advisor for advice on how to proceed. The advisor will cancel the request in the SEVIS system, but you will be responsible for calling USCIS to cancel the application as well. Keep in mind, there are no refunds of the filing fee. If the card has already been processed, it is very difficult - if not impossible - to have it cancelled.

AFTER RECEIVING YOUR EAD (OPT) CARD

MISTAKES ON THE EAD CARD

- Occasionally USCIS will make a mistake on the EAD card. If the mistake is in your name or date of birth, those are generally considered “trivial” mistakes. It is generally not worth having these mistakes corrected.
- If the mistake is in the dates of employment, you will want to contact USCIS to have it rectified. Provided the original card is valid for employment while you are waiting for the corrected card, you may continue employment.
- You will not need to pay the filing fee again.

LOST EAD CARD

If you lose your EAD card, you will have to re-file the OPT application and pay the filing fee again. If

OPTIONAL PRACTICAL TRAINING

WAKE FOREST INTERNATIONAL STUDENT & SCHOLAR SERVICES (ISSS)

you lose the card after starting employment with an employer, you may continue to work for that employer, provided they retained a copy. You will not be able to begin employment with a new employer until you receive the new card.

WHAT VISA DO I HOLD WHEN I AM PURSUING A PERIOD OF OPT?

You are still considered to be in F-1 student status during your period of OPT. You are required to use an F-1 visa stamp in order to re-enter the U.S. The OPT Card does NOT take the place of a visa stamp nor does it stand alone as a valid nonimmigrant status.

TRAVEL & RE-ENTRY TO THE U.S.

CAN I TRAVEL INTERNATIONALLY WHILE PURSUING OPT?

Yes, you can travel internationally for short periods of time while on OPT. While employment is not a pre-requisite to applying for OPT, it is a condition of maintaining F-1 status while on OPT. USCIS has stated that employment is a condition of re-entry into the U.S. That said, to date, ISSS has not heard of an instance when a student has been denied re-entry. This is of course unwritten practice, and subject to change at any point. Please note, time spent outside of the U.S. does contribute towards the 90-day unemployment period. Upon re-entry into the U.S., you must be sure to re-enter using the documents listed on the next page.

If you re-enter the U.S. under a different visa category, your period of OPT is immediately cancelled. (Ex: you re-enter using a B2 tourist visa or the visa waiver program because you forgot to renew your F-1 stamp.) OPT is a benefit of the F-1 status, not any other nonimmigrant status in the U.S. and therefore your OPT is cancelled if you enter using another nonimmigrant status.

DOCUMENTS NECESSARY TO RE-ENTER THE U.S.

- Valid passport dated at least 6 months into the future
- Valid F-1 visa stamp*
- Valid I-20 form with OPT details and updated travel authorization signature on the second page (the travel authorization signature is valid for **6 months** from the date it was last signed)
- EAD (OPT) Card
- Employer offer letter/confirmation letter -- not required, but recommended. Without this letter, be prepared to provide proof that you are actively seeking employment opportunities in the U.S. (such as email confirmation of an invitation to interview).

**Automatic Visa Revalidation Clause: You may re-enter the U.S. with an expired F-1 visa stamp only if your travel was to Canada, Mexico, or the qualifying adjacent Caribbean islands for a period of 30 days or less. Note, citizens of certain countries are not eligible to take advantage of this provision.*

TRAVEL BEFORE GRADUATION

If you travel internationally and re-enter the U.S. *before* the program end date on your I-20 form, you may re-enter with your valid F-1 visa stamp, I-20 form, and passport. If your OPT application is pending, have the receipt notice with you.

OPTIONAL PRACTICAL TRAINING

WAKE FOREST INTERNATIONAL STUDENT & SCHOLAR SERVICES (ISSS)

TRAVEL AFTER GRADUATION BUT WHILE OPT APPLICATION IS PENDING

Once you have completed your program of study, international travel is expressly **discouraged** until you receive the OPT card in your hand. If an emergency arises, please consult with ISSS prior to exiting the U.S.

If you attempt to re-enter the U.S. without your approved OPT card, the officer may question your eligibility to re-enter the U.S. which will cause further travel complications.

TEMPORARY ABSENCE: 5 MONTH CLAUSE

If you remain outside of the U.S. for a period of 3 months or more, your F-1 visa status and subsequent period of OPT is automatically cancelled. As noted before, time spent out of the United States counts towards the 90 days of unemployment, therefore while on OPT, if you remain outside of the U.S. for more than 90 days, your OPT and F status are effectively cancelled.

WARNING: A Customs and Border Protection officer will likely be suspicious of a student who has spent an extended period of time outside of the U.S. When making re-entry after an extended absence, it is strongly encouraged that you have a letter from your employer explaining the details of your employment.

IMMIGRATION ADVICE FROM FRIENDS

You may hear from friends of other schools that they have been warned against travelling while on OPT. Please remember that taking immigration advice from friends is strongly discouraged. If you have any doubts regarding travel and re-entry, please contact an advisor in ISSS for guidance.

NEXT STEPS

1. ACADEMIC ADVISOR & STUDENT COMPLETE "CONFIRMATION OF PROGRAM COMPLETION" FORM
2. GATHER OPT APPLICATION MATERIALS (see pages 3-4)
3. SCHEDULE GROUP APPOINTMENT WITH ISSS ADVISOR TO REVIEW OPT APPLICATION
4. PICK-UP I-20 RECOMMENDING OPT WITHIN **5 BUSINESS DAYS** AFTER GROUP APPOINTMENT
5. MAIL OPT APPLICATION TO APPROPRIATE USCIS PROCESSING CENTER
6. COMMUNICATE WITH FUTURE EMPLOYERS -- Keep your future employer updated and adjust start dates as necessary. USCIS can take 90 days or more to make a decision; this does not include card production and card mailing time.
7. REPORT CHANGES TO ISSS OFFICE: <http://global.wfu.edu/iss/employment/opt/reporting-form/>
 - a. EMPLOYMENT STATUS
 - b. PERSONAL CONTACT INFORMATION (phone, email, and mailing address)
 - c. DEPARTURES FROM U.S. (permanent and for general travel)

OPTIONAL PRACTICAL TRAINING

WAKE FOREST INTERNATIONAL STUDENT & SCHOLAR SERVICES (ISSS)

QUIZ FOR COMPREHENSION

CIRCLE TRUE OR FALSE FOR EACH STATEMENT:

- | | | |
|---|---|--|
| T | F | I can use OPT to pursue employment opportunities that do not relate to my academic degree. |
| T | F | It takes USCIS 90 days to make a decision on an OPT application. |
| T | F | I am given an unemployment period of 100 days while on OPT. |
| T | F | I need a job offer first before I can apply for OPT. |
| T | F | I can be employed for more than one employer. |
| T | F | USCIS will expedite processing of my application. |
| T | F | OPT is a separate nonimmigrant visa status. |
| T | F | Wake Forest remains my immigration sponsor during my period of OPT. |

ANSWER KEY: F, T, F, F, T, F, F, T

GLOSSARY OF ACRONYMS

CBP	Customs & Border Protection
DHS	Department of Homeland Security
DSO	Designated School Official (a WFU ISSS advisor is also a DSO)
EAD	Employment Authorization Document (same as OPT card, or Form I-766)
GPS	Global Programs & Studies
ISSS	International Student & Scholar Services
USCIS	United States Citizenship and Immigration Services