

PSU's Everything You Need to Know About OPT

I. General Information:

When can I apply for Optional Practical Training?

You can apply for OPT as early as 90 days prior to your completion or as many as 60 days after you complete. Your application must be at the USCIS Office before the 60th day following completion. NOTE: The signature on the I-20 submitted with your application must be less than 30 days old!

Can I renew my F-1 visa if it expires after I have applied for, or during my OPT?

NO, probably not. The advice we have received is that renewing an F-1 visa (a visa intended for study only) in order to work (even on OPT) would be virtually impossible and definitely risky. You would need to convince the consular officer that you have ties to your home country, which may be difficult to do if you are returning to the US solely for work. The only exception is when international travel is required by your OPT employer. The employer must then write a letter supporting renewal of your visa.

What date should I use as the starting date for my OPT?

That can vary according to your degree completion date plans. However, the OPT must begin no later than 60 days following your program completion date.

Do I need a job offer to obtain work authorization for OPT?

No. You can apply for OPT work authorization without a specific job offer.

What paperwork is needed for the OPT application?

You need to complete and submit all items in the OPT Authorization Request.

How long can I work on OPT?

You are eligible for up to twelve months of OPT. However, if you were authorized for 12 months (365 days) of full-time curricular practical training (CPT) during this program of study, you will be absolutely ineligible for OPT. In addition, Cap Gap and STEM extensions are available in some circumstances.

Can I apply for 12 months of Optional Practical Training at the end of a new degree program?

Yes, F-1 students are eligible for 12 months of optional practical training for EACH higher level of education, that is, a Bachelor's student gets 1 year of OPT after the BS degree, and would be eligible for another after a Master's. A person with a Master's degree, however, would not get an OPT if s/he returned for a second Bachelor's degree, even if s/he didn't use it after the first Bachelor's degree.

I am finishing my second Bachelor's, can I apply for another OPT?

No. You are eligible for 12 months of OPT at the end of each level. If you have already completed 12 months of OPT at the end of your first bachelor's degree, you are not eligible to apply for OPT at the end of your second bachelor's degree.

Do I need an appointment with an immigration advisor at Plymouth State to apply for OPT?

Yes.

How much time does it take to process my OPT application at the USCIS?

Processing time at the USCIS varies. It can take up to 2-3 months and sometimes longer.

What if I receive an EAD card for OPT, but I do not find a job so I do not use it?

Once the OPT application is approved by the USCIS and your EAD card is issued, you will not be able to cancel the OPT. Therefore, any unused time will be lost. You may accumulate only 90 days of unemployment on OPT before you lose your F1 status.

I just found a job, but I do not have my EAD card. Can I start working?

No. It is against the law for a business or company to employ and/or pay you before you have your EAD card in hand. You can't work before the date on the card even if you have the card in hand.

What should I do once I receive the EAD card?

You need to bring your EAD card to the PSU Intl Student Services office (Center for Global Engagement), so we can make a copy for our files. Or you can scan/email a copy to us. We MUST have a copy of your EAD in your file.

Can I work for more than one employer with an EAD card?

Yes. You can work for more than one employer or change employers, provided that the job is directly related to your area of study.

What if I receive my EAD card, but my graduation is delayed? Can I still work?

Yes. But you need to see the PSU immigration advisor.

What should I do about health insurance when I am on OPT?

In some cases, your employer will provide you with health insurance once you are on an employer's payroll. It is strongly recommended that you maintain some kind of health insurance yourself if your employer doesn't provide it.

Can I travel outside the United States while my OPT application is pending?

It is risky to travel unless you have a job offer in hand. With a job offer, and your OPT application receipt, you may travel outside the US if your visa is still valid.

Can I travel outside the United States after I receive my EAD card?

Under new regulations, an F-1 student with an EAD card and proof of employment (a letter from your employer verifying that you have a job) can travel outside the U.S. However, if you have an EAD card but no job offer you should not travel. Without a letter from your employer identifying you as having a job, you will not be able to re-enter the U.S. If you leave the country you will forfeit your OPT opportunity.

What is the impact of a transfer to another school if I am on OPT?

Your authorization for OPT ends on the transfer release date. Authorization for OPT is not transferable. If you wish to complete OPT, the transfer-out must set the release date for a date after the OPT ends. You may transfer during the 60-day grace period following post-completion OPT, as long as the transfer release date occurs within the grace period.

What if I've applied for OPT and don't finish all the courses for my degree on time?

You should make an appointment to see your immigration advisor as soon as you find out you won't be completing your degree as planned. If your OPT application is still pending, you should ask the Immigration Advisor to withdraw it. Your application fee will not be refunded. If your application has already been processed, you may work part time while you complete your course work IF the job is related to your major. If you are not working, you will begin accumulating unemployment days and will likely exceed the allowed number before you complete your degree.

Is every day of unemployment counted?

Each day (including weekends) during the period when OPT authorization begins and ends that the student does not have qualifying employment counts as a day of unemployment.

Can I count volunteer work as OPT?

Yes, as long as it's related to your degree program and you're volunteering at least 20 hours a week.

What else counts as "employment" for OPT?

Several kinds of work count as "employment" while on your original 12-month post-completion OPT, but it must be at least 20 hours per week and related to your degree program to count.

1. Paid employment for one or multiple employers (all must be related to your degree program).
2. Self-employment, if you start your own business, have the proper business licenses, and are actively engaged in a business related to your degree program. You must be very careful to document full-time work.
3. Employment through an agency
4. Unpaid (volunteer) employment as interns or volunteers provided this does not violate any labor laws. Your "employer" must provide evidence that you worked at least 20 hours per week during the period of employment.
5. Work for hire - that is, work you do based on a contract rather than an employment relationship.

Do all these things count as employment for a STEM extension, too?

No, STEM extension employment must be paid work related to your degree with an employer registered in E-Verify.

When do I have to report employment changes?

You are required by law to report any changes to employment status within 10 days to the PSU Intl Student Services Office. Keep records of all updates you send.

What else do I have to report to IPS while I'm on OPT or a STEM or Cap Gap extension?

You must report legal name changes, change in residential or mailing address, loss of employment. You must report these within 10 days of the change becoming effective.

What if I forget to report? Or forget to notify my immigration advisor that I've got an H1-B petition pending? Isn't it the advisor's responsibility to remind me?

NO, it is not the immigration advisor's responsibility to remind you to report changes. IPS will do all we can to send reminders and provide information (like this FAQ), but it is your responsibility to remember to keep us updated.

Does a minor in business mean that I can work at a business-related job on OPT?

No, OPT must be related to a major (or to either major if you have a double major), but it can't be related to a minor.

12. Will I need to pay taxes?

F and J students who have been present in the US for less than any part of 5 calendar years are usually considered “nonresident aliens” for income tax purposes. This means that you are usually exempt from the Social Security and Medicare taxes during your period of OPT.

You do have to pay US Federal income tax. State income tax and local income tax may also be withheld from your pay depending on where you are working. Taxes are estimated by your employer and deducted from your paychecks. .

You will need to file a tax return, commonly form 1040NR or 1040NR-EZ, by April 15th of each year. You may chose a tax service (make sure they can help with a non-resident return) or purchase non-resident alien software. A few examples of software available for purchase are [Arctic International Solutions](#) or [IS Taxes](#). You should not use products such as H & R Block® or Turbo Tax® software as they are not designed for international student tax purposes. Download IRS publication 515 and 519 for more details about your obligations for US federal income tax at the [IRS web site](#) for additional information.

II.H1-Bs and “Cap Gaps”

What is a "Cap Gap" extension?

If an employer petitions for an H1-B visa for you before your F-1 status ends, AND your F-1 status ends prior to the effective date of your H1-B visa, you may be eligible for a Cap Gap extension. Students on OPT may continue to work during this extension. Students who are not on OPT may have their student status extended, but are not authorized to work.

Can I get a Cap Gap extension if I'm not on OPT?

Yes. If an employer has filed for an H1-B you may request a "Cap Gap" extension even if you are not on OPT. This extension would allow you to stay in the US legally until your H1-B visa becomes effective, but it would not authorize you to work before the effective date of the H1-B.

I've heard the "cap gap" extension is automatic. Is there anything I have to do?

YES! You must request that your immigration advisor document the extension in SEVIS. In order to do this, your immigration advisor will need proof that the H1-B petition has been timely

filed, received by the USCIS Service Center, that you've been wait listed, or that the H1-B has been approved.

How do I know the status of my H1-B petition?

You won't be personally notified of actions on your H1-B petition. You must remain in regular contact with the sponsoring employer.

III. STEM

What is a STEM extension?

Students whose degrees are in STEM fields (Science, Technology, Engineering, Mathematics) may qualify for a 17-month extension of work authorization if their employer meets certain requirements. Students may have only one STEM extension, no matter how many periods of OPT they have authorized.

If I have a dual major, do both have to be STEM fields for me to qualify?

No, you may qualify for a STEM extension on the major that is a STEM major if you are working in that field.

Can I change jobs if I'm on a STEM extension?

Yes, but you may work only for employers registered with E-Verify. You may also work for more than one employer in order to work at least 20 hours per week, but every employer must be registered with E-Verify.

What if my EAD expires before my STEM extension is approved?

You may continue working for up to 180 days while your STEM extension application is pending.

Can I travel outside the US while my STEM extension is pending?

You must wait to receive your new EAD card if your old one will have expired before your return to the US.

Do I have to worry about unemployment days once I'm on a STEM extension?

Yes, students with a STEM extension are allowed no more than 120 days of unemployment *from the beginning of their original OPT*.

E. End of OPT

1. What should I do when my OPT ends?

Please notify your International Advisor at PSU when your OPT ends, especially if it's an early ending, as we need to properly update your immigration record. After your OPT period ends, you are allowed to remain in the US up to 60 days, even if you requested your OPT to start 60 days following your degree completion date.

You may use this time to prepare to return home. Or, you may use this time to finish organizing your next educational program. If you plan on starting another educational program, you must receive the new I-20 by the end of the 60 days and the program must begin within 5 months of the end of the OPT. Contact the ISS or GEO Offices for instructions on changing schools or educational programs. As a last alternative, you may file a change of status petition with the USCIS within this period.

There are many legal options open to you, or you may wish to use your 60 day grace period to prepare for departure from the US.

Links

<http://www.ice.gov/sevis/practical-training/> Descriptions of types of employment authorization

http://www.ice.gov/doclib/sevis/pdf/opt_checklist.pdf Checklist to help with OPT applications

Plymouth State University

Int'l Student Services Office

ACADEMIC ADVISER'S RECOMMENDATION FORM FOR F-1 OPTIONAL PRACTICAL TRAINING (OPT)

This form provides the ISSO with the information required by the U.S. Citizenship and Immigration Services for the granting of employment for practical training to an international student. The purpose of this form is to have the academic advisor's confirmation that this student will be completing the program at the time stated below. Questions pertaining can be directed to Jane Barry, jane.barry@plymouth.edu, 535.3372 or Lisa Ladd, lladd@plymouth.edu or 535.2251. Thank you for your assistance.

STUDENT'S NAME:

ADVISER'S NAME, TITLE, & DEPARTMENT:

When do you anticipate this student completing his or her studies at Plymouth?
(Please fill in date and check one of the following.)

Graduation of Degree date _____

Completion of semester/last day as registered student _____

Other: _____

(explain)

Adviser's signature

Date

Phone number

Plymouth State University

Int'l Student Services Office

Optional Practical Training (OPT) Acknowledgement

NAME: _____

PSU ID: _____

Applying for OPT is not a guaranteed authorization to work in the U.S. after you graduate. You are responsible for completing and submitting your OPT application and that PSU staff are only able to provide you with information and regulations regarding Optional Practical Training and will not complete the application for you.

There are several important rules and procedures that must be followed after applying for Optional Practical Training (OPT) employment authorization. Complying with these rules and procedures is necessary to maintain lawful F-1 immigration status. Please review carefully each item below, then sign this form to confirm that you understand and will abide by them. Your signature also confirms your requested OPT dates. The original, signed copy of this acknowledgement will be kept in your ISSO file and a copy will be given to you for your reference.

1. *When to Apply and Thirty-day filing deadline:* I understand that I may only apply up to 90 days prior to my program end date, and no more than 60 days past my program end date. I understand that my OPT application must reach the USCIS Service Center no later than 30 days after my ISSO advisor signs the OPT recommendation on my new Form I-20.

2. *Failure to complete program requirements:* I understand that if I fail to complete all the requirements of my program, I must request an extension of my Form I-20 prior to the program end date found in item #5 of my latest I-20. I know that this may invalidate or otherwise effect the OPT authorization.

3. *Submission of EAD to the ISSO:* I understand that I must bring my OPT Employment Authorization Document (EAD) to the ISSO as soon as it is issued by the USCIS so that it may be copied and the approval recorded appropriately.

4. *Working in my major field of study:* I understand that any employment I accept, or another OPT activity in which I participate, must be directly related to my STEM major field of study and must be commensurate with my current level of education. I know that I should keep records that will verify this.

5. *Reporting requirements:* I understand that in order to maintain my immigration status while on OPT, I must:
a. Notify the ISSO of my new address within ten days if I should move residence. I can do so by sending an email to jane.barry@plymouth.edu.
b. Report OPT location/employer name and address, efforts to seek employment, and interruptions in employment: I understand I am required to report the name and address of my OPT location/employer. If I stop working, I must report that there has been an "interruption in employment".

6. *Periods of unemployment during post-completion OPT:* I understand that I may not accrue an aggregate of more than 90 days of unemployment during my post-completion OPT period. I will keep thorough and accurate records of my job search, employment or other OPT activities, and periods of unemployment.

7. *Traveling outside the U.S.:* I understand that if I travel outside the U.S. without the following items, I will experience difficulty when returning and could, in fact, be prohibited from re-entering the U.S.

a. Valid passport

- b. F-1 visa in my passport that will be valid on the day I plan to return to the U.S. If I do not have a visa that will be valid for my return, I will obtain one at a U.S. consulate or embassy while outside the U.S.
- c. Travel signature on my Form I-20 that is less than six (6) months old.
- d. OPT Employment Authorization Document (EAD, also known as “OPT Card”)
- e. Letter from my employer to prove that I have a job or OPT activity to resume when I return to the U.S., or an offer letter to show that I will begin a job/activity upon my return to the U.S.

8. *Invalidating OPT:* I understand that my OPT will be cancelled or invalidated if I commence a new program of study, transfer my SEVIS record to a new school, engage in unauthorized employment, or otherwise violate my F-1 immigration status.

9. *Sixty-day “grace” period after OPT:* I understand that I am permitted a period of 60 days to remain in the U.S. following the end date on my OPT EAD. I may *not* work during this period unless my immigration status is changed to a classification that permits employment, or my employer has submitted a timely filed petition to change status to H-1B to begin on October 1st following my OPT end date that would enable me to take advantage of an extension of my OPT authorization under “cap-gap” regulations. I can also use this time to transfer my F-1 status to another school, apply for a change of status, process a level change to begin a new program of study, or to depart the U.S. (which I must do no later than the sixtieth day).

10. *Limits on future periods of OPT:* I understand that I am eligible for only one 12-month period of OPT per education level (e.g., bachelor’s, master’s, Ph.D., etc.). I understand that in limited situations, I may be eligible to apply for a 17-month extension of my OPT authorization, and that I must apply for the extension prior to the end date of my initial OPT period.

11. *Cancelling my application:* If extraordinary circumstances warrant it, I can attempt to cancel my OPT application only if the application has not yet been adjudicated (approved) by the USCIS Service Center. I will work with my ISSO advisor if cancellation becomes necessary.

12. *OPT start and end dates:* I am responsible for choosing the employment dates below which will be recorded in the ISSO’s recommendation on my Form I-20. I know that I will not be able to change them should the dates become incompatible with a future offer of employment. I also understand that I cannot extend OPT beyond 12 months even I have not worked for the entire OPT period, unless I qualify the STEM OPT extension.

13. *Beginning employment:* I know that I may not begin work until I have the OPT EAD (card) in my possession and the start date of the EAD has been reached. To do so constitutes unauthorized employment and a violation of my F-1 status.

I request the following OPT dates:

Start date: _____ End Date: _____
 ___ Full-time ___ Part-time

Acknowledgement:

I verify that I have not used any period of OPT at my current educational level or a higher educational level that would disqualify me from the OPT authorization I now seek.

I have read and understand the above rules and procedures and will abide by them. I acknowledge and fully understand that the correct filing of my OPT application is solely my responsibility and I hold PSU not responsible for any application denials or Requests for Evidence (RFE) by USCIS.

 Signature of Student

 Date

Plymouth State University

Int'l Student Services Office

ISSO Information Sheet for OPT Application

We will enter our ISSO advisor/DSO recommendation of your OPT in to the SEVIS database and print out a new I-20 for you, which is a requirement in applying for OPT. We need the following information:

FIRST NAME: _____ LAST NAME: _____

SEVIS ID# (upper right hand corner of your I-20, starts with "N"): __N_____

OPT START DATE: _____ * OPT END DATE: _____

*Please read section below on choosing your start date.

MAJOR FIELD:

YOUR EMAIL ADDRESS:

DATE of GRADUATION:

Choosing your Start Date:

You are allowed to pick a start date any time within the 60 days following your program end date, which may coincide with your graduation date. For a May 2013 graduation (PSU's commencement date is May 18, 2013), you can pick a start date between May 19 and July 17. There is some leeway if you finish your coursework and need an earlier start date. There are many overlapping time constraints which affect your OPT application. When choosing the start date for your OPT card, the most important priorities to weigh are:

1. **Choose the earliest day that you might want to start working (you cannot begin working BEFORE the start date on the OPT card).** What if someone offers you a job with the stipulation that you start the day after graduation? Plan for any possibility.
2. **If you want the latest possible day to start your work authorization,** the latest day you may choose as your start date for the OPT card is 60 days after your graduation or last day of registration (whichever is earlier). For May 2013 graduation, the latest day is July 17, 2013.

REMEMBER: You may not change these dates after you apply for OPT.