PSU’s Everything You Need to Know About OPT

I. General Information:

When can I apply for Post-Completion Optional Practical Training?

You can apply for post-completion OPT as early as 90 days prior to your academic program end date or as many as 60 days after you complete your program. However, students applying for OPT after their program completion date may not receive the full 12 months of OPT authorization! Your application must be received at the designated USCIS Office before the 60th day following program completion.

Pre-Completion OPT:
You may also apply for pre-completion OPT which, if approved, allows a student to work part-time (during school terms) prior to degree completion. Highlights include:

- Total of one year of OPT per educational level, whether pre- or post-completion.
- USCIS processing is 2-3 months.
- Part-time employment during fall and spring, full-time during official school breaks.
- Full-time enrollment required fall and spring semesters
- OPT must end by the student’s program completion date.
- No unemployment limit.
- No reporting requirements (other than changes of address).
- Splitting OPT between pre- and post-completion requires two USCIS applications and fees.

NOTE: A student who still has coursework remaining to complete his or her educational objective or degree program is limited to no more than 20 hours per week of Pre-completion Optional Practical Training while school is in session.

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?

For post-completion OPT, you can select any date between your program end date and the 59th day after that. AND, the application MUST be filed within 60 days of your program end date. Pre-completion OPT start dates should factor in the 2-3 month application processing time.

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’s involved in the application process? What paperwork is needed for the OPT application?

You’ll need to schedule an appointment with an international student advisor in GEO. There are a few forms to complete, including completion of a GEO authorization form from your academic advisor confirming that you will indeed be graduating when you think you will be! You need to complete this and all other items in the OPT Authorization Request. (Included in this packet.) You will also need your international advisor to issue you an updated I-20 with OPT recommended.

NOTE: Your OPT application must be received by USCIS within 30 days of the signature of the updated I-20!

Is there a fee?

Yes, the fee currently (2016) is $380.00 and must be included with the application

How long can I work on OPT?

You are eligible for up to twelve months of OPT. However, if you completed 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.

Pre-completion OPT employment shall be deducted from available practical training at one-half the full-time rate.

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. And you should attend one of our OPT and Employment Readiness Workshops.

**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 12-months of 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 Global Engagement Office (GEO), 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. You need to submit an Employer Information Form for each employer you work for during OPT.

**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 written job offer, your OPT application receipt (I-797), your passport valid for at least 6 months or more, and your endorsed I-20, 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?

Yes, you may travel outside the United States while on OPT. You need to be ready to present the following documents when re-entering the United States to continue OPT:

- I-20, signed for travel by ISP within the last 6 months
- Passport, valid for at least 6 months beyond your expected date of entry into the United States
- Valid F-1 visa (Canadian citizens are exempt from this requirement)
- EAD (or a copy of the OPT Receipt Notice, if the EAD has not yet arrived)
- Letter from your current or prospective employer verifying you are returning to the United States to continue or accept new employment
  - There are no guidelines for this letter other than it should be on business letterhead. Although immigration officials have been instructed to request a letter of employment from F-1 visa holders entering the United States while on OPT, feedback from international students suggests these letter are not frequently requested. We recommend you travel with a letter to meet the requirement just in case.

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. Any unpaid or volunteer work related to your degree program is considered “employment” on OPT and therefore will not count against the 90 days aggregate unemployment!

**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.

SEVP recommends that the student maintain evidence for each job documenting the position held, proof of the duration of that position, the job title, contact information for the student's supervisor or manager, and a description of the work.

If it is not clear from the job description that the work is related to the student's degree, SEVP recommends that the student obtain a signed letter from his or her hiring official, supervisor, or manager stating how the student's degree is related to the work performed.
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 any changes?

You are required by law to report any changes to employment status (either new job or loss of job), legal name changes, your address or phone number within 10 days to the Global Engagement Office. Keep records of all updates you send.

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. GEO staff will do their best 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.

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. STEM extensions

What is a STEM extension?

Students whose degrees are in STEM fields (Science, Technology, Engineering, Mathematics) may qualify for a 24-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.

III End of OPT

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 GEO 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

*You are advised to keep this informational booklet for reference during your entire OPT authorization*

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Plymouth State University
Global Engagement Office (GEO)

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

This form provides GEO 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. 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