



## **DEFINING OPTIONAL PRACTICAL TRAINING (OPT)**

F-1 visa holders are eligible to participate in an aggregate total of 12 months of employment known as Optional Practical Training (OPT).

## **RULES/REGULATIONS OF OPT**

Students must have been enrolled for at least one full academic year (2 semesters) to be eligible for OPT.

All employment (paid or unpaid) must be tied to the academic major listed on the student's Form I-20. (Ex: If a student pursues a BA in Mathematics, the employment during the 12 month period must be related to the field of Mathematics)

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: Student pursues a Bachelor's degree in the U.S., they are eligible for a period of 12 months of OPT during or after their Bachelor's degree. Student then goes on to pursue a Master's degree in the U.S. is eligible for another 12 months of OPT during or after completion of their 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.

## **TYPES OF OPT**

### **POST COMPLETION OPT**

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 two full semesters.

### **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 or 40 hours/week during breaks

### **STEM OPT**

If you are a stem major, you are eligible to apply for an additional 24 months of OPT as long as you are working directly related to your stem eligible major for a company that is part of the E-Verify system ( a name matching programs between the social security administration and the Department of Homeland Security). The employer also must be willing to complete the Form I-983 with you. You can apply for the STEM extension up to 90 days before the first 12 months of OPT expire. You would need to consult the McCulloch Center to begin the process.

## **GENERAL CONSIDERATIONS**

### **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 advisor in the McCulloch Center. If approved, USCIS will send the student the 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 Mount Holyoke College.

## **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 (the start date listed on your EAD), you are allotted a 90-day unemployment period during the 12 months. You are obligated to report all employment activity to the McCulloch Center within 10 days of accepting, terminating, or changing employment. You can also report this information to the SEVP portal which you will have access to on the start date listed on your EAD card (you will receive an email from SEVP on this). Students that are unemployed for more than 90 days will need to exit the U.S. Time spent outside the US and weekends are counted against the 90 day rule if you are not employed.

## **HOW IS EMPLOYMENT DEFINED BY THE DEPARTMENT OF HOMELAND SECURITY?**

For the purposes of OPT, the “employment” obligation can be met in any of the following manners as long as the work is directly related to your academic major:

- Gainful full-time employment (more than 20 hours per week)
- Self-employment (more than 20 hours per week)
- Unpaid full-time or part-time (more than 20 hours per week) internships
- Volunteering for more than 20 hours per week

## **CAN I BE EMPLOYED WITH MORE THAN ONE EMPLOYER?**

Yes. With OPT, you can have multiple employers, and you may also switch employers very easily. Mount Holyoke remains your visa sponsor throughout the duration of your OPT program. Any changes of employment must be reported to the McCulloch Center or through the SEVP portal within 10 days.

## **WHAT HAPPENS AFTER THE PERIOD OF OPT?**

All employment must cease by the end date on the EAD card unless you are eligible for the Cap-Gap extension because an employer sponsored and successfully switched you to an employment based visa or you have filed a 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 but are not allowed to work during this time.

## **TIMELINE FOR APPLICATION**

US Citizenship & Immigration Services (USCIS) can take up to 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 completion date. If you have an offer of employment, and/or intend to begin employment soon after completing your studies, it is strongly encouraged that you apply early. The last date for USCIS to receive an OPT application is 60 days after the program end date on the I-20 form. So you must apply with enough time for your application to be received by USCIS – do not wait until the 60<sup>th</sup> day after completing your studies to apply.

**USCIS PROCESSING:** Once your application is submitted, it will be officially received by USCIS, and you will receive a receipt number online. A receipt notice will be mailed by USCIS to the applicant with a receipt number and receipt date as well.

## **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, you will be given a certain amount of time to reply to the RFE. 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 – You must meet with an advisor in the McCulloch Center before you are able to apply for OPT**

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

Yes, you will choose the start date for your period of OPT during the OPT appointment with the McCulloch Center. On the OPT recommendation page in SEVIS, the DSO will input the start date you choose. **A new I-20 form that is a required part of your OPT application** will be printed for you. For post-completion OPT, you choose a start date which must be during the 60 day grace period following the end date of your I-20 form. Please 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. McCulloch Center staff will guide you through applying online for your OPT with USCIS after you have been issued the new I-20 form recommending you for the OPT.

### **WHAT HAPPENS AFTER I SUBMIT MY APPLICATION TO USCIS?**

After USCIS receives your online application, a receipt notice will be emailed to you and then a hard copy will be mailed out within 2-3 weeks. This receipt notice is simply to state that USCIS has received the application and will work on adjudicating it in the proper timeframe. It will provide a receipt number and official date of receipt. Do not lose this notice.

## **WHILE YOU WAIT FOR USCIS APPROVAL**

### **TRACKING THE STATUS OF YOUR APPLICATION**

You can certainly track the status of your application, but BEWARE, 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 up to 90 days or more. During this time, you will simply need to be PATIENT and wait. Calling USCIS or McCulloch Center will prove futile in expediting the application.

### **IS THERE A WAY TO EXPEDITE?**

Yes, there is a way to expedite the application and this costs \$1,500 in addition to the normal application fee (currently \$410). The expedite fee guarantees a decision within 30 days of the application being receipted. However, it does not include the time it takes to process the EAD card.

## **AFTER OPT APPROVAL AND RECEIPT OF EAD CARD**

### **MISTAKES ON THE EAD CARD**

Occasionally USCIS will make a mistake on the EAD card. If the mistake is the fault of USCIS, you can contact them for a card correction and will not have to pay the fee again. If the mistake is one you made on your application, you will want to contact USCIS to have it rectified and will have to pay the fee again.

### **LOST EAD CARD**

If you lose your EAD card, you will have to re-file the OPT application and pay the \$410.00 filing fee again. If 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 have proof (receipt) that you have applied for a 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 are welcome to travel internationally for short periods of time during your period of 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. Please note, time spent outside of the U.S. does contribute towards the 90 day unemployment period if you are not employed. Upon re-entry into the U.S., you must be sure to re-enter using the documents listed below. If you re-enter the U.S. under a different visa category, your period of OPT is immediately cancelled. (Ex: you reenter 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, unexpired 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 Card
- Employer offer letter/confirmation letter

\*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 reenter with your valid F-1 visa stamp, I-20 form, and passport. If your OPT application is pending, have the receipt notice with you.

### **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 the McCulloch Center 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 reenter the U.S. which will cause further travel complications.

### **TEMPORARY ABSENCE: 5 MONTH CLAUSE AND 90 DAY UNEMPLOYMENT**

If you remain outside of the U.S. for a period of 3 months or more and are not employed, your F-1 visa status and subsequent period of OPT is automatically cancelled. If you are outside the US for more than 5 months, even if you are employed for remote work, you are considered to have abandoned your F-1 status and should not try and re-enter the US. Forewarning: a Customs and Border Patrol 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.

### **GENERAL RULE OF THUMB ON 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 it is strongly discouraged to take immigration advice from friends. If you have any doubts regarding travel and re-entry, please contact an advisor in the McCulloch Center for guidance