Optional Practical Training (OPT)

Presented by: The Center for International Education-SIU
Objective

• Educate SIU’s F-1 student population on Optional Practical Training:
  • Background
  • Rules/Regulations
  • Application Process
  • What to Expect
What is OPT?

• “Temporary employment for practical training directly related to the student’s major area of study.”
• A student is eligible for 12 months of OPT at one bachelor’s, master’s and doctoral educational level(s).
• Must be approved by U.S. Citizenship and Immigration Service (USCIS)
What are the types of OPT?

**PRE-Completion**
- Full-time, minimum 20 hours per week
  - During summer vacation
  - Must enroll for the spring prior to & fall after your OPT period
- Part-time, maximum 20 hours per week
  - While school is in session
  - Must be enrolled full-time

**POST-Completion**
- Full-time, minimum 20 hours per week
  - At the end of your academic program
- Grad Students with completed course work:
  - May apply for OPT while working on thesis/dissertation.
  - Continuing Enrollment (601) does not prohibit eligibility
PRE-Completion

**Advantages**

- May work full-time and/or part-time during appropriate times of the year
- No unemployment restriction
- Possible to obtain a program extension
- Graduate student’s may use while finishing thesis/dissertation

**Disadvantages**

- May not apply for a STEM OPT Extension
- Would NOT be eligible for a cap-gap OPT Extension
- Time spent in pre-completion OPT is deducted from the time available for post-completion OPT.
- Must maintain a full-course of study.
POST-Completion

Advantages
• May work full-time
• Do not have to maintain a full-course of study
• Graduate student’s may use while finishing thesis/dissertation
• Eligible for a cap-gap extension
• If in a STEM field, may apply for a 17 Month OPT STEM Extension

Disadvantages
• Subject to 90 day unemployment limit
• Not able to receive a program extension
• Juggling work/completing program
Things to know about OPT

• Status is dependent upon employment
  • Must not accrue more than 90 days of unemployment under the initial OPT authorization
  • STEM OPT students may not exceed 120 days of unemployment, adding 30 additional days to cover the full 29 months of OPT
• Post-completion OPT and STEM, must work 20 hours or more a week to maintain a full-time workload
• Must work within your current field of study
So...how do I know if I’m eligible for OPT?

• You must have been a full time student for at least one academic year.
• You must currently be in F-1 status.
• You must be in good academic standing.
• You have satisfied ALL requirements for graduation, or for Graduate Students, the completion of all required coursework.
• You must not have used more than 12 months of OPT in the past at your current degree level.
• You must not have used 12 months of CPT.
• You do NOT need to have a job offer in order to apply for OPT.
How do I know when to apply for OPT?

- **Degree Completion:** Refers to the day you complete all your degree requirements. *(Not the date of your graduation ceremony)*
  - Most Students: The last day of the semester for which you are applying.
  - Doctoral/Thesis Students: This could be your dissertation/thesis submission date.
    - This is a very special circumstance that is rarely used.

*Dates indicated for the Spring 2015 semester*
So, what now?

- I know I am eligible.
- I know when to apply....what’s next?
Steps to apply:

1. Obtain the **OPT Application Packet**
2. OPT Advisor Recommendation Form completed by your Academic Advisor or Graduate Program Coordinator
3. Schedule an appointment to apply for OPT at CIE
   - Call the front desk (618) 453-5774, or email issinfo@siu.edu
4. Complete all application forms/requirements
   - Proof of Payment (check or money order) paid to U.S. Department of Homeland Security for $380.00
   - 2 Passport Style Photos- that have never been used before and were taken recently (Specifications may be found in the OPT application packet)
What do I need when I come in for my OPT appointment?

• OPT Advisor Recommendation Form completed by the academic advisor/graduate program coordinator
• $380.00 Proof of Payment
• 2 New/Recent Passport Style Photos
• Copy of Immigration Documents (I-94, Passport, Visa, and ALL I-20s)
• Completed OPT Agreement, G-1145, I-765
  • If you are unsure of a question, please, leave it blank.
• I-765 Fingerprint Signature Card will be completed during the appointment
• Previous Employment Authorization Documents (EADs)
  • (If applicable) from previous employment authorization
• Employment Offer Letter (If applicable)
**Department of Homeland Security**
U.S. Citizenship and Immigration Services

**Form I-765, Application For Employment Authorization**

**Do not write in this block.**

**Remarks**

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**Application Approval Employment Authorized/Extended (Circle One)**

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<td>Permission to accept employment.</td>
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<td>Removal of any permission to accept employment (attach a copy of your previous employment authorization document).</td>
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**Subject to the following conditions:**

| Application | 
|-------------|---|
| Denied. | |
| Failed to establish eligibility under 8 CFR 274a.12(d) or (e). | |
| Failed to establish economic necessity under 8 CFR 274a.12(c)(1), (3) and 8 CFR 214a.2(d) | |

**I am applying for:**

| Permission to accept employment. | |
| Replacement (of lost employment authorization document). | |
| Removal of any permission to accept employment (attach a copy of your previous employment authorization document). | |

**Certification**

**Your Certification:** I certify, under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct. Furthermore, I authorize the release of any information that U.S. Citizenship and Immigration Services needs to determine eligibility for the benefit I am seeking. I have read the “Who May File Form I-765” section of the instructions and have identified the appropriate eligibility category in Question 14.

**Signature**

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**Signature of Person Preparing Form, If Other Than Above:** I declare that this document was prepared by me at the request of the applicant and is based on all information of which I have any knowledge.

**Print Name**

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**Employer's Name**

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**Telephone Number**

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<td>(618) 123-4567</td>
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**OIM No. 1035-0040, Expires 8/30/2016**

**Form I-765**
e-Notification of Application/Petition Acceptance
Department of Homeland Security
U.S. Citizenship and Immigration Services

What is the Purpose of This Form?
Use this form to request an electronic notification (e-Notification) when U.S. Citizenship and Immigration Services accepts your application. This service is available for applications filed at a USCIS Lockbox facility.

General Information
Complete the information below and clip this form to the first page of your application package. You will receive one e-mail and/or text message for each form you are filing.

We will send the e-Notification within 24 hours after we accept your application. Domestic customers will receive an e-mail and/or text message; overseas customers will only receive an e-mail. Undeliverable e-Notifications cannot be resent.
The e-mail or text message will display your receipt number and tell you how to get updated case status information. It will not include any personal information. The e-Notification does not grant any type of status or benefit; rather, it is provided as a convenience to customers.

USCIS will also mail you a receipt notice (I-797C), which you will receive within 10 days after your application has been accepted; use this notice as proof of your pending application or petition.

USCIS Privacy Act Statement
AUTHORITIES: The information requested on this form, and the associated evidence, is collected under the Immigration and Nationality Act, section 101, et seq.
PURPOSE: The primary purpose for providing the requested information on this form is to determine if you have established eligibility for the immigration benefit for which you are filing. The information you provide will be used to grant or deny the benefit sought.
DISCLOSURE: The information you provide is voluntary. However, failure to provide the requested information, and any requested evidence, may delay a final decision or result in denial of your form.
ROUTINE USES: The information you provide on this form may be shared with other Federal, State, local, and foreign government agencies and authorized organizations following approved routine uses described in the associated published system of records notices [DHS-USCIS-007 - Benefits Information System and DHS-USCIS-091 - Alien File, Index, and National File Tracking System of Records, which can be found at www.dhs.gov/privacy]. The information may also be made available, as appropriate, for law enforcement purposes or in the interest of national security.

Paperwork Reduction Act
An agency may not conduct or sponsor an information collection and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The public reporting burden for this collection of information is estimated at 3 minutes per response, including the time for reviewing instructions and completing and submitting the form. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: U.S. Citizenship and Immigration Services, Regulatory Coordination Division, Office of Policy and Strategy, 20 Massachusetts Avenue, NW, Washington, DC 20529-2140. OMB No. 1615-0109. Do not mail your completed Form G-1145 to this address.

Complete this form and clip it on top of the first page of your immigration form(s).

<table>
<thead>
<tr>
<th>Applicant/Petitioner Full Last Name</th>
<th>Applicant/Petitioner Full First Name</th>
<th>Applicant/Petitioner Full Middle Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Smith</td>
<td>John</td>
<td></td>
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</tbody>
</table>

E-mail Address: jsmith@siu.edu
Mobile Phone Number (Text Message): (618) 123-4567

Form G-1145 02/28/13  Page 1 of 1
Optional Practical Training Agreement

I understand that in order to remain in status with the USCIS during my OPT I cannot be unemployed for more than 90 days during the 12 months of my OPT; therefore, if I do not begin employment within the first 90 days of my OPT I will be illegally present in the United States and must return home. I also understand that any time spent outside of the U.S. during my OPT is also considered unemployed time unless the travel is a part of my employment requirements.

I understand that during my OPT I must inform the CIE office via the OPT Update form within 10 days when any of the following information changes:

1. My complete home address, where I am currently living, even if it is temporary.
2. Any and all E-mail addresses where I can be reached.
3. Any and all phone numbers where I can be reached.
4. My employer’s name and complete mailing address.
5. The dates of my employment as well as dated that I was unemployed.

I understand that I also need to inform the CIE office if I am approved for a Change of Status (H1b for example) or if I decide not to use the entire year of my OPT and leave the country or return to school on a new I-20.

I understand that all information can be reported to the CIE office via E-mail at isoupdates@siu.edu or by calling 618.453.5774.

Print name: John Smith
Signature: John Smith
Date: 10/17/2014

List All E-mail address(es): jsmith@siu.edu

Cell/landline phone number(s): (618) 123-4567

11/12/2013
Requested Start Date

• Your requested start date must be within your 60 day grace period.
  • It may be as early as the day after your completion date, but no later than the last day of your 60 day grace period.

• This date may depend upon a job offer the student has secured, or a potential offer.

• Some factors to consider:
  • Student may not begin employment before the approved start date on his/her EAD card
  • Student may not begin employment until the EAD card has been received.

• A requested start date must be notated when applying for OPT.
  • We cannot change this date once requested.
DSO Recommendation

• A student needs a recommendation from his/her DSO in order to apply for OPT.
  • USCIS must receive the student’s application within 30 days of the DSO recommending him/her in SEVIS

• When a DSO recommends a student for OPT, the school assumes the added responsibility for updating the SEVIS record of that student for the entire period of authorized OPT.
  • However, the student MUST report any change (name, address, interruption of employment, phone number, email, employer, address of employment, employment start/end dates, supervisor etc.) within 10 days.
    • This is done using the OPT Update Form.
What happens after my petition for OPT has been submitted to USCIS?

• The processing may take as long as 60-90 days.
  • It is recommended to expect 90 day processing.

• Once the application is received, USCIS will issue an I-797 Receipt Notice
  • Notice will include a case number that may be used to check the status of the student’s application at uscis.gov

• Both the I-797 Receipt Notice and Employment Authorization Document (EAD), or approval notice, are sent to CIE.
  • The student will be required to submit an OPT Update Form at the time the EAD has been issued.
I-797 Receipt Notice
Employment Authorization Document (EAD)
What is acceptable employment within my field of study?

**Unpaid/Volunteer**
- Not recommended, however, it is allowed.
- Must not violate any labor laws.
- Must follow the same rules:
  - Full-time (20 hours or more per week)
  - Must be within the field of study
  - Student must obtain evidence from the employer outlining the above mentioned.
    - I recommend requesting letters/keeping a log of hours.

**Paid**
- May be conducted with the following types of employment:
  - Regular paid employment
  - Payment by multiple short-term employers
  - Work for hire
  - Self-employed business owner
  - Employment through an agency
    - I recommend letters from the employer (including start/end date(s), job title/duties, location, # of hours worked, and pay rate, etc.)
    - Pay stubs (download/keep print-outs)
17 Month OPT STEM Extension

- The extension will be for an additional 17 months, for a maximum of 29 months of OPT, if all of the following requirements are met:
  - Completed a bachelor’s, master’s, or doctoral degree in a Science, Technology, Engineering, or Mathematics (STEM) degree field.
    - Degree must be on DHS’ [STEM-Designated Degree Program List](#)
  - Currently engaged in post-completion OPT on the basis of the degree awarded in that STEM field (or making progress toward that degree)
  - Has not previously received a 17-month OPT extension after earning a STEM degree
  - Employer must be actively participating in the E-verify program
  - Must be paid employment
E-verify Defined

• E-verify is an Internet-based system that compares information from an employee’s Form I-9, Employment Eligibility Verification, to data from U.S. Department of Homeland Security and Social Security Administration records to confirm employment eligibility.

• The system allows participating employers to electronically verify the employment of their newly hired employees.
Applying for the 17 Month OPT STEM Extension

• Process is very similar to the standard OPT application
• Visit cie.siu.edu, and complete the 17 Month OPT STEM Application Packet
• Send completed packet to CIE for recommendation/processing
• Students may apply for the STEM extension up to 120 days prior to the standard OPT end date, but no later than 30 days before the standard OPT end date.
• Additional items needed for the STEM application include: Copy of EAD card, letter(s) from employers, paystubs/bank statements, diploma/transcripts
17 Month STEM OPT Extension Reporting Requirements

• Additional reporting requirements are required of approved STEM extensions
  • Must report changes of name, address, employer name/address, and/or loss of employment within 10 days of the change.
  • ALL employers must be E-verified.
  • The student must make a “validation report,” or update, with the DSO every six months from the date the extension begins.
    • Both of the above should be done using the [OPT Update Form](#)
I, John Smith, hereby apply to work under the STEM J-1 Visa. I am seeking a J-1 Visa to participate in the D-Summer Internship Program. I have the education and experience necessary to work in the field of Mechanical Engineering. I have completed all required courses and have an average GPA of 3.8. I have also completed an internship at ABC Company, where I gained valuable experience in the field. I am currently enrolled in a full-time graduate program at SIU Carbondale.

I certify that all information provided is true and complete. I understand that any false information may result in the denial of my application. I authorize the release of any information to U.S. Citizenship and Immigration Services as necessary to process my application.

John Smith

Signature

10/17/2014

Date

(618) 123-4567

Telephone Number
## Travel and OPT

<table>
<thead>
<tr>
<th>Status</th>
<th>Travel Recommended?</th>
<th>Travel Risk Level</th>
<th>What You Need</th>
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<tbody>
<tr>
<td>Applied for OPT, application is pending and you are no longer a student (reached completion date)</td>
<td>NO</td>
<td>Moderate to high—if OPT application is approved while you are away, you may be denied reentry into the country.</td>
<td>Signature on your I-20, Valid passport &amp; visa, and I-797 Receipt Notice</td>
</tr>
<tr>
<td>Application for OPT is approved and you have your EAD card, but you do not have a job offer</td>
<td>NO</td>
<td>High—if you decide to travel, you should take proof that you are actively looking for a position (i.e. proof that you submitted resumes, upcoming interviews, etc.) Even if you have this proof you may be denied reentry into the country.</td>
<td>Signature on your I-20, Valid passport &amp; visa, EAD card, and Proof that you are actively looking for a job</td>
</tr>
<tr>
<td>Application for OPT is approved, you have your EAD card and a job offer, but the position has not started</td>
<td>Somewhat</td>
<td>Moderate to Low—if you decide to travel, make sure that you take a job offer letter on official letterhead which should include your expected start date.</td>
<td>Signature on your I-20, Valid passport &amp; visa, EAD card, and Job offer letter</td>
</tr>
<tr>
<td>Application for OPT is approved, you have your EAD card, and you have begun work</td>
<td>YES</td>
<td>Very Low—if you decide to travel, request a letter from your employer indicating that they approve your travel, your travel dates, and that you will continue employment upon your return.</td>
<td>Signature on your I-20, Valid passport &amp; visa, EAD card, and Letter from employer</td>
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</table>
Travel and OPT

• What you will need to do:
  1. Obtain a letter from your employer approving your dates of travel.
     • This letter should be written on company letterhead, list your full name, position, and dates of travel.
     • It should also indicate that you will continue employment with that company upon your return.
  2. You will need to send a copy of the above mentioned letter with your current I-20 (for an updated signature).
     • Also, a letter from you indicating where you are traveling, the dates of travel, and the address you would like the I-20 sent back to.
     • You may also indicate how you are wanting the I-20 sent back, UPS or USPS?
  3. Also, submit an updated [OPT Update Form](#).

• When traveling you must have an up-to-date signature on your I-20. It is imperative that you carry all of your immigration documents with you (passport, visa, I-20, and I-94 card), the employer letter, and any other documentation that is you feel reflects your immigration history.
Duration of Status while on approved post-completion OPT

- The duration of status is extended after the completion date and is defined as the period beginning when the student's application for OPT was properly filed and pending approval.

- This includes the authorized period of post-completion OPT, and ending 60 days after the OPT employment authorization expires (allowing the student to prepare for departure, change educational levels at the same school, or transfer.)
Options after OPT:

- After OPT, students have a 60 day grace-period to decide what’s next! They can:
  - Depart the U.S.
  - Apply for a change of status within the U.S.
  - Begin a new academic program
    - Transfer to another institution, or
    - Apply for a new program at SIU! Go Salukis!
- You cannot work during your 60 day grace-period following your OPT
Cap-gap (H-1B)

- Timely filed H-1B petition requests to change status, while H-1B numbers are still available when filed, the student may be covered from the date their OPT ends until September 30th.
- Most H-1Bs officially begin on October 1st.
  - Employment is only extended under the cap-gap rules if the H-1B is filed while the student is within the period of post-completion OPT.
  - If the student does not have OPT at the time of filing, only F-1 status is extended (not employment authorization).
Cap-gap and Travel

• Students are not allowed to travel or re-enter the U.S. while on a cap-gap extension.

• After October 1st, when the H-1B begins, students are able to travel and apply for an H-1B visa.
What we can do...

• Help you apply for work authorization to obtain practical training in your area of study.
• Help determine a timeline for applying.
• Review the pathway to maintain status!
• Help achieve your goals within the guidance of rules and regulations
What we can **NOT** do...

- Find you the job or internship.
- Make the application process go faster.
- Change the rules or regulations.
- Make exceptions.
My guidance to you...

- Ask the question!
- Plan ahead!
- Do not always listen to your friends!
- Be patient!
- cie.siu.edu is your friend!
- Do **NOT** Google!!!!!!
- You must document everything! It’s up to you!
  - Letters from the employer (including start/end date(s), job title/duties, location, # of hours worked, and pay rate, etc.)
  - Log of Hours (recommended for unpaid/volunteer work)
  - Pay stubs (download/keep print-outs)
Looking for a position?

• Career Services is the place for you!
• Suite 0179 in the Student Services Building
  • Resume Preparation
  • Interview Preparation
  • Job Search Assistance
  • Career Fairs
  • On-campus Interviews
  • Employer Information Sessions
  • And much more!

• Contact them @ (618) 453-2391, careerservices@siu.edu
Talk with your Academic Department

• Your college/department may have an internship placement specialist.
• Your professors may also have contacts for you.
Helpful events coming up!

February/March 2015

• Spring 2015 University Career Fair
  • When: Wednesday, February 25th, 2015, 10:00a.m. to 2:00p.m.
  • Where: Student Center Ballrooms

• “Women in the Workplace”
  • When: Thursday, March 19th, 2015, 11:00a.m. to 1:00p.m.
  • Where: Student Services Building Room 170

• “Marketing Your Liberal Arts Degree: Advice from Alumni”
  • When: Wednesday, March 25th, 2015, 2:00p.m. to 3:00p.m.
  • Where: Student Services Building Room 150/160

April 2015

• Addressing Challenges: The Job Search for Students with Disabilities”
  • When: Wednesday, April 15th, 2015, 12:00p.m. to 1:00p.m.
  • Where: Woody Hall Room B150

• Salary Negotiation
  • When: Thursday, April 16th, 2015, 10:00a.m. to 11:00a.m.
  • Where: TBA

• Mastering the Interview
  • When: Tuesday, April 21st, 2015, 2:00p.m. to 3:30p.m.
  • Where: Student Services Building Room 170
Now, do you need to make an appointment to apply for OPT?

• Email me!
• Tina Sickinger, tschiff@siu.edu or issinfo@siu.edu
• You are almost done!