Post-Completion OPTIONAL PRACTICAL TRAINING FOR F-1 STUDENTS

What is post-completion Optional Practical Training (OPT)?
It is employment directly related to your field of study, following the completion of your academic degree. IT IS NOT YOUR GRADUATION DATE, which is the date when PACE UNIVERSITY recognizes those who have recently completed their studies. THE COMPLETION DATE WOULD BE THE STUDENT’S PROGRAM END DATE as scheduled on the School’s academic calendar.

Who is eligible for post-completion Optional Practical Training?
You are eligible to apply for post-completion Optional Practical Training authorization if you:
1) have been a full-time student for at least one full academic year;
2) are currently in lawful F-1 status;
3) have completed all course requirements for your degree program;
4) have not been previously authorized for 12 months of optional practical training during continuous study in the U.S. at the same educational level; and
5) have not been authorized for 12 months or more of full-time curricular practical training.

What is the maximum amount of time that can be authorized for Optional Practical Training?
The maximum amount of time that can be granted is 12 months of full-time employment authorization per educational level to all qualified students on F-1 visa. The OPT Interim Final Rule published by the Department of Homeland Security in Federal Register on April 8, 2008 contains a new provision of 17-month extension of the Post Completion OPT. This rule allows F-1 students who are currently on OPT after earning a bachelor’s, master’s, or doctoral degree in Science, Technology, Engineering, or Math program (so called STEM program – abbreviation from the above-named majors) to apply for a 17-month extension by the end of their first term (12 months) of OPT. The list of STEM degree has been posted on the uscis.gov website, and also is available at the International Students and Scholars Office (ISSO). For more details about the OPT extension for the STEM program, please come to the office for individual consultation.

How many times is it possible to get Optional Practical Training while studying in the United States?
If you complete 12 months of Optional Practical Training and go directly to a higher educational level, you will be eligible for another 12 months of OPT upon completion of your next higher degree.
**When should I apply for Optional Practical Training?**
F-1 students may apply for OPT up to 90 days before their program end date and up to 60 days after their program end date (new rule). As the Department of Homeland Security (DHS) can take between 2 to 3 months to approve your OPT request, it is important that you file your OPT application in advance so you have the authorization prior to your expected start employment date.

**What happens if I apply for OPT prior to program end date and fail to complete the degree requirements and must retake one of the classes?**
This depends on quite a few factors. If your OPT application has not been adjudicated by DHS you may withdraw the application from the Vermont Service Center. ISSO staff will adjust your SEVIS record and cancel the OPT electronically. If the employment authorization has been approved already by the time you became aware of the failing grade, it will be too late to withdraw. In this case you’ll go back to School to complete the degree requirements. At the same time you must keep your OPT but may use it for part-time employment only, while enrolled in course/s to complete the degree requirements of your program and you may use the OPT for full-time employment during the School breaks. After completion of the degree requirements you may work full-time for the remaining of you OPT. In such cases it is strongly recommended to contact the ISSO immediately for guidance.

**What type of work can I do while authorized for the post-completion Optional Practical Training?**
The work must be directly related to your major field of study and it must be appropriate for someone with your level of education.
For students who are not on STEM extension, this employment may include:
1. Paid employment (part-time or full-time)
2. Multiple employers (the student on OPT may work for more than one employer, but all employment must be related to the student’s degree program.
3. Work for hire (service performed on contractual relationship)
4. Self-employed business owner (students on OPT may start a business, proper business license is required, as well as business activities related to the student’s degree program)
5. Employment through the Staffing Agency/Consulting Company (at least 20 hrs. per week)
6. Unpaid employment (students may work as volunteers or unpaid interns for at least 20 hrs. per week where this does not violate any labor laws)

**Do I need a job offer to apply for post-completion Optional Practical Training?**
No, you do not need a specific job offer to apply for OPT; it is a granted benefit and a legal extension of your F-1 status and lawful stay in the United States. However, the provision of the new OPT rule (see above) establishes a limit on the period of unemployment during the 12-month of authorized post-completion OPT. **Students on OPT may have up to 90 days of unemployment in total accumulation during the 12 month of OPT.**
What counts as unemployment time?
Each day during the period when the OPT authorization begins and ends that the student does not have qualifying employment (see above 6 categories for the qualifying employment, including unpaid internship or volunteering work) counts as a day of unemployment. The only exception is that periods of up to 10 days between the end of one job and the beginning of the next job will not be included in the calculation for time spent unemployed.

How does travel outside US impact the period of unemployment?
If the student whose approved period of OPT has started travels outside of the United States while unemployed, the time spent outside the US will count as unemployment against the 90-day limit. If the student travels while employed (authorized vacation or business trip, as a part of employment), the time spent outside US will not count as unemployment.

What are the consequences of exceeding the period of unemployment?
A student who has exceeded the period of unemployment while on post-completion OPT has violated his or her visa status unless he or she has taken one of the following actions:
1. Applied to continue his or her education by a change of educational level or transferring to another School.
2. Departed US in a timely manner.

May I start working as soon as I file my application for Optional Practical Training with USCIS?
NO, you may not begin legal employment until it has been authorized by the DHS and you have received your Employment Authorization Document (EAD).

When can I begin working?
You may begin working only on the start date printed on your EAD card. You must receive the card prior to commencing employment. We advise students to file early to avoid delays.

How do I choose the effective OPT days?
Optional Practical Training must be completed within 14 months of completion of your studies. This means you may request that your OPT start date will be within 60 days following your last day of classes. For example, if you completed your studies on May 15, you could request for employment to begin on May 16 or any other date within the next 60 days. Your employment end date will be exactly 12 months after the start date. On the Student’s Acknowledgment form included in the OPT packet you are required to write down the start OPT date and the end OPT date (your choice). The International Student Advisor will submit these dates electronically to SEVIS and issue you a new I-20 bearing the OPT recommendation and the expected employment start and end dates of your choice. The EAD card you will receive from DHS will have the same effective dates of employment.
What will be my non-immigrant status while on post-completion Optional Practical Training?
You will remain on F-1 status even though you have completed your studies and are working full-time. Optional Practical Training is viewed as an “extension” of your F-1 non-immigrant visa status, and grants you an opportunity to apply the theoretical knowledge you have gained to a practical work experience.

Can I travel while on Optional Practical Training or before the approval?
If you have completed your studies and leave the U.S. before Optional Practical Training is approved, your application will be considered abandoned. You can travel as long as you have an unexpired EAD, a valid F-1 visa, a Form I-20 issued for OPT and signed for travel within the last 6 months by the DSO, and proof of employment. The proof of employment would be a job letter from your current employer, or a job offer. If you leave the US after your OPT is approved but haven’t been employed yet and have no proof of employment you may be questioned by the port of entry. The time spent abroad during authorized Optional Practical Training while unemployed impacts the 90-days limit for unemployment (see above).

What happens after the “end” date of my Post-Completion Optional Practical Training?
You have a 60-days grace period in which to:
1) depart the U.S.
2) apply to continue in another educational program at Pace or another school
3) change to another non-immigrant status

What if my employer wishes to extend my employment beyond the end OPT date?
The OPT Interim Final Rule published by the Department of Homeland Security in Federal Register on April 2010 contains the new provision of the law named “Cap gap extension”, which states the following: if you are the beneficiary of an H1B petition filed by your current employer; you have the receipt notice or approval notice, but your OPT expires before the H1B comes in effect (October 1), which creates a gap in employment eligibility, your employment eligibility will be extended until September 30. However it is important to note that although the cap gap extension is automatically granted by the law, the student must request from the DSO (Int’l Students Office’s Official) a new I-20 with extended OPT end date, which serves as a proof of employment eligibility until H1B comes in effect and shows continuation of lawful F-1 status.

What are the new reporting requirements under the OPT Final Rule of April, 2008?
Students on all types of post-completion OPT – regular, cap gap OPT extension, or STEM extension have mandatory reporting requirements:
All must report any change of address within 10 days, any legal name change, employment, and interruptions of employment. Students with regular initial OPT must ensure that their status does not expire due to excessive unemployment time (see page 3 of these handouts)