

## 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 OPT?

You are eligible to apply for post-completion OPT 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.

### Can OPT be extended?

The OPT Final Rule published by the Department of Homeland Security in Federal Register effective May 10, 2016 allows a 24-month extension of the Post Completion OPT. The final 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 Mathematics ([government approved STEM fields](#)) to now be able to apply for 24 months of additional OPT if they have a job or job offer from an [E-Verify](#) employer and meet all other required criteria.

### Is there any special paperwork for filing for STEM OPT?

Students approved for STEM OPT and their employers will have increased reporting requirements, along with a formal training plan documented on the US government [Form I-983](#). More information on the [US government STEM OPT FAQs](#).

### 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. Final May 2016 OPT STEM rule allows F-1 students who obtained a degree in a [government approved STEM field](#) in the last 10 years, regardless of immigration status held at

that time; and have since completed a degree in a non-STEM field; and are currently on post-completion OPT may be eligible to apply for a STEM OPT extension based on that prior degree if they meet all other required criteria. <https://studyinthestates.dhs.gov/stem-opt-frequently-asked-questions>

Under the 24-month rule, F-1 students who had already obtained one STEM OPT extension become eligible for a second STEM OPT extension (**total of two lifetime STEM OPT extensions**) after:

- Earning another qualifying STEM degree at a "higher degree level" and
- Obtaining a new initial grant of standard 12-month post-completion practical training based on that higher degree

Note - any subsequent application for an additional 24-month STEM OPT extension must be based on a degree at a higher degree level than the degree that was the basis for the student's first OPT extension, and follow another 12 months of standard post-completion OPT.

### **When should I apply for Optional Practical Training?**

F-1 students may apply for OPT no more than 90 days before the degree completion date, or as late as 60 days after the end date (**so long as you do not leave the U.S. during these 60-days, and are in F-1 status in the U.S. at the time of application**). It is strongly recommended that you file your OPT application once you are within the 90 days period before degree completion date, as processing times are long.

### **When should I apply for STEM OPT extension?**

You cannot apply for STEM OPT extensions during the 60-day grace period following an initial 12-month period of post-completion OPT. The current requirement to properly file the request for a STEM OPT extension no sooner than 90 days prior to the end of the initial OPT period allows sufficient time to apply for the extension and ensures continuing employment authorization during the transition from the initial OPT period to the STEM OPT period. Student who filed a timely STEM OPT extension application may continue working while the STEM OPT application is pending, for up to 180 days beyond the expiration of the student's standard post-completion OPT.

### **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. ISS 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 will need to retake the class in order 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 the course. After completion of the degree requirements you may work full-time for the remainder of your OPT. It is strongly recommended to contact ISS 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. For students who are not on STEM the employment may include:

1. Paid employment (part-time or full-time)(at least 20 hrs. per week)
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 unpaid interns for at least 20 hrs. per week)

### **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 establishes a limit on the period of unemployment during the 12 months of authorized post-completion OPT. ***Students on OPT may have up to 90 days of unemployment in total accumulation during the 12 months of OPT.*** SEVIS countdown clock will trigger status termination for 90 days of unemployment in accrual.

### **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.

### **How does travel outside the U.S. impact the period of unemployment?**

If a student whose approved period of OPT has started travels outside of the United States while unemployed, the time spent outside the U.S. will count as unemployment. If the student travels while employed (vacation or business trip), the time spent outside the U.S. 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 the U.S. 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 OPT Request through ISS Connect you are required to enter the OPT start date and the OPT end 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. If DHS approves your application after your chosen OPT start date, then DHS will change your start date to the date of approval.

### **What is the ISS OPT Administrative Fee?**

While you are on OPT, you remain in F-1 non-immigrant status and ISS staff will continue to provide you with immigration and advising support. The **\$125 ISS OPT Administrative Fee** will cover the expenses of mandatory SEVIS compliance and SEVIS record management after your graduation. *Please note that this fee can only be paid online via ISSConnect under the 'Material submission' box on the right-hand side of the screen. We cannot accept this fee payment by phone, fax, email, check, cash or money order. The fee is non-refundable once the I-20 with the OPT recommendation has been issued. This fee is separate from the \$410 application fee paid directly to USCIS.*

In addition to providing you with advising while you are on OPT, we will continue to process requests, including:

- I-20s updated with employment info
- Mailing updated I-20s if you are outside the tristate area
- Travel Signatures
- Letters
- Cap-gap extension I-20s (if applicable)

### **When do I need to mail my OPT packet to the USCIS? Is there any deadline?**

You must mail the OPT packet to the USCIS within 30 days from the OPT I-20 issue date. In the event it was mailed later than that, your OPT request will be denied. The OPT I-20 is only valid for 30 days.

### **What will be my non-immigrant status be 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.

**Can I travel on my grace period between graduation and OPT filing?**

If you do not apply for OPT, but travel outside of the U.S. after your official completion date (during the 60-day grace-period), you will have negated your eligibility to apply, as you won't be able to return under F-1 status.

**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. The time spent abroad during authorized Optional Practical Training while unemployed impacts the 90-days limit for unemployment.

**What happens after the end date of my Post-Completion Optional Practical Training?**

You have a 60-day grace period 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 OPT end date?**

It may happen if you are a beneficiary of an H1B petition filed by your current employer; you have the receipt notice or approval notice, but your OPT expires before October 1, the H1B start effective date. **Cap gap extension** will allow your employment eligibility to be extended until September 30. Although the cap gap extension is automatically granted by the law, the student must request via [ISS Connect](#) a new I-20 with an extended OPT end date (September 30), which will serve as the only proof of employment eligibility (EAD card will not be extended) until H1B comes into effect.

**What are the new reporting requirements under the OPT Final Rule?**

Students on all types of post-completion OPT – regular, cap gap OPT extension, or STEM extension have mandatory reporting requirements, as outlined on the acknowledgement form.

**How do I report my employment under OPT?**

When your OPT goes into effect, you will receive a link from SEVP from Do-Not-Reply.SEVP@ice.dhs.gov for creating an SEVP Portal account. The SEVP Portal allows you to:

- View details about your OPT
- Report changes to your address, telephone, and employer information
- View and update data on all employers in one place

In the SEVP Policy Guidance: Practical Training-Determining a Direct Relationship Between Employment and a Student's Major Area of Study (September 27, 2019), SEVP expanded the responsibilities of Designated School Officials (DSO) to review and determine the direct relationship between the OPT holder's field of study and the work they will do during post-completion OPT.

"DSO must make a determination of whether there is a direct relationship between the job and the major area of study." [from SEVP Policy Guidance, 09/27/2019].

In light of the Policy Guidance, an OPT holder, reporting OPT employment, should proceed as follows:

1. Report employment on OPT via SEVP Portal
2. Submit the request “New I-20 Request After Reporting OPT Employer in SEVP Portal” for new I-20 reflecting OPT employment via [ISS Connect](#)
  - Upload a job offer letter to ISS Connect
  - E-sign the Signature Document
  - Complete the Questionnaire

Please note, ISS DSO preserves the right to request more evidence proving the direct relationship between the field of study, based on the degree earned, and the job duties you are going to perform. If the correlation is not evident from the job letter submitted, we may ask for a job description or list of duties.

Once you submit your request in ISS Connect, your I-20 will be processed within 4 business days.