Optional Practical Training (OPT)

International Student and Scholar Services (ISSSS)

Middlebury College
OPT overview

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Optional Practical Training (OPT)  
What’s it all about?

- OPT = Optional Practical Training
- Allows F-1 students to engage in temporary off-campus employment to gain practical experience in their major fields of study
- Requires authorization by U.S. Citizenship and Immigration Services (USCIS)
- OPT must be related to a student’s major area of study
- Standard OPT available for a cumulative maximum of 12 months per educational level
- A one-time extension of 17 months is currently available to certain STEM degree recipients.**
Pre-Completion vs. Post-Completion OPT

- Pre-Completion OPT is authorization to participate in practical training before a student’s (SEVIS) program end date.

- Post-Completion OPT is authorization to participate in practical training after the student’s (SEVIS) program end date.
When is OPT Required?

- OPT is required if you are going to receive any kind of compensation from an off-campus employer (salary, living stipend, travel or food allowance, housing, etc.)

- OPT not required for:
  - Work outside of the U.S.
  - On-campus employment
  - True volunteer activities: traditionally done by nonpaid persons for their own pleasure/fulfillment; acts performed out of good will and as a service to the community

- Being unpaid to do a job that is normally paid is considered unauthorized work.

- Examples: Community Kitchen helper vs. coordinator
OPT Eligibility

To be eligible for OPT:

• Must have been enrolled on a full-time basis for one full academic year (30 weeks of instructional time for a program offered in credit hours)

• Must be in valid F-1 student status

• You must apply from within the U.S. Since you can not apply for overseas, study abroad students should make note of this!
Things to Note

- OPT is not employer-specific
- You do not need a job to apply for OPT
- You request specific start and end dates with your OPT application
- Once OPT is approved, the time is used whether you work or not.
- Application fee is $380 – a separate Form I-765 and fee have to be filed each time you apply for OPT.
OPT Application Process

1. Meet with ISSS to submit the OPT application and supporting documents.
   • Form I-765, OPT Application, Mailing Form, Copies of all visa-related documents (passport, visa, EAC, I-94, previous I-20s)
   • All info is online at go/opt.

2. ISSS recommends you for OPT in SEVIS and prints an updated Form I-20. You’ll be emailed when this is ready for pick up.

3. Mail your completed OPT application along with two passport photos and your $380 to USCIS. (The I-20 submitted must have been endorsed by a DSO within the past 30 days.)
OPT Application Timelines

- It can take up to 90 days for OPT to be approved, so apply as soon as you know your requested employment start date.

- Pre-completion OPT
  - If you have not yet met the one full academic year requirement, you can file no sooner than 90 days before meeting it.
  - If you have met this requirement, you may apply up to 90 days in advance of the requested employment start date.

- Post-completion
  - Can file no sooner than 90 days before your program end date, and no later than 60 days after the program end date.

- Documents must be received by USCIS no later than 30 days after ISSS updates SEVIS with the OPT recommendation.
Post-Completion OPT
Special Application Timelines

- You can apply for OPT no later than 60 days after your program end date.

- All post-completion OPT must be completed within the 14-month period following the completion of your studies.

- ISSS urges you to apply early to avoid delays.
Withdrawing an OPT Application

- Possible to request to withdraw an application after it has been filed but before it has been adjudicated.
- The adjudicating Service Center must be contacted directly. A withdrawal may not be retracted once the request has been made.
- If withdrawal is approved: filing fee not returned; this does not preclude the filing of an application in the future.
- Very difficult/rare for USCIS to revoke a period of previously authorized work permission, so exercise care when applying.
OPT Approval

USCIS will approve your OPT application and send you an Employment Authorization Card (EAC)! YAY!

The EAC will indicate the dates you are authorized to work.

You are only authorized to work during the dates listed on the EAC.

You cannot begin to work until you receive the EAC.
Reporting: YOU MUST DO IT!

- Students on OPT are required to report the following to ISSS within 10 days of the change:
  - Change of address
  - Change of legal name
  - Change or interruption in employment (this includes new employer name, address and start/end dates)

- With each new job, students must submit a personal statement demonstrating how X job is directly related to your Middlebury major field of study.

- ISSS must report this information to SEVIS.
How do you report changes to ISSS while on OPT?

- Visit the ISSS website at http://www.middlebury.edu/international/issss/employment/opt

- Update forms can be found on the right side of the page under the blue SEVIS UPDATES box.
Unemployment

- Unemployment cannot exceed an aggregate of 90 days while on OPT: 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.

- If you do not report your employer information to ISSS, then the SEVIS system will assume you are unemployed and begin counting days of unemployment. After 90 consecutive days of unemployment, the system will auto-terminate your SEVIS record.

- SEVIS can manually terminate a SEVIS record with more than 90 cumulative days of unemployment.
Activities that constitute employment while on OPT:

- Regular paid employment
- Payment by multiple short-term employers
- Employment through an agency
- Volunteers or unpaid interns (where practice does not violate any labor laws)
- Self-employed business owner
- Work for hire (contractual relationship)
- Students on OPT may start a business and be self-employed. Student should be able to prove that s/he has the proper business licenses and is actively engaged in a business related to his or her degree program.
- Employment must be greater than or equal to 20 hours/week and related to program of study
Travel while on OPT

- **Pre-Completion OPT:** follow the same procedures for visits abroad and reentry as all F-1 students.

- **Post-Completion OPT:** travel not recommended while application is pending approval.

- **Students who travel outside the U.S. for less than 5 months can be readmitted to resume employment for the remainder of the period authorized on the EAC card when they are returning to resume work and have the following:**
  - Endorsed Form I-20 with a valid travel signature
  - Valid Employment Authorization Card (EAC)
  - Valid Passport
  - Valid F-1 visa
  - Employer letter verifying you have a job
Post-Completion OPT: Options After OPT

- Apply for STEM Extension – MUST DO BEFORE OPT END DATE **
- Prepare for departure and exit U.S. within 60-day grace period
- Transfer SEVIS record to begin a new program of study within 60-day grace period
  - Once your SEVIS record has been transferred, you will lose any remaining OPT time that you’ve been approved for.
- Other visa categories, such as H-1B
STEM Extensions

 Certain degree holders are eligible for a 17-month extension of their OPT (29 months of OPT total). To qualify:

- Your degree must be in the science, technology, engineering or math fields. At Middlebury, the following degrees qualify: BIOL, BIOC, CHEM, CSCI, ENVS, GEOL, MATH, MBBC, NSCI and PHYS.
- Your job must be directly related to your STEM-qualified degree
- Your employer must be registered in the government’s E-Verify program. Check with your employer to find out if they are registered.
- MUST APPLY BEFORE POST-COMPLETION OPT ENDS!

** The STEM Extension benefit is currently under review and may change significantly. More news will be available in February 2016. For now, ISSS will continue to process STEM extension requests as usual.
H-1B Visa

- Employer-sponsored visas; position must be a specialty occupation, and you must demonstrate the necessary education, certification and/or experience for the job.

- Annual numerical cap on H-1B visas: 65,000 for individuals with Bachelor’s degrees; additional 20,000 for individuals with U.S. Master’s degrees.
  - Cap-subject H-1B visas are valid starting on October 1 (employer can submit petition 6 months before, or April 1).

- Most for-profit businesses are subject to this cap; many non-profit entities, government agencies and higher education institutions are exempt from this cap.
Other Visa Categories

- Contact ISSS to be connected with legal counsel who can assist you with other work visa options.
Questions?

- Visit go/isss for more information
  - Click on “Employment Authorization”
- Email us - issss@middlebury.edu
- Call us - extension 5858
- Drop-in Hours:
  - Thursdays from 4 to 5 PM
  - Friday from 2 to 4 PM