OPTIONAL PRACTICAL TRAINING

The Essentials

International Student & Scholar Services
Middlebury College
OPT Road Map: Where Are We Going?

- OPT Basics: What is it, When is it needed
- Eligibility
- Application Planning
- Application Process
- Maintaining Status While on OPT
- OPT Reporting Requirements
- OPT STEM Extension
- Questions
Optional Practical Training:
A form of work authorization that allows F-1 students to engage in temporary employment to gain practical experience in the student’s major field of study. Request must be adjudicated by U.S. Citizenship and Immigration Services (USCIS)

Pre-Completion OPT
• Available before the student’s program end date
• Students may apply up to 90 says before being enrolled for one full academic year and no sooner than 90 days from their requested OPT start date
• Must maintain full course of study and may work up to 20 hours per week while classes are in session

Post-Completion OPT
• Available after the student’s program end date (*Seniors apply for this*)
• Students may apply no sooner than 90 days from their program end date and no later than 60 days after
• Limited to an aggregate of 90 days of unemployment
• Must work at least 20 hours per week
OPT Facts

• Standard OPT is available for a cumulative maximum of 12 months per educational level. Pre-completion OPT is deducted from this bank of time, leaving what remains for use during post-completion OPT.

• OPT must be directly related to a student’s major area of study.

• OPT is not employer specific. You don’t even have to have a job to apply, but you need to know that you plan on pursuing employment/training.

• The application process can take up to 90 days for approval.

• You must submit an application and pay a new fee each time you apply for OPT.

• While on post-completion OPT, an extension of 24 months may be available to students who have earned a STEM-eligible degree provided they meet certain requirements.
When Do I Need OPT?

• Off-campus work authorization is required if you are going to engage in employment (receive a form of remuneration in exchange for your services); must be directly related to your major field of study.

• ISSS may recommend that you consult with an immigration attorney should you have specific questions about a unique opportunity (i.e. starting your own business).

• You should not be treated differently by an employer just because you have an F-1 visa – or be allowed to be unpaid for a position that is usually paid.
Useful Resource

- Employment generally refers to a relationship where an individual provides services or labor and is remunerated for these services. Remuneration can include housing, clothing, food or other benefits. **Accepting any kind of remuneration for service can result in a violation of visa status if done without work authorization.**

- Work authorization is not required for volunteer work. However, state labor and worker’s compensation laws generally do not allow someone to “volunteer” in a position that is generally paid.

- Running a business is a violation of student status, without work authorization.

- **Any work done while in the U.S., even for a foreign company and even if paid to a foreign bank account, still counts as employment in the U.S.**
When Do I **Not** Need OPT?

- Working outside of the United States
- On-campus employment

- True volunteer activities: traditionally done by unpaid persons for their own pleasure/fulfillment; acts performed out of good will as a service to the community. No form of compensation.
  - Example: Community kitchen helper vs Coordinator

- U.S. Department of Labor Test for Unpaid Interns: Fact Sheet #71 Internship Programs Under the Fair Labor Standards Act
  [http://www.dol.gov/whd/regs/compliance/whdfs71.htm](http://www.dol.gov/whd/regs/compliance/whdfs71.htm)
  - Outlines six criteria that must apply in determining if interns must be paid or not.
OPT Eligibility Requirements

• Full-time enrollment for one full academic year (30 weeks of instructional time for a program offered in credit hours)

• Must apply from within the United States (cannot apply while overseas – take note if you have plans to study abroad)

• Must be in valid F-1 status
Application Planning

1) Know your application timeline.
   - **December 2016 Graduates** - Program End Date: December 18, 2016
     - First Date You Can Apply: September 19, 2016
     - Last Date You Can Apply: February 16, 2017

2) Know what specific start and end dates you want to request for OPT.
   - You do NOT need to have a job offer in order to apply for OPT.
   - **December 2016 Graduates**
     - Earliest OPT Start Date You Can Request: December 19, 2016
     - Latest OPT Start Date You Can Request: February 16, 2017

3) Know your required forms, fees and materials.
   - Form I-765 & application fee of U.S. $380 (paid each time you apply)
   - All previous Form I-20s, employment cards
   - Copies of your passport, visa sticker and stamp and Form I-94
   - Two passport photos
   - ISSS OPT application form (two pages)
To access OPT Information: go/opt

Read the OPT Instructions.

Then print and complete the OPT Form I-765 and OPT Application.
Application Process

• Select your OPT start and end dates. You will only be authorized to work during this period of time once your OPT has been approved and your employment authorization card has arrived.

• Read OPT instructions, print out required forms and gather copies of all required documents.

• Email ISSS at isss@middlebury.edu to make an appointment to drop off your completed OPT application and supporting materials.

• ISSS will need to review your request, then recommend you for OPT in SEVIS. You will receive an updated Form I-20, a copy of which must be included in your OPT application.

• ISSS will email you to pick up your materials, and you will need to mail them. USCIS must receive your documents within 30 days of having been recommended for OPT in SEVIS.
I’ve Applied. Now What?

- A few weeks after mailing your application, ISSS will receive a receipt notice with an assigned case number for you. This document will be sent to you via campus mail. You will use the case number to track the status of your application on www.uscis.gov.
- If you call USCIS to inquire about your case, make sure to state that you do not wish to change your address of record to avoid mailing complications.
Withdrawing an OPT Application

- It is possible 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 the withdrawal is approved – filing fee is 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 authorization, so exercise care when applying.
I’ve Been Approved!!

• When your application is approved, USCIS will mail an approval notice to ISSS. Your employment authorization card will be triggered for production at a separate facility and should arrive within 5-7 business days afterwards.

• ISSS will inform you via email when your documents have arrived. We will not mail them outside of the U.S. However, you can request for us to mail them to a U.S. address for a fee or give permission for a friend to pick them up.

• You can begin working as of the start date listed on your employment authorization card.

• Please note: if you lose your employment authorization card, you will need to file for a replacement card (paying another $380).
Maintaining Status While on OPT: EMPLOYMENT

- While on post-completion OPT, F-1 status is dependent upon employment – and a student may not be unemployed for an aggregate of 90 days or more.

- Students approved for a STEM extension may not be unemployed for an aggregate of 150 days or more (90 days during the initial period of post-completion OPT, plus an additional 60 days during the STEM extension period).

- Students must work at least 20 hours per week in a qualifying position to be considered employed. If a student has a variable schedule within a month, it should average out to at least 20 hours per week.

- 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.

- Time spent outside of the U.S. during an approved period of post-completion OPT counts as unemployment against the 90/150-day limit, unless the student is either A) employed during a period of leave authorized by the employer or B) traveling as part of employment.
What Counts as Employment?

• Regular paid employment – may change jobs

• Payment by multiple, short-term employers: maintain a list of all gigs, the dates and duration

• Work for hire: perform a service based on a contractual relationship

• Self-employed business owner: must have proper business licenses

• Employment through an agency: maintain evidence of minimum 20 hours per week

• Volunteers or unpaid interns: where the practice does not violate labor laws. Maintain evidence of minimum 20 hours per week.
Travel While on OPT

Pre-Completion:
• Travel as usual because you have not yet completed your program. Be sure to have proper documents for reentry.

Post-Completion:
• It is recommended that you do not travel while your OPT application is pending. If you must travel, discuss with ISSS beforehand.
• Once OPT is approved, you’ll need the following documents for reentry:
  – Form I-20 with OPT endorsement and valid travel signature
  – Valid F-1 visa
  – Valid Passport
  – Valid Employment Auth. Card
  – Letter from Employer
During your approved OPT period, you remain in F-1 student status under the sponsorship of Middlebury College. **To maintain your F-1 status, you are required by the U.S. Department of Homeland Security to report certain changes to ISSS at go/opt:**
➢ Report any changes in your U.S. address or legal name to ISSS within 10 days of the change occurring. Use the **ISSS Address Update Form**.

➢ Report all new employment by using the **New Employment Update Form**. This includes providing a statement on how your employment is directly related to your Middlebury major field of study. ISSS must receive this information in order to report in SEVIS that you are engaged in employment. If you do not report, then it will appear in SEVIS that you are unemployed – and you will begin accruing unemployment time (even if you are really working). After more than 90 days of consecutive unemployment in SEVIS, the system will automatically terminate your record.

➢ Report all changes in employment (i.e. ending a job, leaving the U.S. and ending OPT) by completing the **Change of Employment Form** on the ISSS website.

➢ **Maintain a valid signature** on page 2 of your Form I-20

➢ Inform ISSS if you **change to another visa status** or **plan to transfer** to another U.S. academic institution.
Options After OPT

• If you have previously earned a STEM-eligible degree, you may be eligible to apply for an OPT STEM extension. **YOU MUST APPLY BEFORE YOUR OPT END DATE.**

• Depart from the U.S. within your 60-day grace period. Whether you leave on day 6 or 60, once you leave, you cannot reenter using your Middlebury Form I-20.

• Enroll in another U.S. institution as a full-time student. ISSS would need to transfer your SEVIS record within your grace period. Once your SEVIS record has been transferred, you will lose any remaining OPT time.

• Change to a different visa status. Can be done from within the U.S. but should apply prior to OPT end date.
STEM OPT

• Students in F-1 status who are on post-completion OPT and have earned a STEM degree may apply for a 24-month extension of employment authorization period provided they meet all of the following requirements:

• Student has completed a degree in a STEM eligible field from a U.S. accredited institution with SEVP certification within the last 10 years and has not yet utilized this degree to apply for STEM OPT.

• Student must be currently participating in post-completion OPT and working for a U.S. employer in a job that is directly related to the student’s major field of study.

• Student’s current or prospective employer must be registered in E-Verify.

• Student and employer must complete, sign and adhere to a training plan (Form I-983) and comply with all reporting requirements.

• Student may be eligible for two STEM OPT authorizations of 24 months each, provided that the second period of 24-month extension is after a higher-level STEM degree than the first STEM authorization.
### STEM-Designated Degrees at Middlebury

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<tr>
<th>Middlebury Major</th>
<th>Middlebury Code</th>
<th>SEVIS Category</th>
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**All ES Tracks qualify for STEM.**
What Counts As Employment While on STEM OPT?

- Payment by multiple, short-term employers: maintain a list of all gigs, the dates and duration
- Work for hire: perform a service based on a contractual relationship
- Self-employed business owner: must have proper business licenses
- Employment through an agency: maintain evidence of minimum 20 hours per week
Other Visa Categories

• Contact ISSS for further discussion and/or to be connected with a legal counsel resource list.
QUESTIONS??

- isss@middlebury.edu
- (802) 443-5858
- Drop-In Hours
  - Thursdays from 4 to 5 PM
  - Fridays from 2 to 4 PM