Post-Completion Optional Practical Training (OPT)

International Student & Scholar Services

Middlebury Institute for International Studies and Middlebury College

Agenda

NOTE: Students interested in Pre-Completion OPT or Curricular Practical Training (CPT), please contact ISSS for more information; this slide deck only refers to Post-Completion OPT.

- Things to consider before graduation

- OPT Basics - What is it? When is it needed?

- Eligibility

- Application - Information, Planning, & Process

- Maintaining Status While on OPT

- Important Employment Information & Reminders

- OPT Reporting Requirements

- Options when your OPT ends

- Briefly about OPT STEM extension

Options After Program Completion/Graduation

You must choose <u>ONE</u> of the following options within 60 days of completion:

1. **Apply for standard Post-completion Optional Practical Training (OPT).** If you apply for post-completion OPT, your F-1 status will be extended.

2. **Depart from the U.S.** Once you leave, you cannot re-enter using your Middlebury Form I-20, even if your F-1 visa is still valid.

3. **Transfer to another U.S. institution as a full-time student.** Refer to Transfer Out form on the <u>ISSS website</u>. (Must be admitted to a program that will begin no more than 5 months from completion date.)

4. **Change to a different visa status.** Contact ISSS for further information.

Check Your I-20 for Accuracy

- Your I-20 must accurately reflect your correct program end date and your major/program(s):
  - Confirm that the program end date on your current I-20 is for the term in which you are completing/graduating
  - Confirm that your major/program(s) is/are current
  - IMPORTANT: Your major code and Middlebury major name may be different. If different, check the Remarks section on page 1 to confirm your major is correct.
  - **If the major and/or end date are not accurate, contact ISSS**

- To change the program end date, you must meet specific requirements. Contact ISSS immediately.

- Maintaining your F-1 status throughout the duration of your program is critical. <u>This includes completing your program successfully.</u>

Optional Practical Training: What is it?

- Work authorization that allows F-1 students to gain **practical training in their major field(s) of study**

  OPT is an extension of your F-1 status. You will continue to report to ISSS.

- Approval is granted by U.S. Citizenship and Immigration Services (USCIS)

- Permits up to 12 months maximum after program completion per each successive degree level

- OPT is **not employer specific**

  You do NOT need a job to apply for OPT, but you need to know that you plan on pursuing employment/training.

  *It is **NOT** recommended to wait for a job offer to apply for OPT.*

OPT is Needed for...

- **Off-campus employment** in the U.S. (employment=receiving any form of compensation in exchange for your services)

- **On-campus employment** in any position with Middlebury AFTER you graduate/complete your program

- **Unique opportunities that may require authorization** (starting a business, etc.). ISSS may recommend that you consult with an attorney regarding this.

- **Situations where others doing the same work are being paid.** You should not be treated differently by an employer just because you have an F-1 visa nor be unpaid for a position that is usually paid (see next slide).

OPT is NOT Needed for...

- **Work outside of the United States** when you have <u>physically departed</u> the U.S.

- **On-campus employment** <u>BEFORE</u> you graduate.

- **True volunteer activities** traditionally done by unpaid persons for their own pleasure/fulfillment; acts performed out of goodwill as a service to the community. No form of compensation for services rendered.

  Example: Community Kitchen Helper

  Resource:

  U.S. Department of Labor Test for Unpaid Interns: Fact Sheet #71 Internship Programs Under the Fair Labor Standards Act: dol.gov/whd/regs/compliance/whdfs71.htm

  This link outlines criteria that must apply in determining if an organization must pay interns or not.

OPT Eligibility Requirements:

- Must **be in valid F-1 status** - you can only have F-1 status if you are in the U.S.

- Must have been **enrolled for a full academic year**

  Full academic year = Fall and Spring or Spring and Fall consecutively (Institute);

  Fall, Winter, & Spring or Spring, Fall, Winter consecutively (College)

  You can be completing the 2nd semester of your first full academic year and apply for OPT.

- Must obtain an **updated I-20 with an OPT recommendation from ISSS BEFORE** submitting your OPT application to USCIS (process on slide 12)

- Must **submit OPT application to USCIS** from within the United States in F-1 status

  You cannot submit the application if you're outside of the U.S.

OPT Application Information

- Must **submit a new application and pay a new filing fee each time you apply for OPT**.

  Fee: $470 (online application) / $520 (paper application)

- USCIS application processing times vary and **can exceed 90 days** for determination. Submit your application as early as you can. ISSS cannot guarantee processing times.

- Can request premium processing (expedited processing)

  *Form **I-907 Request for Premium Processing** - file with or after filing the OPT application with USCIS*

  - Fee is $1,685

  - Processing time is 30 calendar days from the date USCIS receives the premium processing request and the OPT application.

  - If USCIS needs to request additional evidence, the 30-day clock temporarily stops until they receive the evidence requested.

Application Submission Timing

SUBMIT APPLICATION ON TIME = APPLICATION RECEIVED BY USCIS ON TIME (TIME ZONE=UTC)

TO ENSURE THAT AN OPT APPLICATION IS SUBMITTED TO USCIS WITHIN THE ELIGIBLE APPLICATION TIMEFRAME, DO NOT SUBMIT YOUR APPLICATION ON THE VERY FIRST OR VERY LAST ELIGIBLE DATE. ALSO CONSIDER ISSS PROCESSING TIME (5-10 BUSINESS DAYS).

Fall Term Completion

INSTITUTE STUDENTS

Program End Date: Last day of classes as in Academic Calendar

First Date You Can Submit: 90 calendar days before that

Last Date You Can Submit: 60 calendar days after that

COLLEGE STUDENTS

Program End Date: Last day of finals in Fall or Feb Celebration Date (if taking a Winter Term course)

First Date You Can Submit: 90 calendar days before that

Last Date You Can Submit: 60 calendar days after that

Spring Term Completion

INSTITUTE STUDENTS

Program End Date: Last day of classes as in Academic Calendar

First Date You Can Submit: 90 calendar days before that

Last Date You Can Submit: 60 calendar days after that

COLLEGE STUDENTS

Program End Date: Commencement Day

First Date You Can Submit: 90 calendar days before that

Last Date You Can Submit: 60 calendar days after that

Application Submission Planning

• Determine the specific OPT start & end dates you want to request before starting the process – you cannot change your requested dates after submission!

Consider:

- What day of the week is your requested start date? Avoid weekends and federal holidays. Mondays are best!

- The OPT end date will be 12 months later minus one day

- *Example: If the requested OPT start date is June 1, the OPT end date would be May 31 of the next year (if you have 12 months available)*

  - *Exception 1: If you have less than 12 months left, then you need to count the exact number of days from your requested start date.*

  - *Exception 2: Leap years = subtract two days (this year, 2024, is a leap year!)*

• File your application request with ISSS before submitting to USCIS.
  >> **You MUST upload the new I-20 from ISSS when you apply for OPT with USCIS!**<<

OPT Application Process (1 of 2)

1. Student reads the "OPT Guidance for I-765 Application, Filing, and Submission" document on the ISSS Forms & Resources page

2. Student submits the completed OPT Intake Form to ISSS

3. ISSS reviews student's complete OPT Intake Form

   - ISSS will either contact the student for more information or recommend them for OPT in SEVIS and issue a new I-20.

   - ISS processing time = **5-10 business days** after receiving a complete OPT intake form and supporting documents

4. Student prepares and submits Form I-765 to USCIS

   - ISSS & USCIS recommend filing online at myaccount.uscis.gov

OPT Application Process (2 of 2)

5. Student saves a copy of their entire application and keeps for their records

6. After submitting the application, student will receive a receipt notice from USCIS (save the receipt for your records)

   - *Filing online = immediate receipt*

   - *Filing by mail = a few weeks for receipt*

7. Student can track the status of their application on <u>uscis.gov</u>

NOTE: If you use the ISSS office address as your mailing address on the I-765 & call USCIS to inquire about your case, <u>do not </u>change your address of record for mailing

OPT Application Process – Resource Links

ISSS Forms & Resources → Student Employment Authorization → OPT application forms and resources, where you'll find

- *This OPT presentation as a PDF*

- *OPT Guidance for I-765, Filing, and Submission*

- *ISSS OPT Intake Form*

- *Link to I-765 on USCIS website*

ISSS OPT information webpage

Withdrawing an OPT Application

Please consult with ISSS before withdrawing your application for best guidance.

It is possible to withdraw an application after it has been filed but before it has been processed.

Considerations:

- *Once you request a withdrawal, you can't change your mind*

- *If the withdrawal is approved, the filing fee is not returned*

- *You can still apply for OPT in the future but will need to submit a new application and file within the OPT application period.*

Once OPT is Approved

- When your application is approved, an Approval Notice is issued. Save this notice for your records. Your employment authorization card/employment authorization document (EAC/EAD) will be queued for production and will arrive by mail afterward.

- If you use the ISSS mailing address as listed in the OPT Guidelines document (recommended), all documents will be sent to ISSS. ISSS will email you when your documents have arrived.

- To begin working, you must

  1. Have your EAD in hand

     AND

  2. Wait to start working until the start date on the EAD (or later)

Note: If you lose your EAD, you will need to file for a replacement card and pay another filing fee.

Maintaining Status While on OPT (1 of 2)

- **You must work at least 20 hours/week in <u>qualifying employment directly related to your major.</u>** If you work a variable schedule within a month, it should average to 20+ hours/week.

- **<u>All</u>** employment must be qualifying during the OPT benefit.

- While on post-completion OPT, F-1 status is dependent upon employment. You **<u>may not be unemployed for a total of more than 90 calendar days during the OPT period.</u>**

  - *Unemployment begins accruing on the first day of approved post-completion OPT as indicated on your EAD*

  - *If you receive your EAD after the approved start date listed on it, the days you were waiting for the EAD do count toward unemployment*

  - *Unemployment accrues only if you are not officially employed or do not have qualifying employment information in SEVIS*

Maintaining Status While on OPT (2 of 2)

- **Unemployment days** = any days (including weekends) during the authorized OPT period when you are not actively employed in qualifying employment.

  If you have a job that's recorded in SEVIS, weekends and vacation do not count as unemployment.

- **Time spent outside of the U.S. during an approved period of post-completion OPT counts as unemployment against the 90-day limit**, unless you are either:

  - Employed during a period of leave authorized by the employer (such as vacation or an approved leave)

    or

  - Traveling as part of employment (business trip)

What is Qualifying Employment?

- **Regular paid employment or paid internship:** allowed to change jobs or hold multiple regular paid jobs at the same time

- **Payment by multiple, short-term employers:** maintain a list of all employment, the dates, and duration for your records

- **Work for hire:** perform a service based on a contractual relationship

- **Self-employed business owner:** must have proper business license(s)

- **Employment through an agency:** maintain evidence of a minimum of 20 hours per week

- **Volunteers or unpaid interns:** where the practice does not violate labor laws and is being used for purposes of OPT (which means it must be directly related to your major).

See also slides 6 & 7

Employment Reminders

1. Employment generally refers to **a relationship where an individual provides services or labor and is remunerated for these services**. Remuneration can include pay, housing, clothing, food or other benefits. Employment requires authorization.

2. Work **authorization is not required for true volunteer work**. However, state labor and worker's compensation laws generally do not allow someone to "volunteer" in a position that is generally paid.

3. If using **volunteer work that is related to your major field of study as 'employment' for purposes of OPT, then it must be reported** as employment to ISSS and via the SEVP Portal and it must meet all the requirements.

4. Running (versus planning) a business **usually requires work authorization**. ISSS advises you consult with an attorney. Contact ISSS for a list of attorneys, if needed.

5. 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. and **requires work authorization in the U.S.**

Source: https://cbkimmigration.com/employment-based-immigration/e-visas-for-entrepreneurs/faq-unauthorized-employment/#What%20is%20unauthorized%20employment

Reporting Requirements (1 of 3)

Students in F-1 status on Post-completion OPT must still report to ISSS using the update links on the ISSS Forms & Resources webpage:

- Employment information

- U.S. residential living addresses

- U.S. phone number

- E-mail address

  Choose an email address that you know you will check regularly; the government will use this same email address to send important updates

  Your Middlebury email address deactivates 6 months after graduation

On your first day of approved OPT, DHS will send you an SEVP Portal set-up email to the email address reported to SEVIS through ISSS. You should also use the SEVP Portal to report changes to these items.
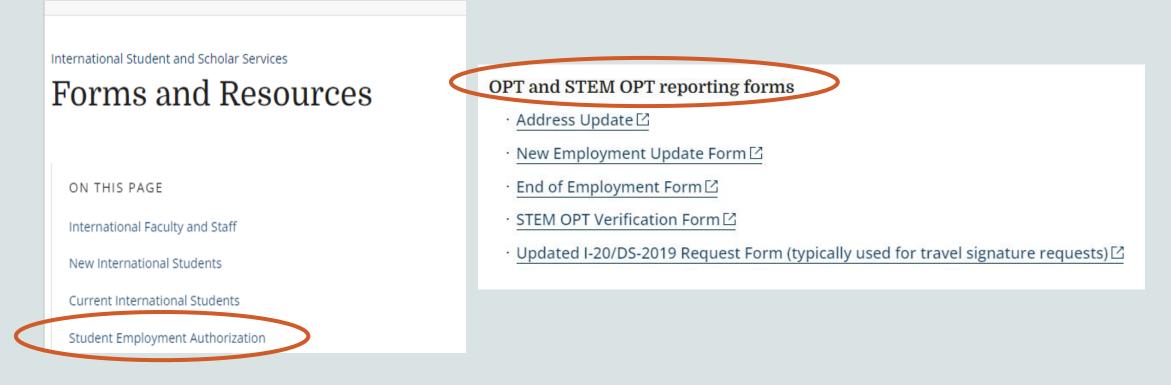
Reporting Requirements (2 of 3)

- You need to report <u>ALL</u> employment, including your initial job, once your OPT period begins

- Report all ended employment (i.e., ending a job, leaving the U.S. and ending OPT) by completing the <u>End of Employment Form</u> on the <u>Forms and Resources page</u> and via your SEVP Portal account.

- If you do not report employment as required, 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 total unemployment in SEVIS, the system may automatically terminate your record**, which also means your OPT will end and you must stop working.

- ISSS **cannot backdate employment after your record is automatically terminated**. It is very important to report employment quickly and accurately.

Reporting Requirements (3 of 3)

DURING YOUR APPROVED POST-COMPLETION OPT PERIOD, YOU ARE IN F-1 STUDENT STATUS UNDER THE SPONSORSHIP OF MIDDLEBURY. OPT IS A BENEFIT OF THE F-1 STATUS.

TO MAINTAIN YOUR F-1 STATUS, YOU ARE REQUIRED BY THE U.S. DEPARTMENT OF HOMELAND SECURITY TO REPORT CERTAIN CHANGES TO ISSS USING THE SEVIS UPDATE LINKS ON OUR FORMS AND RESOURCES PAGE

International Student and Scholar Services

Forms and Resources

ON THIS PAGE

International Faculty and Staff

New International Students

Current International Students

Student Employment Authorization

OPT and STEM OPT reporting forms

- Address Update ⧉
- New Employment Update Form ⧉
- End of Employment Form ⧉
- STEM OPT Verification Form ⧉
- Updated I-20/DS-2019 Request Form (typically used for travel signature requests) ⧉

Travel & OPT

While pending:

- ISSS recommends not travelling outside the U.S.

- If you must travel, discuss with ISSS BEFORE departing the U.S.

Once OPT is approved, you will need the below documents for re-entry:

1. Form I-20 with OPT endorsement & valid travel signature **no more than 6 months old**. (Use the [Updated I-20 /DS-2019 Request Form](#) to request an updated travel signature.)

2. Valid F-1 visa

3. Passport valid for at least 6 months past your U.S. arrival date

4. Valid Employment Authorization Document card (EAD)

5. Employment Confirmation Letter/Contract (recommended)

6. Proof of financial ability (recommended)

   During your approved OPT period, you may enter/exit the U.S. as you did during your study period

Options After OPT

You must choose <u>ONE</u> of the following options within 60 days of your OPT end date:

1. **Depart from the U.S.** Once you leave, you cannot re-enter using your Middlebury Form I-20, even if your F-1 visa is still valid.

2. **Transfer to another U.S. institution as a full-time student.** Refer to Transfer Out form on the <u>ISSS website</u>. (You need to be admitted to a program that will begin no more than 5 months from your completion date.)

3. **Change to a different visa status.** Contact ISSS for further information.

4. ***For STEM Eligible Students only -*** Apply for the STEM OPT Extension Optional Practical Training (STEM OPT) <u>NO LATER THAN</u> the end date of your post-completion OPT period (see next 2 slides)

STEM-Designated Degrees at Middlebury

COLLEGE UNDERGRADUATE DEGREES

Middlebury Major	Middlebury Code	CIP Code	SEVIS-Specific Major/Minor
Biochemistry	BIOC	26.0202	Biochemistry
Biology	BIOL	26.0101	Biology/Biological Sciences, General
Chemistry	CHEM	40.0501	Chemistry, General
Computer Science	CSCI	11.0701	Computer Science
Earth & Climate Sciences	ECSC	30.3801	Earth Systems Science
Economics	ECON	45.0603	Econometrics and Quantitative Economics
Environmental Studies--all areas	ESXX & ENVS	03.0103	Environmental Studies
International and Global Studies: Global Environmental Change	IGEC	03.0103	Environmental Studies
Mathematics	MATH	27.0101	Mathematics, General
Molecular Biology & Biochemistry	MBBC	26.0210	Molecular Biology
Neuroscience Program	NSCI	26.1501	Neuroscience
Physics	PHYS	40.0801	Physics, General
Psychology	PSYC	42.2799	Research and Experimental Psychology, Other
Statistics	STAT	27.0501	Statistics, General

INSTITUTE GRADUATE DEGREES

MIIS Major	MIIS Code	CIP Code	SEVIS Specific Major/Minor
International Environmental Policy/Environmental Policy & Management	IPMG/EPM	03.0103	Environmental Studies
Translation & Localization Management	TRLM	11.1005	Information Technology Project Management
Non-proliferation and Terrorism Studies	NPTS	29.0202	Strategic Intelligence

STEM OPT Extension (1 of 2)

If you are in F-1 status on standard post-completion OPT and have earned a STEM degree, you can apply for a 24-month extension of employment authorization. To be eligible for the extension, you must meet each requirement listed here:

- **Completed a degree in a STEM eligible field** from a U.S. accredited institution with SEVP certification **within the last 10 years** and have not yet utilized this STEM degree to apply for STEM OPT

- **Currently participating in post-completion OPT and working for a U.S. employer in a job directly related to your STEM major field of study**

- **Your employer(s) must participate in the E-Verify system** and your position(s) must be directly related to the STEM degree. Each job must be no less than 20 hours per week during the STEM OPT period.

- You and your employer(s) must complete, sign, and **follow a training plan** (Form I-983) and **comply with all reporting requirements**

STEM OPT Extension (2 of 2)

The earliest you can apply is **no more than 90 calendar days before the current post-completion OPT period ends** per USCIS; however, ISSS needs an additional 10 business days.

Note: You may be eligible for two STEM OPT authorizations of 24 months each if the second period of 24-month extension is after a higher-level STEM degree than the first STEM authorization (for example, *BA then MA* or *MA then PhD*)

For more information, including how to apply, visit the ISSS STEM OPT webpage

Questions?

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ISSS@middlebury.edu

(802) 443-5858

calendly.com/middleburyisss

uscis.gov/i-765