

OPTIONAL PRACTICAL TRAINING (OPT)

POST-COMPLETION ESSENTIALS

International Student & Scholar Services
Middlebury College

Last updated: April 4, 2022

OPT ROAD MAP: *WHERE ARE WE GOING?*

- Post-Completion OPT Basics
 - *What is it, When is it needed*
- Eligibility
- Application Submission Planning
- Application Process
- Maintaining Status While on OPT
- OPT Reporting Requirements
- OPT STEM Extension
- Questions

TIP: 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

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 AT AN OFF-CAMPUS LOCATION.

REQUEST MUST BE ADJUDICATED BY U.S. CITIZENSHIP AND IMMIGRATION SERVICES (USCIS).

OPT ELIGIBILITY REQUIREMENTS

- **Must be in valid F-1 status**
- **Must have been enrolled for a full academic year concurrent to the post-completion OPT period**
 - It is ok to be completing the 2nd semester of your full academic year as long as it is completed before the OPT period would begin.
- **Must submit from within the United States**
 - *cannot submit application if outside of the U.S.*

OPTIONAL PRACTICAL TRAINING:

REPORTING TO ISSS IS REQUIRED WHILE PARTICIPATING IN ANY FORM OF OPT

POST-Completion OPT

- Available AFTER student's program end date (Seniors only)
 - *This is a good time to double check that your program end date is correct. To check it, look on page 1 of your current I-20. Contact ISSS with any questions.*
- **May submit application** no sooner than 90 days before their program end date and no later than 60 days after program end date

SUBMIT APPLICATION = physically received by USCIS!

- Must work at least 20 hours per week
- **Unemployment** is limited to an aggregate of 90 days which does not begin to accrue until the OPT start date issued on the EAC.

OPT FACTS

- OPT is available for up to **12 months per successive 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 field of study**.
- OPT is **not employer specific**. You don't need a job to apply, but you need to know that you plan on pursuing employment/training.
- USCIS application processing times vary and **can exceed 90 days** for approval. **Submit your application as early as you can**. ISSS cannot guarantee processing times.

OPT FACTS

- You must submit a new application and pay a new filing 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.
 - *This requires a separate application; more on this later.*

Note:

OPT is a *benefit* of your F-1 Status; it is not a separate status. You remain in F-1 status while pursuing OPT, which means you must maintain communication with the ISSS office throughout this benefit.

OPT IS NOT NEEDED FOR:

- Work outside of the United States.
- **On-campus employment** before you graduate: once you graduate, you are no longer eligible for student positions on campus.
- **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 for services rendered.
 - *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>
 - Outlines criteria that must apply in determining if an organization must pay interns or not.

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Resource:

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>

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

OPT IS NEEDED FOR:

- **Off-campus employment** (i.e. receive a form of remuneration in exchange for your services);
- **Unique opportunities that may require authorization** (starting a business, etc.). ISSS may recommend that you consult with an immigration attorney.
- **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 – or not be paid for a position that is usually paid.

IMPORTANT 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. *Running (versus planning) a business usually requires work authorization. Consultation with an attorney is advised.*
4. *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.*

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

APPLICATION SUBMISSION PLANNING

SUBMIT APPLICATION on time → application physically received by USCIS!

- **December 2021 Finishers – subject to change**
Program End Date: December 19, 2021 (last day final exams)
 - First Date You Can Submit: September 20, 2021
 - Last Date You Can Submit: February 17, 2022 (60th day)

- **February 2022 Finishers – subject to change**
Program End Date: February 05, 2022
 - First Date You Can Submit: November 07, 2021
 - Last Date You Can Submit: April 06, 2022 (60th day)

- **May 2022 Graduates – subject to change**
Program End Date: May 29, 2022 (Commencement)
 - First Date You Can Submit: February 28, 2022
 - Last Date You Can Submit: July 28, 2022 (60th day)

Academic Year 2022-2023 dates to be added this summer.

ISSS TIP: To ensure documents arrive safely within the eligible application period, do not submit your application on the very first or very last eligible date.

APPLICATION SUBMISSION PLANNING

Know the specific start & end dates you want to request.

- You do NOT need to have a job offer to submit OPT application.
- You can select a post-completion OPT start date up to 60-calendar days after your program completion date.

December 2021 Finishers

- Earliest OPT Start Date You Can Request: December 20, 2021
- Latest OPT Start Date You Can Request: February 17, 2022

February 2022 Finishers

- Earliest OPT Start Date You Can Request: February 06, 2022
- Latest OPT Start Date You Can Request: April 06, 2022

May 2022 Graduates

- Earliest OPT Start Date You Can Request: May 30, 2022
- Latest OPT Start Date You Can Request: July 28, 2022

Academic Year 2022-2023 dates to be added this summer.

OPT APPLICATION PROCESS

- **Attend** an ISSS OPT virtual information session (**mandatory**)
- **Read the *OPT Guidance for I-765 Application, Filing, and Mailing*** document found on the ISSS website (Forms page). This document outlines everything that you need to do related to completing your OPT Request and application. **!! Updated as of 3/18/2022!!**
- **Submit your complete OPT Request to ISSS** by completing the OPT Intake Form, including all supportive documents. Within the online Intake Form, be prepared to submit all required supportive documents. Link to form on next slide.
- **Wait** for an ISSS Advisor to complete the review of your documentation and, **if all is complete, ISSS will invite you to...**
- **Book** a final review appointment with ISSS.
 - This appointment will allow questions and preparation for mailing the OPT application.
 - ISSS confirms your intended OPT start date and timing of the issuance of the required I-20 with OPT recommendation during this appointment.
 - This I-20 **MUST** be included with the OPT application to USCIS.
- ***Plan on 5-10 business days for processing the initial review depending on the completeness of your submission.***
- **COPY your entire OPT application** for your records **BEFORE** submitting.
- **Mail your completed OPT application** to the appropriate USCIS Lockbox (only after receiving I-20 recommending OPT from ISSS).

RESOURCES

- ISSS Announcements webpage, for list of upcoming mandatory OPT Virtual Info Sessions - <https://www.middlebury.edu/office/international-student-and-scholar-services/announcements>
- ISSS Forms webpage, scroll down to “Student Employment Authorization” - <https://www.middlebury.edu/office/international-student-and-scholar-services/forms> (see “OPT application form and resources”)
 - You will find the direct links to the following important documents:
 - this presentation slide deck
 - Guidance for I-765 Application, Filing, and Mailing document
 - ISSS OPT Intake Form
- OPT information page - [Go/opt/](https://www.middlebury.edu/office/international-student-and-scholar-services/students/student-employment-information/optional) or <https://www.middlebury.edu/office/international-student-and-scholar-services/students/student-employment-information/optional>
- To book a Final Review appointment - <https://calendly.com/middleburyiss>

YOU SUBMITTED YOUR APPLICATION. NOW WHAT?

- A few weeks after mailing your application, ISSS will receive a receipt notice with an assigned case number for you. We will notify you when it arrives. You may 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.



The screenshot shows the official website of the U.S. Citizenship and Immigration Services (USCIS). The header includes the Department of Homeland Security logo, navigation links for 'Español', 'Blog', 'About USCIS', and 'Contact Us', and a search bar. The main navigation menu includes 'FORMS', 'NEWS', 'CITIZENSHIP', 'GREEN CARD', 'TOOLS', and 'LAWS'. The central banner features the text 'THE WRONG HELP CAN HURT' in large blue letters, with 'BEWARE OF IMMIGRATION SCAMS' below it. To the right of the banner is a large red circle with a yellow exclamation mark. Below the banner, there are three service tiles: 'Check your Case Status' (with a folder icon), 'Find a USCIS Office' (with a globe icon), and 'Make an Appointment' (with a calendar icon). A 'SERVICES' sidebar on the left lists 'CITIZENSHIP', 'GREEN CARD', 'WORKING IN THE U.S.', 'FAMILY', and 'E-VERIFY'. At the bottom, there are links for 'News', 'Events', and 'Other Services', along with a 'Share This Page' button.

If you have questions, ask ISSS. Avoid unreliable sources.

WITHDRAWING AN OPT APPLICATION

- It is possible to withdraw an application after it has been filed but before it has been adjudicated (processed).
- 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, the filing fee is **not returned**.
- You may file an application in the future.

It is very difficult and rare for USCIS to revoke a period of previously authorized work authorization, so exercise care when applying.

YOUR OPT IS APPROVED!!

- **When your application is approved, an Approval Notice will be sent to ISSS if you use our mailing address (recommended).** Your employment authorization card/document will be triggered for production at a separate facility and should arrive within 5-10 business days afterwards.
- **ISSS will inform you via email when your documents have arrived.** Because it is not recommended to depart the U.S. while your application is pending, we typically will not mail documents outside of the U.S. without first advising you on the potential risks associated with this. Please contact ISSS to discuss your circumstances if it may become necessary for you to be outside of the U.S.
- **You can begin working as of the start date listed on your EAC and when you have the EAC in hand, not before both are achieved.**
- **Please note: if you lose your EAC, you will need to file for a replacement card and pay another filing fee.**

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 a minimum of 20 hours per week
- **Volunteers or unpaid interns:** where the practice does not violate labor laws. Maintain evidence of a minimum of 20 hours per week.

MAINTAINING STATUS WHILE ON OPT

- While on post-completion OPT, F-1 status is dependent upon employment, and a student **may not be unemployed for an aggregate (total) of 90 calendar days or more.**
 - Unemployment does not begin accruing until the first day of approved post-completion OPT (as indicated on your EAC).
- **To be considered employed, students must work at least 20 hours/week in a qualifying position.** For those with variable schedules within a month, it should average to 20+ hrs/wk. A qualifying position includes paid, unpaid, internships, and/or volunteer opportunities which are directly related to your major.
- **For STEM OPT extension students:** may be unemployed for an aggregate (total) of 150 calendar days (90 days during the initial post-completion OPT period, + an additional 60 days during the STEM extension period).

MAINTAINING STATUS WHILE ON OPT

- **Unemployment days** are any day (including weekends) during authorized OPT (i.e. between the EAC start and end dates) when the person is 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 90/150-day limit, unless the student is either:
 - a) employed during a period of leave authorized by the employer (such as vacation or an approved leave)
or
 - b) traveling as part of employment (i.e., a business trip).

TRAVEL WHILE ON OPT

ISSS recommends:

- **Do not travel** while your OPT application is pending.
- *If you must travel, discuss with ISSS BEFORE departing the U.S.*

Once OPT is approved, you will need these documents for reentry:

- Form I-20 with OPT endorsement & valid travel signature
- Valid F-1 visa (if needed)
- Passport valid for at least 6 months
- Valid Employment Authentication Card (EAC)
- Employment Confirmation Letter from Employer - not required, but recommended

During your approved OPT period, you may enter/exit the U.S. as you did during your study period, if you have the above documents for reentry.

REPORTING REQUIREMENTS

NOTE: During your approved **post-completion OPT period**, you remain in F-1 student status under the support 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 using the **SEVIS Updates** links found here:

<https://www.middlebury.edu/office/international-student-and-scholar-services/forms>

COVID-19: [Essential Information](#)

Middlebury Search Menu

International Student and Scholar Services

International Student and Scholar Services

Forms

ON THIS PAGE

OPT and STEM OPT reporting forms

- [Address Update](#)
- [New Employment Update Form](#)
- [Change of Employment Form](#)
- [STEM OPT Verification Form](#)
- [Updated I-20/DS-2019 Request Form \(typically used for travel signature requests\)](#)

International Student and Scholar Services
(802) 443-5858
iss@middlebury.edu

TOP

REPORTING REQUIREMENTS

FOR THOSE ON POST-COMPLETION OPT (AND STEM OPT):

A SEVIS Student Portal (web-based) is available for your use.

Students in F-1 Status on Post-completion OPT and STEM OPT Extension will be expected to report the required employment information and their residential living addresses, phone numbers and emails **to ISSS using the SEVIS Updates links at the ISSS Forms webpage**. You may also wish to submit updates to the SEVIS student portal. This system will populate into SEVIS.

On your first day of approved OPT, SEVIS will send you a set-up email to the email address reported to SEVIS. It is a best practice to report an email address that you know you will check regularly; this is the same address to which important updates will be sent from the government.

Students will need to make updates by appropriate timelines.

REPORTING REQUIREMENTS: It is Up to YOU

ISSS must receive your employment 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 aggregate (total) unemployment in SEVIS, the system will automatically terminate your record, which also means your OPT will be ended and you must stop working.

ISSS cannot backdate employment after your record is automatically terminated so, please be responsible!

REPORTING REQUIREMENTS: It is Up to YOU, cont.

IT IS YOUR RESPONSIBILITY TO ENSURE REQUIRED INFORMATION IS SUBMITTED on time (10 days from the time of the change):

- Report any U.S. address or legal name changes to ISSS. 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.
- Report all **changes in employment** (i.e., ending a job, leaving the U.S. and ending OPT) by completing the Change of Employment Form.
- **Maintain a valid signature** on page 2 of your Form I-20
- Forms referenced here are located:
<https://www.middlebury.edu/office/international-student-and-scholar-services/forms> (scroll down to “OPT and STEM reporting forms”)

OPTIONS AFTER OPT

1. 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 Post-Completion OPT END DATE.
2. **Depart from the U.S. within your 60-day grace period.** Whether you leave on day 6 or 60, once you leave, you cannot re-enter using your Middlebury Form I-20 regardless of the remaining validity on your visa stamp.
3. **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.
4. **Change to a different visa status.** Can be done from within the U.S. but you should apply prior to OPT end date. Contact ISSS for further discussion and/or to receive an immigration attorney resource list.

STEM-DESIGNATED DEGREES AT MIDDLEBURY

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
Economics	ECON	45.0603	Econometrics and Quantitative Economics
Environmental Studies--all areas	ESXX	03.0103	Environmental Studies
Geology	GEOL	40.0601	Geology/Earth Science, General
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

**** All ES Tracks qualify for STEM**

As of 1/21/2022

(to include, Environmental Society/Human Ecology, IGS-Global Environmental Change)

STEM OPT

Students in F-1 status who are on standard post-completion OPT and have earned a **STEM degree** may submit an application for a **24-month extension** of employment authorization.

To be eligible for the extension, the student **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 has not yet utilized this STEM degree to apply for STEM OPT.
- **Must be currently participating in post-completion OPT and working for a U.S. employer in a job directly related to the student's major field of study.** *The earliest one can apply is no more than 90 calendar days before the current post-completion OPT period ends per USCIS; however, ISSS requires 10 business days from date of receipt of completed request for processing purposes so plan accordingly.*
- **All employers must participate in E-Verify** and all positions must be directly related to the STEM degree to apply for and throughout the STEM OPT period.
- 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.

FOR MORE INFORMATION and HOW TO APPLY FOR STEM OPT, GO TO:

<https://www.middlebury.edu/office/international-student-and-scholar-services/students/student-employment-information/stem-opt>

QUESTIONS??

Via email at iss@middlebury.edu | Via phone at (802) 443-5858

To schedule a 20-minute appointment for general questions:
Calendly.com/middleburyiss - select "Appointment with Christy Fry"

ISSS strives to present accurate information regarding USCIS processes and fees. It is always recommended that you consult the USCIS website directly to verify the filing details before submitting your application.

<https://www.uscis.gov/i-765>

Upcoming Fall 2022 OPT Workshops:

TBD

To register for a workshop, please complete this form: TBD

if you still need to satisfy the OPT info session, contact ISSS, as we are not offering any additional sessions for the Spring 2022 semester