POST-COMPLETION OPTIONAL PRACTICAL TRAINING (OPT)

International Student & Scholar Services
Middlebury Institute for International
Studies/Middlebury College

Last updated: March 30, 2023

YOU INTEND TO GRADUATE (COMPLETE) YOUR PROGRAM: OPTIONS AFTER PROGRAM COMPLETION/GRADUATION

You must choose **ONE** of the following options:

- 1. Apply for Standard Post-completion Optional Practical Training (OPT). If you apply for post-completion OPT, your F-1 status will be extended and protected to remain in the U.S. after you complete.
- 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. Transfer to 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. (You need to be admitted to a program that will begin no more than 5 months from your completion date.)
- 4. Change to a different visa status. Can be done from within the U.S. but it's recommended to apply prior the end date of your I-20. Contact ISSS for further discussion and/or to receive an immigration attorney resource list.

BEFORE YOU GO FURTHER: CHECK THE I-20/SEVIS RECORD FOR ACCURACY

- ➤ Per F-1 regulations, your SEVIS record/I-20 must <u>accurately</u> reflect your correct program end date and your major/program(s):
 - Confirm the program end date notated on your current I-20 is for the term you are completing/graduating (see page 1).
 - Confirm that your major/program(s) are current on page 1 of the I-20.
 - ➤ If either one or both of the above are not accurate, email ISSS immediately for guidance.
- To amend a program end date, it will depend if the new end date is to be shortened or extended.
 - ▶ Program extensions require specific qualifying reasons determined by ISSS per the F-1 regulations, so ISSS must be notified as soon as possible if you believe you may require an extension. This is not an automatic and/or quick process.
- ➤ Maintaining your F-1 status throughout the duration of your program is critical. This includes making sure you complete your program successfully.

OPT ROAD MAP:

- OPT Basics What is it, When is it needed
- Eligibility
- Basic Facts
- Important Employment Reminders
- Application Submission Planning
- Application Process
- Maintaining Status While on OPT
- OPT Reporting Requirements
- Options when your OPT ends
- Briefly about OPT STEM Extension for those potentially eligible

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

OPTIONAL PRACTICAL TRAINING: WHAT IS IT?

 Work authorization that allows F-1 students to engage to gain practical training in the <u>student's major field(s) of</u> <u>study</u>.

- Request must be granted by U.S. Citizenship and Immigration Services (USCIS).
- Standard OPT permits up to 12 months maximum used either before or after program completion per each successive degree level.

OPT IS NEEDED FOR:

- Off-campus employment in the U.S. (i.e. receive any form of compensation in exchange for your services);
- On-campus employment in any position at Middlebury <u>AFTER</u> 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.

OPT IS NOT NEEDED FOR:

- Work <u>outside</u> of the United States when you have physically departed the U.S.
- On-campus employment before you graduate.
- 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

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 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 must be at least a Fall and Spring or a Spring and Fall consecutively
 - Students can be completing the 2nd semester of your first full academic year and apply for OPT as long as your 2nd term is completed <u>before</u> the OPT period begins.
 - Students can be in their final term and enrolled less than fulltime if they have less than full-time credits left to complete and be able to apply for OPT to begin after completing.
- Must obtain an OPT recommendation from ISSS <u>BEFORE</u> submitting OPT application to USCIS (process explained later)
- Must submit OPT application to USCIS from within the United States in F-1 status
 - →cannot submit application if outside of the U.S.

OPT BASIC FACTS:

- OPT is available for up to 12 months per successive educational level.
 (NOTE: 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 do <u>NOT</u> 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 job offer to apply for OPT.
- OPT is a <u>benefit</u> of the F-1 Student Status; it is <u>not</u> a separate status.
 The student remains in F-1 status while pursuing OPT, which means reporting to ISSS and the SEVP Portal is <u>required</u> while participating in any form of OPT.
- 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 APPLICATION 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.
- As of April 3, 2023, a request to USCIS to process your OPT application with premium processing (expedited processing) is possible. The requirements:
 - Form I-907-Request for Premium Processing (obtained from www.uscis.gov) to be filed with or after the filing of the OPT application with USCIS
 - Fee of \$1,500 payable to U.S. Department of Homeland Security
 - Processing time is 30 calendar days from 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 get the evidence requested.

POST-COMPLETION OPT FACTS:

- Available <u>AFTER</u> student's program end date/completion
 - This is a good time to double check that the program end date is correct on the I-20. To check it, look on page 1 of the current I-20. Contact ISSS with any questions.
- May submit application <u>no sooner than 90 days before</u> theprogram end date and <u>no later than 60 days after</u> the program end date

SUBMIT APPLICATION = received by USCIS!

(This is also referred to as "filed.")

- Must work <u>at least</u> 20 hours per week or more during the approved post-completion OPT period
- **Unemployment** is limited to an <u>aggregate of 90 days</u> which does not begin to accrue until the OPT start date issued on the Employment Authorization Card (EAC)

IMPORTANT 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 <u>not</u> 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 paid work to ISSS and via the SEVP Portal and it must meet all the requirements.
- 4. Running (versus planning) a business usually requires work authorization. Consultation with an attorney is advised.
- 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

APPLICATION SUBMISSION PLANNING

SUBMIT APPLICATION on time -> application physically received by USCIS!

ISSS TIP: To ensure that an OPT application is submitted to USCIS within the eligible application time period, do not submit your application on the very first or very last eligible dates.

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 <u>start</u> & <u>end dates</u> you want to request <u>before</u> starting the process – <u>once it's submitted you will not be able to change your requested dates</u>:

- Be aware of the day of the week your requested start date will fall on (is it on a weekend or a federal holiday or in the middle of a week)
- Earliest OPT Start Date You Can Request: <u>Day after your I-20 end date</u>
- Latest OPT Start Date You Can Request: 60th calendar date past your I-20 end date

Example: I-20 end date is May 15, the earliest start date is May 16 and the latest start date is July 14.

■ The OPT end date will be 12 months later minus one day unless you have less than 12 months left. Then you need to count the exact number of days from your requested start date.

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

■ Note if your OPT will end in a Leap Year (means there are 29 days in February and 2024, 2028, 2032 are leap years) when calculating your OPT end date.

Example: Requested OPT start date is June 1, the OPT end date in a Leap Year is May 30 (if you have 12 months of OPT available)

OPT APPLICATION PROCESS

- 1. Read the OPT Guidance for I-765 Application, Filing, and Mailing document found on the ISSS website (Forms & Resources page). This document outlines everything that you need to do related to completing your OPT Request and application.
- 2. Submit the completed OPT Intake Form to ISSS, including all requested support documents. Within the online Intake Form, be prepared to submit all required support documents.
- **3. ISSS reviews your complete OPT Intake Form.** If it meets the requirements, ISSS will recommend OPT in SEVIS and issue an updated I-20 with the recommendation to you electronically.
 - ISSS processing time for OPT requests is 5 to 10 business days from day we receive the COMPLETE OPT Intake Form and support documents; you must also account for any holidays or college closures.
- 4. Prepare and submit the OPT Application to USCIS. There are two ways to submit the OPT application to USCIS online and by postal mail. Refer to the OPT Guidance for I-765 Application, Filing, and Mailing document on the ISSS website for each option.
- 5. COPY your entire OPT application for your records **BEFORE** submitting.
 - **REMEMBER:** Submit your completed OPT application to USCIS <u>AFTER</u> receiving the I-20 recommending OPT from ISSS! If you do it before, USCIS will deny the request.
 - Links to the forms and OPT web information will be provided on the next slide.

RESOURCES

- 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/ from the www.middlebury.edu website search box or go directly to https://www.middlebury.edu/office/international-student-and-scholar-services/students/student-employment-information/optional

YOU SUBMITTED YOUR APPLICATION, NOW WHAT?

- A few weeks after submitting your application, a receipt notice will be issued by USCIS with an assigned case number.
- You may use the case number to track the status of your application on www.uscis.gov.
- If you use the ISSS Office address as your mailing address on the I-765, we notify you when the paper receipt notice arrives in our office.
- 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, if you use ISSS' address for mailing.



If you have questions, ask ISSS.

Avoid unreliable sources.

WITHDRAWING AN OPT APPLICATION

- It is possible to withdraw an application <u>after</u> it has been filed <u>but</u> <u>before</u> it has been adjudicated (processed).
- The Service Center processing the OPT application 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.
- OPT applications may be filed in the future, provided all requirements are met.

It is very difficult and rare for USCIS to revoke a period of previously authorized work authorization, so exercise caution when applying for OPT initially to avoid the need to withdraw.

Please consult with ISSS before withdrawing for best guidance.

YOUR OPT IS APPROVED!!

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

MAINTAINING STATUS WHILE ON OPT

- Students must work at least 20 hours/week in qualifying employment directly related to your major. For those with variable schedules within a month, it should average to 20+ hours/week.
- ALL employment must be qualifying during the OPT benefit.
- While on post-completion OPT, F-1 status is dependent upon employment and students <u>may not be unemployed for an aggregate</u> (total) of 90 calendar days or more during the OPT period.

NOTE: Unemployment does not begin accruing until the first day of approved post-completion OPT as indicated on your EAC and only if you are not officially employed as of that date.

If you receive your EAC after the approved start date listed on it, and you are not employed, then unemployment will begin accruing from the date on the card.

MAINTAINING STATUS WHILE ON OPT, CONTINUED

- 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-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).

WHAT IS QUALIFYING EMPLOYMENT?

- Regular paid employment: may 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 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 and it is being used for purposes of OPT.

REPORTING REQUIREMENTS

isss@middlebury.edu

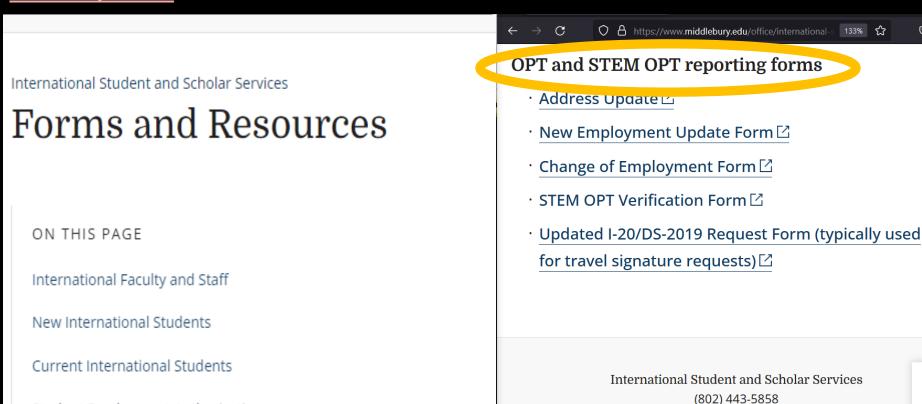
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NOTE: During your approved **post-completion OPT period**, you are in F-1 student status under the sponsorship of Middlebury College — OPT is a BENEFIT of the F-1 status.

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 Updates links found here:

https://www.middlebury.edu/office/international-student-and-scholarservices/forms



Student Employment Authorization

REPORTING REQUIREMENTS, CONTINUED

Students in F-1 Status on Post-completion OPT benefit period are expected to report to ISSS using the SEVIS Updates links at the ISSS Forms & Resources webpage, the following throughout the OPT period:

- Employment information
- Residential living addresses
 US Phone numbers
- E-mails

Students should submit the above- referenced information to the SEVIS student portal, too. This system will populate into SEVIS.

- On your first day of approved OPT, DHS 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.
- Middlebury email address becomes deactivated after 6 months after graduation.

REPORTING REQUIREMENTS: Continued

You need to report **ALL** employment including your initial job and even if you provide the name of an employer on the ISSS OPT Intake form. *ISSS is unable to put in any employer information when making the OPT recommendation for standard OPT.*

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 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

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

- Report any U.S. address or legal name changes to ISSS. Use the ISSS
 Address Update Form and via your SEVP Portal account.
- Report all new employment by using the New Employment Update Form and via your SEVP Portal Account. This includes providing a statement on how your employment is directly related to your Middlebury major field of study.
- Report all ended employment (i.e., ending a job, leaving the U.S. and ending OPT) by completing the End of Employment Form and via your SEVP Portal account.
- Maintain a valid signature on page 2 of your Form I-20 6-month validity now!!! Request updated I-20 using the Updated I-20/DS-2019 Request Form

TRAVEL WHILE ON OPT

ISSS recommends:

- Do not travel outside the U.S. while your application is pending.
- If you <u>must</u> travel, discuss with ISSS <u>BEFORE</u> departing the U.S.

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

- Form I-20 with OPT endorsement & valid travel signature no older than 6 months
- Valid F-1 visa
- Passport valid for at least 6 months
- Valid Employment Authorization Card (EAC)
- Employment Confirmation Letter from Employer not required, but recommended
- Proof of financial ability not required, but recommended

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

YOUR OPT PERIOD IS ENDING, NOW WHAT: OPTIONS AFTER OPT:

You must choose **ONE** of the following options:

- 1. 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.
- 2. Transfer to another U.S. institution as a full-time student. ISSS would need to transfer your SEVIS record by no later than 60 calendar day. Once your SEVIS record has been transferred, you will lose any remaining OPT time.
- **3. 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.
- 4. FOR STEM ELIGIBLE STUDENTS: Apply for the STEM OPT Extension Optional Practical Training (STEM OPT) NO LATER THAN the end date of your post-completion OPT period. (See next 2 slides)

STEM OPT EXTENSION

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 <u>earliest</u> 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 <u>must</u> participate in E-Verify and all positions must be directly related to the STEM degree to apply for and throughout the STEM OPT period. Each job must be no less than 20 hours per week during 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

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
Economics	ECON	45.0603	Econometrics and Quantitative Economics
Environmental Studiesall 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)

Institute Graduate Degrees:

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

QUESTIONS??

Via email at <u>isss@middlebury.edu</u>

Via phone at (802) 443-5858 – the phone line operates from 8:15 am to 5:00 pm Eastern time zone only. Email first and we will determine if an appointment is needed.

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 <u>before</u> submitting your application.

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

Upcoming OPT Q&A Sessions

Visit the ISSS Announcements page

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