Post Completion
Optional Practical Training

February 3, 2010
What is OPT?

OPT is defined in the Federal Regulations as temporary employment directly related to a student's field of study. During OPT, a student remains in F-1 status. The end result of the OPT request process is an Employment Authorization Document (EAD) issued by United States Citizenship and Immigration Services (USCIS).
Who is Eligible?

To be eligible for OPT, the student must:

- Be in legal F-1 immigration status
- Be a full-time student for at least one academic year
  
  note: students who are in their final semester and require less than 12 credit hours to graduate are considered to be in full-time status.

- Have CCS approved health insurance
Length of OPT

- The standard OPT period is a cumulative maximum of 12 months.
- An F-1 student may become eligible for another 12 months of OPT if he/she advances to a higher educational level. For example, if you begin a graduate level program.
Applying for OPT

- Complete the I-765 application and bring your passport, I-94, visa and ALL of your previous I-20s to the International Student Services Office.
- I will collect and review your documents, and then submit your OPT recommendation to SEVIS **electronically** to **generate a new I-20**. The OPT recommendation will be printed on page 3 of the new SEVIS I-20.
- I will notify you when your new I-20 is available and you may pick it up along with the other documents you submitted. YOU SHOULD ALLOW 5 BUSINESS DAYS.
- As soon as you pick up the I-20, sign your name (page 1, item 11).
- Make a copy of your complete application.
- Send your complete application and required documents to USCIS. Refer to the section on page 6 of this document “Submitting Your OPT Application.”
- USCIS will send you a notice for the receipt of your I-765 EAD (OPT) application (2-3 weeks). Once you have received your receipt notice, you can track the status of your individual case using the case status search feature at https://egov.uscis.gov/cris/Dashboard.do. You may elect to receive email alerts about your case status from this Web site.
- USCIS will approve or deny your OPT. If approved, they will mail your EAD to you. (3-5 months average processing time).
Submitting the application to USCIS

Once you've requested an OPT recommendation through the ISSO and received your new I-20, you will need to prepare and submit the following list of items to USCIS:

- Base fee for I-765 ($340.) payable to Department of Homeland Security. Personal check, cashiers check or money order is acceptable. If you use a personal check, please be sure to wait for the check to be cashed before closing your bank account.

- Two full-face passport-style photos. The photos must be identical and in color with a plain background. They must be no more than 30 days old when the I-765 is filed at USCIS. Photos can be obtained at CVS, Kinko’s or Walgreens. Put photos in an envelope. You should attach the fee and the photo envelope on top of the entire application (on the upper left-hand corner). Please do not staple the fee and the photos. Use a pencil to gently write your name and SEVIS ID on the back of your photo.
Submitting the application, cont.

- Original USCIS I-765 form (completed, signed and dated legibly by you).
- Item 3, put an address that will be valid at least until you receive the EAD card because your EAD card will not be forwarded if you move (if you use someone else's address, we recommend that you put “c/o” (meaning “care of”) and the name of the person who lives at that address in item 2 of the I-765).
- Item 16 marked as follows:
  - (c)(3)(B) for post-completion OPT (beginning after the I-20 end date)
- Item 10, filled-in to represent your most recent I-94 number.
- A legible signature in the designated location. Date the I-765 on the date you mail it.
Items to include, cont.

- Photocopy of the new I-20 with OPT recommendation.
- Photocopies of all your previous I-20s.
- Photocopy of your most recent I-94 card, both sides.
- Photocopy of most recent F-1 visa page (except Canadians) OR approval of change of status to F-1 (I-797) if applicable.
- Photocopy of your passport pages showing your biographical information and its expiration date. Keep in mind that if the photo in the passport is not clear or varies widely from your current appearance, a clear copy of another form of identification, such as a state-issued drivers license or identification card will also have to be sent.

If you have received a job offer, you may wish to write a cover letter yourself to USCIS informing them that you have a job offer (provide USCIS with a copy of the offer) and therefore you are requesting USCIS to expedite the processing of your OPT application and EAD Card. From my experience, USCIS has on occasion expedited such requests (Please be advised that there is no guarantee that USCIS will expedite your request).
Where to mail, cont.

Mailing to USCIS

The U.S. Postal Service is the only service that delivers to a P.O. Box address. You may need to send your application via express (next day) mail to meet the USCIS deadline. Refer to the USCIS I-765 Form instructions for the correct USCIS mailing address. The address you use on the I-765 will determine to which USCIS service center you mail the application.

NOTE: Because it makes you subject to additional requirements, the ISSO does not recommend using the “e-file” option on the USCIS Website to submit your application. To avoid possible processing delays we advise the submission of paper applications by U.S. Mail.
IMPORTANT

THE APPLICATION MUST BE RECEIVED WITHIN 30 DAYS OF MY SIGNATURE ON THE NEW I-20. SO, SEND IT AS SOON AS YOU RECEIVE IT FROM ME.
After you are approved/denied

**Steps to Minimize Complications**

**After Mailing the I-765**
Make a copy for your records of the receipt from the post office showing the tracking number.
Set up email notifications at usps.com with tracking number to monitor when your application is received by USCIS.
In the unlikely event that delivery is delayed, denied, returned, missing, etc., call USPS customer service to determine the problem and follow recommended instructions. If you determine that your I-765 has not reached USCIS, contact THE isso for advice.

**After the I-765 Is Received by USCIS**
Print page from usps.com showing that application was received on or before your I-20 end date and keep in your records.
If you paid by personal check, monitor your bank account and note the date the check cleared. This will confirm receipt by USCIS.

**When You Receive Form I-797 Receipt Notice in the Mail**
Send me the receipt number that will be listed in the upper right corner of th page. It will begin with LIN.....
Make a photocopy for your records.
Sign up for email updates at USCIS website using Receipt Number.
Verify that name and mailing address are printed 100% correctly on receipt notice. If any error, contact the ISSO for advice.
DO NOT contact USCIS to change your address. If circumstances change and it is absolutely impossible for you or someone else to receive the EAD at the address on the Receipt Notice, email the ISSO for advice.
DO NOT notify USPS of a change in address until you have made arrangements for the address update with USCIS according to the ISSO advice.
Minimizing complications, cont.

When Case Status Online Reflects “Approved”
If someone else is receiving the EAD on your behalf, alert that person that a piece of mail should be arriving soon and to notify you as soon as it arrives. Remind the person to put it in a new mail envelope rather than forwarding to you.

Take any steps possible to ensure delivery of your mail. If you live in an apartment complex, check that your name is on your mailbox. If you have roommates, alert them you are expecting something important.

DO NOT notify USPS to hold mail, forward mail, or process a change of address until you receive the EAD.

When You Receive the I-797 Approval Notice and EAD
Make a copy of the Approval Notice and EAD (front and back) for your records
Make a copy of your EAD, scan and email to jdickey@collegeforcreativestudies.edu with a note indicating you applied for OPT and have received your EAD. We will keep a copy of the EAD in your record in the ISSO. You may also copy it and drop it off to me.

Remember: You are not authorized to begin employment until the start date on the EAD arrives, even if you have the card in hand.
Exceptions and Problems.

If for any reason you decide you do not want OPT, you must take immediate action to prevent your I-765 application from being adjudicated by USCIS (i.e. approved or denied).

If your check has not been cashed, contact your bank to cancel it. USCIS is expected to reject any application without the appropriate fee, so this should prevent your I-765 from being approved.

Email the ISSO, jdickey@collegeforcreativestudies.edu with your full name, and case number (if you have already received a Receipt Notice). Indicate that you mailed your I-765 and want to withdraw your OPT application.

Mail a letter to USCIS requesting your I-765 application be withdrawn. Mail your letter to the same address you used for sending the I-765.

- Note “Re: I-765 Withdrawal” on the letter
- Include biographical information to identify yourself, including name, date of birth, and SEVIS ID number
- Request that the Form I-765 application for Optional Practical Training be withdrawn and include a short statement of why you are withdrawing your request
- Date and sign
- If you have received the Form I-797 Receipt Notice, include the receipt number in your letter and attach a copy of the Receipt Notice

USCIS will send a confirmation letter to the address you listed on the I-765 indicating your application has been withdrawn. Keep this original and a photocopy in your records.
Exceptions and problems, cont.

- **If You Receive Notice from USCIS that Something Is Wrong**
  
  If any of the following happen, call or email ISSO immediately for advice:
  
  - You receive a Request for Evidence (RFE) in the mail or see in Case Status Online that one was sent
  - You receive your I-765 application back in the mail or see in Case Status Online that it was rejected and/or returned

  Either of the above are an indication that something is seriously wrong with your OPT application. No progress will be made on your application until USCIS receives the necessary documentation from you.

  The allowable time period to respond to an RFE or rejected application is limited and will be indicated on the materials from USCIS. If you fail to respond by the deadline, your application will be denied.

- **If Your Application is Denied**

  If your I-765 is denied, the duration of your legal F-1 status reverts to being defined as lasting through the I-20 end date plus the 60 days grace period

  - If you are still within the grace period, you may stay in the U.S. for the remainder of the 60 days
  - If the grace period has already elapsed, you should depart the U.S. immediately

  The chances for successfully appealing an I-765 denial are low. If you believe you were denied in error, contact the ISSO or private immigration attorney at once.
What if….

If Your EAD Does Not Arrive
USCIS will send the EAD using regular, first class mail. From the time Case Status Online indicates your request was approved, you should expect to wait a week or more for delivery of the EAD.
If you suspect a problem in the delivery of your EAD:
First take any possible steps to determine whether the EAD has already been delivered to your address. Double check your stacks of mail and ask roommates, neighbors, the apartment complex manager, etc.
Call the USCIS customer service number and ask if your EAD was “returned undeliverable,” meaning sent back to USCIS. Keep detailed records of your conversation with the customer service agent, including the date you called, any number the agent gave you, and the advice you were given.
Email the ISSO at jdickey@collegeforcreativestudies.edu with a detailed account of the situation and steps you have already taken, including notes from your conversation with USCIS customer service.
Please be aware there is usually little, if anything, the ISSO can do to intervene in cases of an EAD not delivered. You may ultimately need to apply for a replacement of the lost card and pay the fee again.
If your EAD was returned undeliverable or lost in the mail, you can expect significant delay in obtaining the card. If you have a job offer, you may wish to contact your employer to make arrangements for delaying your start date. Remember, you may not work until you have the EAD in hand, even if the Case Status Online shows your case was approved.
If There is a Mistake on Your EAD

If there is any problem on your EAD, email a scanned copy of the card with a description of the exact problem (name misspelled, wrong dates, etc.) to the ISSO jdickey@collegeforcreativestudies.edu. I will respond with advice.

Remember, the dates on the card determine when you are authorized to work, even if they are not the dates for which you intended to apply.

If for any reason USCIS approves the I-765 after the OPT start date you requested, the start date will be set as the date the application was approved. USCIS will not adjust the end date; therefore, your OPT period will be less than 12 months. This is unfortunate, but not a mistake. There is no remedy possible in this situation. (Example)
After the OPT has been processed.

**General Information**

Once your application is approved, USCIS will issue you an EAD. Make a copy of your EAD. Scan and email to jdickey@collegeforcreativestudies.edu with a note indicating you applied for OPT and have received your EAD.

Your F-1 status continues through the OPT period.

You must stop your employment when the end date on the EAD card is reached, but may remain in the U.S. for the 60-day grace period.

**You may begin working once:**

- you have obtained the EAD card (you may not begin employment if your OPT has been approved but you have not yet received the EAD in the mail)
- and the begin date on the card has been reached.

The EAD is not employer specific, so you may change employers at will. However, employment must be directly related to the field of studies. Any employment outside your field of study is unauthorized and is a substantive violation of your status.

**Social Security Number**

If you do not yet have a Social Security Number (SSN), you will be required to have one for tax reporting purposes. You may apply for a SSN after you have received the EAD card and the begin date on the card has been reached.

If you already have a SSN, do not apply for a new one. Social Security Numbers are for life.

**You do not need your SSN to begin working.** On your first day of employment, you will be asked to complete employment paperwork. If you do not yet have your SSN, you may write “applied for” in the space where the SSN is to be provided. Once you receive the Social Security Card in the mail, provide the number to your employer.

**U.S. Department of Homeland Security Address Notification Requirement**

You are required to update your address with the ISSO within 10 days of any change, even while you are on OPT.
OPT Employment Requirements

- You are expected to be employed in your field of study during OPT, and you are required to submit employer information to SEVIS. You will do this by reporting to the ISSO the name and address of your employer. *This is your responsibility. You will not be given reminders.* (Example)

- The maximum period of unemployment is 90 days. (Example)
It is recommended that you keep documentation of all your employment. In the future, you may be asked to provide proof that your employment during OPT was in your field of study.

Specifically, you should maintain evidence — for each job — of the position held, proof of the duration of that position, the job title, contact information for your supervisor or manager, and description of the work.

If it is not clear from the job description that the work is related to your degree, we highly recommend that you obtain a signed letter from the employer's hiring official, supervisor, or manager stating how your degree is related to the work you performed. Keep this in your personal records.
Types of Employment

**Types of employment allowed:**

- All OPT employment, including post-completion OPT, **must be in a job that is related to your degree program.**

**Paid employment**

- Students authorized for post-completion OPT may work part time (at least 20 hours per week) or full time.

**Multiple employers**

- Students may work for more than one employer, but all employment must be related to the student's degree program.

**Work for hire**

- Work for hire means that an individual performs a service based on a contractual relationship rather than an employment relationship. It is sometimes called “1099 employment” because people who “work for hire” receive Internal Revenue Service Form 1099-MISC – which shows how much money was earned for a particular year – from the contracting company. If requested by DHS, students must be prepared to provide evidence showing the duration of the contract periods and the name and address of the contracting company.

**Self-employed business owner**

- Students on OPT may start a business and be self-employed. In this situation, the student must work full time. The student must be able to prove that he or she has the proper business licenses and is actively engaged in a business related to the student's degree program.

**Employment through an agency**

- Students on post-completion OPT must be able to provide evidence showing they worked an average of at least 20 hours per week while employed by the agency.

**Unpaid employment**

- Students may work as volunteers or unpaid interns, where this does not violate any labor laws. **EXAMPLE.** The work must be at least 20 hours per week for students on post-completion OPT. These students must be able to provide evidence from the employer that the student worked at least 20 hours per week during the period of employment.
Students are required to report changes in employment to the CCS International Student Services Office as soon as possible. I recommend that you report changes within 5 business days of the change to avoid situations where a DHS official may determine you to be out of status.

To report periods of employment along with employer information, notify jdickey@collegeforcreativestudies.edu with the name of the employer and the address as well as the date employment began.
Students on post-completion OPT are only allowed a total of 90 days of unemployment.

What counts as “unemployment time”
- Unemployment time is counted each day during the OPT dates indicated on the EAD.
- Students who have OPT extended due to the cap gap provisions continue to accrue unemployment time and are subject to the 90-day limitation on unemployment.
- If you have a job offer that begins more than 90 days after your OPT begins, you will exceed your allowable unemployment time. Receiving a job offer within the 90 days is not sufficient, you must be employed in one of the employment types listed above.
- If you travel outside of the United States while unemployed, the time spent outside the United States will count as unemployment against the 90 day limit.
- Permanently leaving the U.S. without notifying the CCS ISSO will result in the accidental accrual of unemployment. For this reason, you must contact us if you decide to abandon your OPT.

What does not count toward “unemployment time”
- Periods of up to 10 days between the end of one job and the beginning of the next job will not be included in the calculation for time spent unemployed.
- If you travel abroad while employed either during a period of leave authorized by an employer or as part of your employment, the time spent outside the United States will not count as unemployment.

Consequences of exceeding allowable period of unemployment
- If you exceed the allowable period of unemployment while on post-completion OPT, you are considered to have violated your status.
Ending OPT Early

Abandoning OPT
If you decide to abandon your OPT before the end date of your EAD and leave the U.S., you must notify the ISSO so we can end your SEVIS record. Please send an email to jdickey@collegeforcreativestudies.edu telling me that you have decided to abandon your OPT and the date you plan to depart the United States. We will end your SEVIS record effective the date you indicate you plan to leave the U.S. or the date you notify us, whichever is later.

Starting a New Program — at CCS or at Another Institution
During the period you are authorized for OPT, you may decide to apply to another academic program, either at CCS or another University. Once you are admitted to another degree program, it is important to discuss the situation with the ISSO, as the issuance of a new I-20 will effect/terminate your OPT. Please call or e-mail the ISSO to request an appointment (appointments may be in-person or by telephone). If you are admitted to a degree program at another University, the ISSO must transfer your I-20 to that institution so they may issue a new I-20 for you.

Admission to CCS for a new degree program/change of level. Once you have been admitted to a new degree program at CCS, we will issue a new I-20 to you. The issuance of this new I-20 does not end your OPT immediately. Your EAD is terminated as soon as you enter the U.S. with the new I-20 or you check-in for the new program, whichever is earlier. Either one of these events will activate your SEVIS record for the new degree and deactivate your OPT SEVIS record. This means you must immediately stop employment regardless of the card’s appearance of validity if you reenter with your new I-20 or check-in at the ISSO.

Transfer to another school in the U.S. in order to begin a new degree program. Authorization for OPT is not transferable. Your authorization for OPT ends on the transfer release date. If you wish to complete OPT, set the release date for a date after the OPT ends. You can set the transfer release date to occur during the 60-day grace period following post-completion OPT. On your transfer release date, you must stop employment regardless of your EAD card’s appearance of validity.

In order to maintain your F-1 status, a new I-20 for change of academic level, new degree program, or transfer must be issued before the end of your 60 day grace period.
Change of Status during OPT

If you change your immigration status (e.g. from F-1 to H-1B, F-2, or J-1) during the period of your OPT your OPT ends on the effective date of the USCIS action notice and any unused OPT time is lost (you cannot have both F-1 OPT status and another status at the same time, nor can you return to OPT if your new status is terminated for any reason).

CCS is required to notify SEVIS of your new status and requests that you notify the Office of the Registrar immediately. To officially record your new status, the Office of the Registrar will need a copy of the approval notice you received from USCIS. You can get this information to the Registrar's Office in one of two ways:

- Visit the Registrar's office and bring your documents.
- Write a letter which includes your name, your current status, your CCS ID number and your signature asking for an update on your visa status. Include with the letter a copy of the documentation you received from USCIS.

Mail to:
Nadine Ashton, Registrar
201 East Kirby
Detroit, MI 48202

“Cap Gap” Relief for OPT — H-1B Transitions

Some students may be eligible for an extension of OPT and F-1 status due to the new Cap Gap Relief rules. As these may change during the time you are participating in OPT, please contact me directly at jdickey@collegeforcreativestudies.edu if you have been sponsored and applied for an H-1B.