F-1 OPT
Rules and Regulations for Optional Practical Training
Definition of Employment

Any type of work performed or service provided in exchange for money, tuition, fees, books, supplies, room, food, or other benefits.
F-1 OPT Employment

- Any employment authorization is a benefit of your F-1 status.

- You must be sure that you have maintained your F-1 status before you are eligible for any type of work.
What is OPT?

Optional practical training (OPT) is defined in the regulations as, "temporary employment for practical training directly related to the student's major area of study."
Optional Practical Training (OPT)

- Optional Practical Training is temporary employment authorized up to 12 months.
- It may be extended for an additional 17 months for certain STEM (Science, Technology, Engineering, Mathematics) students.
- OPT employment must be directly related to your major. You will be required to state how your employment is directly related to your major.
- This employment requires authorization from USCIS.
Types of OPT:

- Pre-completion OPT
- Post-completion OPT
- STEM OPT (Extension of Post-Completion OPT for certain STEM degree holders)
PRE-COMPLETION OPT

• Pre-completion OPT is OPT authorized to be engaged in before the student’s program end date.

• Students with approved pre-completion OPT may work up to 20 hours per week while school is in session or more than 20 hours during the summer/winter session.

• Using Pre-Completion OPT will take time away from Post-Completion OPT time (Only Post-Completion OPT can be extended under STEM extension provisions)
POST-COMPLETION OPT

- Post-Completion OPT is authorized to be engaged in AFTER the student’s program end date.

- Students with approved Post-Completion OPT MUST work FULL-TIME MORE THAN 20 hours per week.

- You are only permitted one OPT per higher education cycle (i.e. Bachelor to Masters / Masters to PhD).

(Only Post completion OPT can be extended under STEM extension provisions)
Pre-Completion OPT vs. Post-Completion OPT

**PRE – Completion OPT**
- 20 hours or less per week during the FALL and SPRING semesters
- Can be full time or part-time during the summer session (2 months part-time OPT = 1 month full-time OPT)

**POST – Completion OPT**
- Should be 21 hours or more per week after completion of academic program requirements
- Must be completed within 14 months of graduation.
The 12 month limit on OPT may be extended by 17 months, for a total of 29 months, for certain STEM degree holders. Some examples include:

- Actuarial Science
- Computer Science Applications
- Engineering
- Engineering Technology
- Biological and Biomedical Sciences
- Mathematics and Statistics
- Military Technology
- Physical Sciences
- Science Technologies
- Medical Scientist (MS, PhD)

Once the OPT extension has been granted, the student will not be entitled to another 17 month extension even after completion of another STEM degree program.
Eligibility for OPT

- Good Academic Standing
  - 2.0 for Undergraduates
  - 3.0 for Graduates

- Must have completed one academic year or two previous semesters as a full time student

- Valid Passport: Valid at least six months into the future

- All Incomplete (I) or NR grades from prior semesters must have been resolved
Types of Employment Allowed on OPT

**Multiple employers.** A student may work for more than one employer, but all employment must be related to the student’s degree program and, for pre-completion OPT, can not exceed the allowed per week cumulative hours.

**Short-term multiple employers (performing artists).** A student, such as a musician or other type of performing artist, may work for multiple short term employers (gigs). The student should maintain a list of all gigs, the dates and duration.

**Work for hire.** This is also commonly referred to as 1099 employment, where an individual performs a service based on a contractual relationship rather than an employment relationship. If requested by DHS, the student must be prepared to provide evidence showing the duration of the contract period and the name and address of the contracting company.

**Self-employed business owner.** A student on OPT may start a business and be self-employed. 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 or consulting firm.** A student on post-completion OPT must be able to provide evidence showing he or she worked an average of at least 20 hours per week while employed by the agency.
Volunteerism

• Any job/internship whose original purpose was to be a non-paid position

• If the job normally has a stipend, but the employer agrees not to pay you for the work, this is not considered volunteer and is not acceptable

• Students may work as volunteers or unpaid interns, where this practice does not violate any labor laws. The work should be at least 20 hours per week for students on post-completion OPT. A student should be able to provide evidence, acquired from the student's employer, to verify that he or she worked at least 20 hours per week during the period of employment.
Prior to Applying for POST-Completion OPT

- Ensure that you have completed ALL required coursework to graduate.
- PhD students must have a scheduled date for defense.
- Your I-20 will be shortened to reflect the program end date of that semester.
- Your I-20 cannot be extended due to poor academic performance, including earning grades of “F”, “NR”, “I”.

VISA & IMMIGRATION SERVICES
Failure to Complete Academic Program

- If you fail to complete your academic program requirements **AFTER** your I-20 program end date, you MUST contact your VIS Advisor immediately.

- If your OPT request **has NOT been approved** by USCIS, if you contact us immediately there may be a chance to withdraw your request with USCIS.

- If your OPT request **HAS been approved** by USCIS, it is unlikely USCIS will cancel your request and you may lose eligibility time for Post-Completion OPT.

- Termination and Reinstatement to F-1 Status will likely be necessary. Your VIS advisor will provide appropriate guidance.
How to Apply for an OPT Form I-20

• Submit your application via accessVIS (https://vis.stonybrook.edu)

• Login to Full Services using your NetID and password
How to Apply for an OPT Form I-20

• Click on “Optional Practical Training”

• You must FIRST review and submit: OPT Student Obligations

• Then proceed to submit the “Request for an I-20 Recommending OPT”
Choosing Your OPT Start Date

• For standard post-completion OPT, “a student may not request a start date that is more than 60 days after the student's program end date”. (Post-Completion OPT must be completed within 14 months of the I-20 program end date.)

• Once you select your OPT start date, it is very difficult to change it and it is impossible to change once approved.

• The start date you choose must be within 60 days of the last day of your final semester.

• When you apply for OPT, your I-20 expiration date will be shortened to the last day of finals in your graduating term. This date is called the “program end date.”

Example: The Fall 2015 semester ends on 12/17/2015, your 60 day grace period would be from 12/18/2015 to 02/16/2016, therefore you would use this range the select your OPT start date.
Choosing OPT Start Date

You can’t apply for OPT yet 😞

60 Days Grace Period
OPT start date can be any time during this period

90 Days Before Program End Date

Program End Date*
Line 5 on your I-20

60 Days After Program End Date

You can apply for OPT 😊

You can’t apply for OPT anymore 😞

* Your I-20 will be shortened to reflect the last date of the semester

**90 Days of unemployment allowed after the start date on your EAD card
Filing with USCIS

1. If eligible, you will be notified via email to pick up your new OPT I-20 and to make an appointment with your VIS adviser to review the documents you will mail to USCIS.

2. $100 Post-Completion OPT fee will be posted in your SOLAR account.

3. You are responsible to mail the following documents to USCIS. They must receive your application before the 30th day from the date your Forms I-20 requesting OPT were issued for OPT.
   - Newly issued Form I-20
   - Form I-765 (please print clearly) www.USCIS.gov
   - Form G-1145
   - Photocopies of All Forms I-20s ever issued to you (page 1 and page 3)
   - Two passport style photos (write you name, DOB, and SEVIS ID)
   - Check or money order for $380 to “US Department of Homeland Security”
   - Copies of ID & expiration date pages in passport, most recent visa and Electronic I-94 or paper I-94 (white card stapled in passport)
   - Photocopies of any previous EAD’s

Instructions will be given when you meet with your VIS Advisor to pick up your OPT I-20.
Filing Period for OPT

• You can file an application to USCIS 90 days before the program end date and up to 60 days after the program end date (printed on the Program of Study section for your Form I-20).

• Your application must be receipted by USCIS before the 60th day following your program end date.

• OPT applications must be received by USCIS within 30 days of the date the DSO enters the OPT recommendation in SEVIS.

• You should receive a Receipt Notice from USCIS that can be used to track the progress of your request.
Processing Time
It takes 2 to 4 weeks for USCIS to receipt your application and 1 to 3 months to process your OPT request.

Withdrawing/Cancelling your OPT Request with USCIS
Contact your VIS Advisor immediately for instructions.

Request for Evidence (RFE)
Contact Visa & Immigration Services immediately if corrected and/or additional documentation is requested by USCIS in support of your I-765, as an updated Form I-20 may be necessary.
OPT Approval / EAD Authorization

• Upon approval by USCIS, you will receive an Employment Authorization Document (EAD).

• The approval dates on your EAD card may be different than what you requested.

• You may not begin working until you have received the EAD card AND until the authorized start date on the card (this includes any type of volunteering, training, internship, orientation etc.).

• Employment during OPT MUST be full-time (at least 21 hours per week).
Limited Periods of Unemployment

• Students may not accrue more than 90 days of unemployment during post-completion OPT.

• If you do not have a job starting on the first day authorized on your EAD card, your 90 days of unemployment starts on the first day approved on your EAD card and does not stop until you submit employment information in accessVIS and your immigration adviser reports it in SEVIS. Please note that requests take up to two weeks to be processed.

• If you accumulate 90-days of unemployment, your SEVIS record will be terminated by SEVP.

• We recommend keeping proper documentation for each job: The position held, dates of position, job title, supervisor name and contact information and job description. Examples: Pay stubs, W-2, tax returns.
Reporting Requirements while on OPT

Students on OPT are required to report through accessVIS the following changes within 10 days:

- Change of address
- Change of name
- Change/Adding of employment (Name and/or Address)
- Any interruption of employment
Travel and Re-Entry on OPT

- It is recommended that you do not leave the country while USCIS is processing your OPT application. Departure from the US while your application is pending could jeopardize the approval of your application.

- Students who have received their EAD cards, but have not found employment could encounter difficulties when re-entering the US.

- You will need a Travel Signature form a VIS Advisor to re-enter the US. The signature should be less than six months old at the time of re-entry. Even if your I-20 program end date has expired, it is still valid with the EAD.
Reasons for Ending OPT

- If you start another degree program
- If you transfer to another institution- Your OPT will be canceled upon the release date of your SEVIS record
- If you are unemployed for more than 90 days
- If you wish to no longer utilize benefit and depart the United States.

Contact your VIS Advisor for instructions on how to proceed.
OPT General Information

• It is crucial that your practical training be directly related to your **field of study and appropriate to your degree level**.

• You can register for one or two classes per semester for recreational reasons (but **not** as a degree-seeking student).

• While under Stony Brook’s program for OPT you are **required** to have health insurance **after graduation**. You may enroll in SUNY’s ISSHI plan or your employer’s insurance plan. We recommend that you enroll in MEDEX.

• Keep passport valid for **6 months into the future at all times**.
Requirements for 17- Month Extension

• Completion of a Bachelor’s, Master’s or Doctoral STEM degree.

• Approved for post-completion OPT

• Currently participating in post-completion OPT, working for a U.S. employer in a job directly related to your major area of study.

• Your employer must be registered with the E-Verify employment verification system.
When to apply for STEM OPT

• You can file for the 17 month extension 120 days before the end of your 12 month authorized period of OPT.

• Your 17 month STEM extension request should be received no less than 30 days prior to the end date on your EAD card.

• STEM students who timely file an application for 17 month OPT extension will be able to continue employment while the extension application is pending, until a final decision on Form I-765 or for 180 days, whichever comes first.

• No 60-day grace period.
Applying for STEM Extension

- Login to accessVIS (https://vis.stonybrook.edu)

- Click the "Limited Services" link on the accessVIS homepage.

- Complete and submit STEM OPT Extension eform
How to apply for STEM OPT

If eligible, you will be notified via email when your new I-20 is issued.

$200 STEM OPT fee will be posted in your SOLAR account

Mail the following documents to USCIS. They must receive your application before the 30th day from the date your Forms I-20 were issued for OPT:

- Newly issued Form I-20 for STEM OPT
- Form I-765 (please print clearly) www.USCIS.gov
- Form G-1145
- Photocopies of All Form I-20s ever issued to you (page 1 and page 3 only)
- Two passport style photos (write you name, DOB, and SEVIS ID#)
- Check or money order for $380 to “US Department of Homeland Security”
- Copies of diploma & official degree noted transcript
- Copies of ID & expiration date pages in passport, most recent visa and Electronic I-94 or paper I-94 (white card stapled in passport)
- Photocopies of previous EAD’s (front and Back)

Instructions will be emailed when your VIS Advisor issues your STEM requested I-20.
H-1B Cap Gap Extension of D/S and Work Authorization until October 1

- Duration of status and work authorization will be automatically extended for students on OPT who are the beneficiaries of a timely-filed cap subject H-1B petition requesting an employment start date of October 1.

   In order to receive a “Cap Gap I-20”, you must submit the H-1B: Cap Gap Extension Request form in accessVIS.

- Cap Gap applies to all students on OPT, not just STEM students. The extension of duration of status and work authorization will automatically terminate upon the rejection, denial, withdrawal or revocation of the H-1B petition filed on the student's behalf.

- If you are in your OPT grace period when the H-1B is filed (usually April 1), only your duration of status will be extended, not your work authorization.
Income Tax Form Filing Required EVERY YEAR

• File income tax returns each year whether or not you have earned income in the US

• File Form 8843 if you have no US earned income:
  • File Form 1040NR if you have US earned income
  • Some F-1 students and scholars qualify for a tax treaty exception but must file to claim the tax treaty exemption

• Information on how you should be taxed can be found in the IRS Publication 519 on the Visa and Immigration Services website at the “Income Tax Information” link.
Requesting OPT: Step-by-Step

1. Request
   Request your OPT I-20 through AccessVIS
   Allow 2 weeks processing time

2. Meet
   Meet with your VIS advisor to pick up your OPT I-20 and review your OPT application

3. Mail
   Mail your documents to USCIS within 30 days of I-20 issue date

4. Report
   After USCIS approval, complete OPT/STEM Reporting e-form in AccessVIS
### Contact Us:

#### Visa and Immigration Services

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QUESTIONS