



F-1 OPT

**Rules and Regulations for
Optional Practical Training**



Visa and Immigration Services

- E5310 Melville Library (5th Floor)
- Office Hours: M-F--8:30 to 4:30
- Tel: 632-INTL (4685)
- Fax: 632-7243
- Email: internationalservices@notes.cc.sunysb.edu
- Website: <http://www.stonybrook.edu/iaps/international/>



F-1: Employment

- Any employment authorization is a benefit of your F-1 status.
- You must first be sure that you have maintained your F-1 status before being eligible for any type of work.
- Instructions and information are on our Website and at employment workshops



OPTIONAL PRACTICAL TRAINING (OPT)

- **Optional Practical Training is temporary employment authorized up to 12 months initially.**
- **It may be extended for an additional 17 months for certain STEM (Science, Technology, Engineering, Mathematics) students.**
- **OPT employment must be directly related to a student's major.**
- **This employment requires authorization from USCIS.**



Two Types of OPT and how they can be used

**PRE –
Completion
OPT**

- **20 hours or less during the FALL and SPRING semesters**
- **Can be full time or part-time during the summer session**

**POST –
Completion
OPT**

- **Should be 21 hours or more per week after completion of course requirements**
- **Must be completed within 14 months of graduation.**

***NOTE: You can divide up your 12 months OPT.
2 months of part-time equals 1 month of full-time OPT.**



Eligibility for 12 month OPT

- **Sufficient GPA:**
 - 2.0 for undergrads
 - 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**



The Application Process: STEP 1

- See an International Student Adviser to submit an OPT application form.
- Bring your original immigration documents for review.
- Employment offer letter (optional).

Additional items needed for the STEM extension:

- Employer's E-Verify identification number must be included on the application.
- Employment offer letter.
- Copy of your EAD card (front and back).

If eligible, you will be notified via [e-mail](#) to pick up your new I-20.



The Application Process: STEP II

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:

- 1 newly issued Form I-20 for OPT**
- Form I-765 (please print clearly). www.USCIS.gov**
- Photocopies of All Forms I-20s ever issued to you.**
- two passport style photos**
- check for \$380 to “Department of Homeland Security.”**
- copies of ID & expiration date pages in passport, most recent visa and BOTH SIDES of your I-94.**
- Photocopies* of any previous EAD’s.**



Filing your I-765 with USCIS

- **Processing by USCIS is 90 days, and can take longer in some cases.**
 1. **But, they must have “receipted” your application no earlier than 90 days before the program end date printed on line 5 of your I-20.**
 2. **And, they must have “receipted” you application before the 60th day following the program end date printed on line 5 of your Form I-20.**
 3. **You should receive USCIS documentation that your application was received, with a designated receipt number for you to track its progress.**
 4. **An approval notice should be sent to you a few weeks before you receive your EAD card.**



EAD Authorization

You may begin working only after the EAD card is in your possession AND the authorized start date has begun.



Calculating when to apply for Post-Completion OPT

- Determine your program end date, usually last day of finals in the term in which you complete all your degree requirements.
- The earliest end date that an I-20 for post-completion OPT can be issued is 120 days before your program end date.
- Your complete application for post-completion OPT must not arrive at USCIS MORE than 90 days before your program end date. (You must carefully manage the application process between both our office processing time, as well as USCIS's.)
- Better to apply sooner rather than later!



14-month rule for post-completion OPT

- Federal regulations state that post-completion OPT must be completed within 14 months.
- If you decide to apply for OPT AFTER the completion date of your program, USCIS will still take 90 days to process the I-765 application.
- The time that USCIS takes to adjudicate your request will be taking time away from when you would have been working on OPT.



Last notes about start date for post-completion OPT

- You have 60 different choices, starting from the day after your program end date until exactly 60 days later.
- The date you select does not influence USCIS—they will process your application on a first-come, first-serve basis.
- You want to maximize the amount of time given to them to process your request, usually 90 days.
- Once you mail your I-765 application to USCIS, you cannot change your start date, so carefully consider your choice.
- Consult your employer, if you already have one, regarding your start date.



Second OPT

- Students can reapply for a second OPT if they continue on a higher degree level (e.g. from BA to MA or MA to PhD).
- Students will NOT be eligible for a second OPT if they continue on the same level.



What if I don't want OPT after I've applied?

- Once you submit your I-765 application to USCIS you will have to work with them to withdraw your request and is time sensitive.
- Please be in touch with your adviser for further information.



OPT Termination

- If you start classes on another degree level your OPT will be terminated.
- If you transfer at another institution your OPT will be terminated upon the release date of your SEVIS record.
- If you don't complete all coursework requirements your OPT could be terminated.
- **If you are unemployed for more than 90 days your SEVIS record may be terminated.**
- If you fail to send copies of your Receipt Notice and EAD card to your International Adviser so that we can update SEVIS for you.



Limited Periods of Unemployment

- During post-completion OPT, F-1 status is entirely dependent upon employment.
- **Students may not accrue a total of more than 90 days of unemployment during post-completion OPT carried out under the initial 12 month post-completion OPT authorization.**
- **The 90-day unemployment rule begins the first day of OPT printed on your EAD card.**
- **Students granted the 17-month OPT extension may not accrue a total of more than 120 days of unemployment during the entire 29-month OPT period.**



Requirements for 17-month extension

- You must have successfully completed a Bachelor's, Master's or Doctoral STEM degree.
- You must have been approved for post-completion OPT.
- You must be 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.**
- **You must file for the 17 month extension prior to the end of your 12 month authorized period of OPT.**



OPT extension for STEM students

- **The 12 month limit on F-1 Optional Practical Training (OPT) may be extended by 17 months, for a total of 29 months, for certain STEM degree holders (Science, Technology, Engineering, Mathematics) including the following fields:**
 - **Actuarial Science**
 - **Computer Science Applications**
 - **Engineering**
 - **Engineering Technologies**
 - **Biological and Biomedical Sciences**
 - **Mathematics and Statistics**
 - **Military Technologies**
 - **Physical Sciences**
 - **Science Technologies**
 - **Medical Scientist (MS, PhD)**



Requirements for 17-month extension

- **STEM students who timely file an application for the 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.**
- **Once the OPT extension has been granted, the student will not be entitled to another 17-month STEM OPT extension even after the completion of another STEM degree program**



Requirements for 17-month extension

- **STEM students who file OPT extension must include the name and address of their employer.**
- **If you change employers during the 17-month extension, you are not required to submit a new application for employment authorization.**
- **All STEM employers (if you get a new job) must be in E-verify.**



Reporting Requirements while on OPT

- **Students on OPT are required to report to our office the following changes within 10 days:**
- Change of name
- Change of address (Local Address through SOLAR)
- Employers name
- Employer address
- Any interruption of such employment
- **STEM students must report to Visa and Immigration Services every six months their name and address, employer name and address, and/or loss of employment is current and accurate. The report is due within 10 business days of each reporting date.**
- **While in the STEM OPT extension, your employer must report the interruption of your employment to Visa and Immigration Services within 48 hours of the termination.**



OPT General Information

- It is very crucial that your practical training be directly related to your field of study and appropriate to your degree level.
- Even if you are not working, you must be able to prove that you are actively seeking employment. Document your efforts.
- 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 also enroll in MEDEX.**
- Keep all prior I-20s in a safe place. You will need to submit them again if you request another type of immigration benefit or a change of status in the future.
- Make sure that your passport is valid at least 6 months into the future.
- It is important that you submit a **Departure** form to Visa and Immigration Services after the completion of your OPT, or if you change your immigration status (for example, to H1B).



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 from an International Student Adviser 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 has expired, it is still valid with the EAD.



Know Your Rights

- U.S. law can protect you from abusive employers
- **Example: forcing you to work without pay through violence, threatening to report you to Immigration, or confiscating your immigration documents**
- Contact Visa and Immigration Services; or
- Call the National Human Trafficking Resource Center Hotline at 1-888-373-7888 (24 hours) if you need help
- For more information: State Department Nonimmigrant Rights, Protections and Resources pamphlet

<http://www.travel.state.gov/pdf/Pamphlet-Order.pdf>



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 of the following fiscal year. Presentation on our website: www.stonybrook.edu/iaps/international/index.shtml**
- **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.**
- **Cap-gap applies to all students on OPT, not just STEM students. The extension of duration of status and work authorization would automatically terminate upon the rejection, denial, withdrawal or revocation of the H-1B petition filed on the student's behalf.**



Change of Address

- The USCIS regulations require that all F-1 students report a change of their local (US) or foreign address within 10 DAYS of moving.
- Students who live off-campus must update their **Local (Off Campus)** type address in SOLAR; which automatically is sent to SEVIS.
- Students who live on-campus need to follow up with the [Division of Campus Residences](#) about updating their **Dormitory** type address in SOLAR.
- Change in foreign address must be reported to International Services via our **website**, or in person; our office will update your new address in SEVIS.
- **You are responsible for updating SOLAR**
- **You should be able to access to SOLAR the entire time your are on OPT. But if you cannot, contact Visa and Immigration Services.**



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 [IRS Publication 519](#) on the Visa and Immigration Services web site at the “Income Tax Information” link.**



Questions???

Please stay in contact
with your DSO while on
OPT!

