

# **OPTIONAL PRACTICAL TRAINING** **Instructions for the Initial 12-Month Application** **of Post-Completion OPT – (c)(3)(B)**

## **FOR STUDENTS IN F-1 STATUS**

### **ELIGIBILITY:**

A student in F-1 non-immigrant status who has maintained full-time status for one academic year is eligible for a total of 12 months of Optional Practical Training (OPT - a work experience related to the student's field of study). Optional Practical Training may be authorized:

- 1) During the student's annual vacation and at other times when school is not in session.
- 2) While school is in session, provided OPT does not exceed 20 hours per week.
- 3) After completion of all course requirements for a degree (excluding thesis or the equivalent).
- 4) After completion of study - OPT must begin within 60 days of graduation.

### **APPLICATION:**

Please see Page 4 for detailed application instructions. If you plan to use OPT when you graduate, we recommend applying 90 days before graduation as the processing time is about 3-5 months. For both undergraduate and graduate students, "graduation" is defined as considered to be your commencement date, and you must be continuing to maintain F-1 status in the U.S. and stay enrolled in that final term leading up to your graduation date.

**You do not need to have a job offer to apply for OPT and receive an EAD card.** However, you must have a firm starting date, since the USCIS officer will issue an EAD with specific dates that cannot be changed. You may not begin employment legally until your EAD is issued. ***Working without proper authorization is a serious violation of your F-1 status.***

### **IMPORTANT -**

**A total of 12 months of Optional Practical Training is available during your stay in the U.S. for each level of study.** For example, you may apply for 12 months of OPT following your Bachelor's degree and again apply for 12 months following your Master's degree. This does not apply for completion of two degrees at the same level of study. For example, only 12 months of OPT is available to you even if you complete two Master's degrees. In addition, you must always obtain a degree at a higher level of study to be eligible for the additional 12 month OPT period (for example: if you complete a Master's degree and do OPT for 12 months, you would only be eligible for an additional 12 months following completion of a Ph.D. degree, but not if you obtain a second Master's degree or a degree at a lower level of study).

### **Change of Employer:**

You may change employers during your Optional Practical Training opportunity, provided the job is related to your field of study.

### **Travel Outside the United States:**

If you plan to travel outside the United States and have already applied for OPT but have not yet received your EAD card, be sure to carry the I-797 receipt notice with you along with your I-20 (with OPT requested on page 2), passport, and I-94 card. Once you receive your EAD card if you wish to travel outside the U.S., it is strongly recommended that you already have secured a position of employment. Remember to carry with you all your immigration documents, passport, approved EAD card, and a letter from your employer confirming your employment.

**Please be aware that you must have a valid F-1 visa in your passport if you travel outside the U.S. on OPT or with an OPT application pending.**

**Also, the signature on page 2 of your I-20 is only valid for 6 months (not a year) while on OPT. Please plan in advance if you are departing the U.S. temporarily and need to obtain a travel signature on your I-20 for your re-entry.**

**Reapplying for an F-1 visa stamp renewal while on OPT is not recommended – in fact it is considered a risk. Holding the EAD card alone does NOT allow for re-entry to the U.S.**

### **Reporting Information**

While on OPT you are still legally required to report certain information to the Office of International Student and Study Abroad Services. **Reporting is required immediately after receiving your EAD card as well as within 10 days of any changes. Failure to report may result in the automatic termination of your F-1 status and OPT authorization.**

- Changes in name or residential/ mailing address
- Report your employer name, address, and supervisor's email within 10 days of any changes or new employment
- Report changes to another immigration status
- If you will leave your OPT employment before your OPT end date
- Notify the ISSAS office if your email address changes
- Be sure to also update changes like address and email address in CampusConnection, in addition to notifying ISSAS.

### **What kind of work can I do while on post-completion OPT?**

You may work anywhere in the United States. The key criteria is that the work must be related to the degree you just obtained and for which the OPT is being authorized. Post-completion OPT employment cannot be done based on prior degrees earned in the U.S. or abroad; the employment must relate to your current degree program. You do not need to provide the ISSAS office with any written documentation that your work is related to your degree – this is the responsibility of the student to determine.

### **Must OPT employment be in only paid positions?**

Volunteer work can count as “employment” as long as it is related to your area of study, you do at least 21 hours/week, and only after your OPT has been approved. However, you need to be careful that the volunteer position is “truly” volunteer; in other words, people are never paid for doing that work or position and that it is advertised as a volunteer position. Examples of true volunteer positions may be a social work major volunteering on a crisis hotline, or a computer science major volunteering to set up a website for a nonprofit food bank, or an accounting major who volunteers with VITA during tax season – only volunteers staff these types of jobs and if anyone else did the same work, they would not be paid. You cannot “volunteer” in a position that would normally be paid, such as *volunteering* to work in a lab because they don't have funds to pay you, *volunteering* while waiting for your OPT card to arrive only because you cannot do paid employment yet, or *volunteering* in a position that would displace a U.S. worker. Doing so would violate both immigration and Department of Labor laws.

It is your responsibility and the employer's responsibility to determine if the volunteer position follows the regulations and the ISSAS office cannot advise on the legality of this volunteer work other than the information provided here. If your employer has questions about hiring you as a volunteer worker, they should consult their company human resources or payroll office, their company attorney, or the Department of Labor itself. If you have decided to do volunteer work while on OPT, you are responsible for keeping documentation on the position, how many hours you worked and that it was considered volunteer.

### **When can I start to work under OPT?**

You may only begin employment when you have received the EAD (Employment Authorization Document) card and the beginning date of employment authorization (shown on the EAD) has arrived.

### **Does OPT employment need to be full time?**

No, but you should be working at least 21 hours/week total. You may also work for more than one employer while on OPT.

### **Is OPT a different visa?**

No. A person with OPT authorization is still in F-1 status, holding an EAD for OPT. You still need an ISSAS advisor signature on your I-20 if you want to re-enter the United States during your time on OPT. The ISSAS office advisor signature should be no more than six months old at the time you re-enter.

### What If I Cannot Find a Job?

This will be an issue because under current OPT rules, students on OPT cannot accrue more than 90 cumulative calendar days of unemployment during the 12-month period of OPT. If you accumulate 90 days of unemployment, your legal F-1 status ends immediately as of the 90th day. Before the 90th day, you will need to make arrangements to leave the U.S., start a new degree program, or change to a different status. If you remain in the U.S. after 90 days of unemployment, your legal status in the U.S. ends and you must depart the country immediately unless you have made arrangements as stated.

### I am switching jobs, and I will have a gap of one week between one OPT job ending and the next starting. Will that count as unemployment?

Yes – OPT Policy Guidance states that “Each day (including weekends) during the period when OPT authorization begins and ends that the student does not have qualifying employment counts as a day of unemployment.”

### What if I am out of the U.S.? Does this count as unemployment?

If your time away is authorized by your employer, such as on vacation/sick leave or traveling on company business, you are still considered employed. A note on days of unemployment: Unemployment is counted as calendar days. In other words, Saturdays and Sundays count when you are unemployed, not just Monday-Friday. Please ask an adviser if you have any questions about unemployment.

**Do you have questions about the I-765?** Please thoroughly read all instructions on the I-765. It is important that you submit ALL pages even if some pages do not apply to you. **Part 6 of the I-765:** Per the instruction pages given you must complete Part 6 as it applies to you regarding any previously issued SEVIS numbers, and any CPT or OPT issued at any level of study (at NDSU and at other institutions you have attended). For example, you could reference Page 3, Part 2, Item 26 for any old SEVIS number information.

3.a. Page Number	3.b. Part Number	3.c. Item Number
3	2	26

3.d. \*Example only!!\*

SEVIS ID: N000XX.....

Level: Bachelor's

CPT: 01/01/2019 - 05/15/2019  
(part-time)

List all previously issued SEVIS numbers, all periods of CPT and OPT and the academic level at which it was authorized. Since there are no specific instructions on how to complete this section with this information, we suggest typing in the blank lines using the following information: SEVIS Number, degree level; CPT/OPT (including dates and part-time/fulltime). If you held another SEVIS Number, repeat the appropriate information in #4, etcetera.

*[Please note these page numbers, part numbers and item numbers only reference the I-765 edition dated 8/25/2020 and are subject to change without notice with new iterations of the I-765 form. This example is only provided to show an illustration of how the section could be completed.]*

**\*\*\*If you mailed your application and it was lost in the mail or delayed by a mailing service; Or, if you file your OPT (or STEM OPT) application and it is rejected for any reason (such as an incorrect payment/fee), you must inform your international student advisor immediately.**

- In these situations, if you are still eligible to reapply for OPT, we will cancel and re-request your OPT in SEVIS so that your OPT request date is current, and you should submit your application to USCIS again.
- Failure to notify us about a rejection could lead to you no longer being eligible for the OPT employment benefit you are seeking.
- You must submit your application online within 30 days of the date OPT was recommended on your SEVIS record (not always the same date the I-20 was printed).
- In summary, always apply online as soon as possible after receiving your I-20 with OPT recommended on it.

Last updated: September 30, 2021

# APPLICATION CHECKLIST

## OPTIONAL PRACTICAL TRAINING – Keep checklist for your records

### →STEP 1: Complete the DocuSign form for requesting OPT

- How to complete the DocuSign form:
  - 1) Please fill in your name and email address, and the name/email address of your academic advisor/department chair.
  - 2) Please begin this form ONLY ONCE.
  - 3) Important - If you need to gather more information and finish the form later, use the “Finish Later” option.
  - 4) If you have any questions about this form, please contact your international student advisor.
- If you are ready to begin the form, it is located here: [www.ndsu.edu/international/iss/forms](http://www.ndsu.edu/international/iss/forms)

*The form will electronically route from you, to your academic advisor/department chair, and then to the ISSAS office for our review and approval. We receive an email notification when the form is ready for us to review. You will receive a notification when it is complete.*

### →STEP 2: An international student advisor will review your application. Allow between 7-10 days for processing.

**→STEP 3: An international student advisor will contact you when your new OPT I-20 has been issued. You will receive one (1) new I-20. Sign and keep for yourself (scan a copy for uploading to your online I-765). Collect the following documents and be ready to upload them to your online I-765.**

- One (1) signed I-20 as mentioned above (physically sign and then scan a color copy to upload)
- Online I-765 (Found at <https://www.uscis.gov/i-765>)
- \$410.00 fee [this is done online via ACH or Credit Card through pay.gov when you file online]
- Copy of form I-94 Departure Record
- Copy of the photo and biography page of your passport
- A copy of any previous EAD cards (front and back) if you were ever approved previously for an EAD at any level of study. This can supplement Part 6 of the I-765 form.
- Two digital passport-sized photos taken in the United States within the past 30 days

**Please note:** The application may take a varying amount of months to process, depending on posted processing times that can change at any time. If the decision has taken longer than the posted time for processing, please contact the national USCIS Contact Center (1-800-375-5283) to request an update on your case. If you want to know the current average processing times, please visit [www.uscis.gov](http://www.uscis.gov) and enter “Processing Times” into the search bar at the top of the website or visit this link: <https://egov.uscis.gov/processing-times/>.