



OPT Training Packet

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Optional Practical Training Rules and Regulations

Optional Practical Training allows students to apply for one additional year of full-time employment after their graduation date. It is designed to give former students the opportunity to continue to work in their field after graduation on a full-time basis. You can apply for OPT if you do not yet have a job but you cannot be unemployed for more than 90 days during OPT or you will be out of status.

Rules to remember:

You **MUST** apply for OPT before your graduation date. If you do not apply you are **NOT** eligible to apply later. You can apply up to 90 days before your graduation date. This is recommended because it can take time for USCIS to adjudicate your application and if your start date passes before you are approved you are not legal to work until it is approved even though your start date has passed.

Once you have submitted your application to USCIS your start date for OPT **CANNOT** be changed. This date will not be changed under any circumstance and if an emergency arises or you are unemployed you still cannot request to change or extend your dates. You will not be able to use that time later. You also cannot cancel and reapply at a later date if you do not find or lose employment during OPT. If you cancel your OPT, you do not get it again.

It can take USCIS up to 90 days to approve your application for OPT. You can begin working up to 60 days after you graduate. Your start date will be determined by whether you have a job or not. It is ultimately up to you to decide that date within the 60 days after graduation and you must choose this date at the time you apply for OPT. If you are already working it is recommended you start OPT the day after you graduate so that you do not have to take time off from work if you do not want to.

However, if you are still looking for a job it is recommended you give yourself a month or two to find employment so that you do not lose authorized employment dates while you job search. If your start date passes and you do not have employment, you do not get that time back. You are not out of status while looking for a job before you are approved for OPT.

If you have used your OPT and decide to return for a second degree you are not eligible for OPT a second time if it the same degree level. For example: If you have

earned your Master's degree and decide to earn a second Master's degree you cannot apply for OPT again. If you earn your Master's degree and use OPT and then earn your PhD degree you ARE eligible to apply for OPT at the PhD level because they are different degree levels. It is NOT recommended you leave the country while your OPT application is pending because USCIS will assume you are cancelling your application for OPT and you may be denied access back into the U.S.

If you transfer schools while on OPT your authorization for OPT ends when your I-20 is transferred to the new school. You cannot continue to work. If you choose to apply at your new school only they can authorize that. USCIS no longer has access to your I-20 or any decision making at that time.

If you change degree levels before your OPT expires your OPT end date will be changed to the date you start your new degree program level. You cannot continue OPT on the new degree level.

If you are out of status at any time your OPT is also out of status and you are no longer allowed to work. If you choose to continue working you will be working illegally. You are obligated by ICE regulations to update any change in employment with the DSO within 10 days of your new employment. You must provide them with:

- New employer address
- New supervisor
- New company
- Start date

You cannot change your major on your I-20 once you have graduated. It is important that you review your I-20 as soon as you receive it for any corrections that need to be made. It is your responsibility to check the correctness so that you do not run into issues once it is too late to change anything on the document. Also, if you change majors notify your DSO as soon as possible so that your I-20 reflects the correct program.

Once you are approved for OPT you will receive your EAD (Employment Authorization Card) from USCIS directly. If you move or change addresses it is important to report that on the USCIS website as soon as possible so that you can receive all of your documents.

This link is here:

<https://egov.uscis.gov/crisgwi/go?action=coa.Terms>

You must notify USCIS within 10 days of moving. Your EAD and any other government documents will otherwise NOT be forwarded to your new address unless you have updated it. You must also notify them as soon as you move after you receive your EAD card.

STEM Degree Information:

Students on a STEM (Science, Technology, Engineering, or Management) degree indicated on their I-20 are eligible for an additional 17 month extension of OPT if they do not change their visa category. ONLY students on one of these degrees are eligible to apply for the extension and the correct program code must be on your I-20. This code is not listed on your I-20 but is in SEVIS. If you want to know what major code (CIP code) you are listed under, check with your (P) DSO and they can tell you. These CIP codes are published by the National Center for Educational Statistics (NCES). UCCS does NOT have the ability to add codes that are not approved.

Students MUST meet ALL of the below requirements to be eligible for the STEM extension:

- The student's degree must fall directly under the published list of qualifying codes.

- The degree program on which the student's current OPT is based MUST be under one of the qualifying CIP codes. Your I-20 CANNOT be changed once you have finished your program and are on OPT. Prior degree programs do not count. Proof of the degree awarded must be submitted in your application for the STEM extension.

- The student must have a current employer who is participating in the E-Verify program. The student must include the employers: address, name as listed in the E-Verify system, and the employer's E-Verify identification number. ALL of this must be obtained before applying.

- Students requesting the 17-month extension SHOULD apply 90 days before their 12 month OPT end date. It can take 90 days to be approved and you are NOT allowed to work if this end date passes before you are approved. If you fail to apply before your OPT end date you cannot apply after it expires.

You still must report periods of unemployment. You are granted an additional 30 days of unemployment time if you are not working due to the extension time for a total of 120 days while on OPT. You are only allowed to have the additional time if you are approved for the STEM extension.

If you change employers and are applying for the STEM extension they must be signed up and participating in the E-Verify program. You will need to ask the company's Human Resources Department to verify this. You will need to provide their E-Verify number for the extension.

The STEM extension list can be found at this link:

<http://www.ice.gov/sevis/stemlist.htm>

Other helpful facts:

You **MUST** inform the international advisor of any additional degrees or minors you will receive at the time of graduation at the time of your OPT employment. This information will be entered into SEVIS at this time.

You are required to notify your (P) DSO within 48 hours of being terminated, laid off, or otherwise leaving your current employment prior to the end of authorized OPT. If you change employers let your (P) DSO know this as well.

Once you complete your academic program you are not eligible for on campus employment. If you are on CPT during your academic program and you complete your program and apply for OPT. You must find a job off campus for your OPT that is related to your field of study.

Travel while on OPT:

Students who have graduated **MUST** present these documents to reenter the U.S.:

- SEVIS form I-20 signed within the last 6 months on the third page by a DSO.

- EAD card and make sure that it doesn't say. "Not Valid For Travel" on the front. If it says this, you **CANNOT** use the EAD card alone to reenter the U.S. You must **ALSO** have the signed I-20 **AND** a letter of employment or a list proving your job seeking efforts.

- A valid passport. If your passport will expire while you are out of the country, you **MUST** get a new one before reentering the U.S.

- Documentation letter from your current employer documenting that you are an employee and are currently working in the U.S. Please note: This employer **MUST** be

the same employer as listed on your I-20. If it isn't, get your I-20 changed by the DSO before you leave the country.

Take **ALL** of these documents if you plan on traveling outside of the U.S. **Traveling outside of the U.S. is NOT recommended.**

F-2 dependents planning on traveling outside of the U.S. **MUST** present the following documents for reentry:

- SEVIS form I-20 endorsed for travel by the DSO within the last 6 months.
- A copy of the F-1 student (spouse/parent) SEVIS form I-20 showing proof that they are on OPT.
- Valid passport
- Valid F-2 visa stamp (unless traveling to contiguous territory for less than 30 days).
- Documentation or letter that the F-1 student's employer verifying that the student is currently working in the U.S. It must be the same employer listed on the I-20.

Maintaining your status while on OPT:

To maintain your status while on OPT you are required to report to the ISS office:

- Your current address. This must be your physical address and not a mailing address. You must notify ISS within 10 days of moving and knowing your new address. Please also include your phone number and e-mail address.
- Your current employer and physical address for them. Any other change in employer information.
- Any interruption in reported employment. (Other than vacation)
- Students on authorized 17 months OPT extension.

Employment (OPT) Eligibility and Verification:

When you begin work, you and your employer must complete a form entitled "Employment Eligibility Verification" (USCIS form I-9) which the employer retains. The I-9 must be updated each time you receive a renewal of your work permission. You will also need a social security card and number. If you do not already have a social

security number or you have a Card that says “not eligible for employment” take your passport, I-94 departure record, I-20 form, and your EAD card to the office of Social Security and apply for a new social security card. Note that your number will be the same if you already have one, but the notation on the card should change to indicate that employment is valid WITH authorization.

Social Security and Other Taxes:

In general, F-1 students who have been in the U.S. less than five years are “non-residents” for tax purposes and are exempt from Social Security (FICA) and Medicare taxes. Contact Bernadette Mirelez@cusys.edu or 303-735-5573 for information. ISS will also need to send you an e-mail as to when a Tax Information Session will be held on campus with Ms. Mirelez. Tax returns must be filed on or before April 15th each year for the previous calendar year, which will determine if any of the withheld taxes can be refunded.