

F-1 OPTIONAL PRACTICAL TRAINING

A publication of the ISSO at Brandeis University, Kutz 215, (781) 736-3480, isso@brandeis.edu, revised 10/2009

Please read information thoroughly!

INTRODUCTION

Optional Practical Training (OPT) is an extension of F-1 student status that allows you to work in the U.S. in order to gain practical experience in your major field of study. Any employment you undertake must be directly related to your major field of study and commensurate with your degree level. OPT must be recommended by your international student advisor (see ISSO), and it must be authorized by the U.S. Citizenship and Immigration Service (USCIS – Division of the Department of Homeland Security).

ELIGIBILITY TO APPLY FOR OPTIONAL PRACTICAL TRAINING (OPT)

In order to apply for OPT, you must have been in lawful, full-time student status for at least one full academic year. OPT can be done as Pre-Completion (before completion of studies) full or part-time depending on the timing of the OPT, or Post-Completion (after completion of studies). You are eligible for one year (12 months) of OPT per degree level (B.A., M.A., Ph.D.). Note: You are not eligible for OPT following a M.A. program if you receive your M.A. on the way to obtaining your Ph.D. while enrolled in a Ph.D. program.

PROCESSING TIMES

You do not need a job offer in order to apply for OPT. It is highly recommended to apply early.

The OPT process can take 2 to 3 months, so be sure to plan ahead. OPT applications cannot be expedited. Current average processing times for applications are listed on the www.uscis.gov website under the Vermont Service Center. Past experience tells us that the earlier you file your OPT application, the shorter the processing time on the application due to the number of applications they receive, so please plan accordingly!

SECURITY CHECKS

OPT applications may undergo security check procedures which may delay the processing of your application. Students currently subject to NSEERS (National Security Entry-Exit Registration System), students who study a field listed in the “Technology Alert List”, and students who have family connections or who frequently travel to places that are considered high risk to the U.S. Government may be more likely to undergo security checks. The stated processing time is about thirty days, but it can be longer. They cannot be expedited.

PRE-COMPLETION OPT – While you are still a student

OPT done before completion of studies must be part-time (no more than 20 hours per week) while school is in session, but can be full-time during vacation periods, such as summer vacation or winter break. Any OPT done before you complete your studies will subtract from the total 12 months of OPT available. If pre-completion OPT is done part-time, it will only subtract from the total at half the rate. For example, if you do pre-completion OPT part-time for 4 months, you will have used 2 months of your total 12. You must maintain your full-time registration status at all times.

Pre-completion OPT for Ph.D. students: An exception is made for Ph.D. students who would like to pursue full-time OPT while they are in post-residency status at Brandeis. If you have: 1) completed all course work, 2) obtained permission from your faculty advisor (and the approval of GSAS if applicable), 3) you maintain all on-going requirements of your doctoral program, you may apply for Pre-Completion Full-Time OPT in your major field of study. Please note that if you complete all twelve months of OPT during this pre-completion period, you are not eligible for post-completion OPT.

POST-COMPLETION OPT - In anticipation of your graduation

NOTE: You must submit your application for graduation with the registrar’s office according to their deadlines! Deadlines are posted in the University Bulletin. Failure to do so could affect your ability to graduate and will complicate your OPT application. If there are any changes to your academic plan and/or your ability to meet university graduation requirements, you must contact ISSO immediately as this has a significant impact on OPT.

DETERMINING YOUR COMPLETION DATE FOR IMMIGRATION PURPOSES:

For Undergraduate and Master’s students who earn the degree in May: Your completion date is typically your graduation date – this year it is May 23, 2010.

For December Undergraduate and Master’s Graduates: Although you may receive your actual degree in February 2010, your completion date will be on December 14, 2009 this year. This is the date that you will have completed all course

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requirements for the degree. **IMPORTANT NOTE:** if you plan to travel over winter break, see section on travel for guidance so that you can plan accordingly.

For Doctoral students:

Your completion date is when you submit your final dissertation to the department after all corrections have been made. You need to consult with your department to determine when they will consider you completed with all requirements for your degree. Your advisor will certify your completion date on the Advisor's Recommendation form (see attached, last page). You must be registered as a full-time student in the semester that the dissertation will be handed in for completion, including summer registration. Please also consult the University Bulletin for a guideline of when the university requires that dissertations be deposited. In many cases, this will be your completion date for immigration purposes.

Please note: once you have completed your degree, you are no longer eligible for on-campus employment. If you are planning to continue your research/work, you will need the Employment Authorization Document (EAD)/OPT card to cover your dates of employment at Brandeis and your work must be related to your major field of study.

WHEN CAN I FILE FOR OPT?

Undergraduate and Master's-level students: For post-completion OPT, you can apply as early as 90 days prior to the completion date of your program, as discussed above. The latest you can file is 60 days after your program end date. For example, if your graduation day is May 23rd, you may apply for OPT beginning February 23rd, and July 17th is the cut-off date to ensure that U.S. Citizenship and Immigration Services will receive your application before July 22nd, the 60th day after graduation. Students completing their programs in December 2009 must file their application for OPT between September 14, 2009 and February 12, 2010.

For Doctoral students:

As discussed above, your completion date is when you submit your final dissertation to the department after all corrections have been made, so the dates for your OPT application are based on that expected completion date.

SELECTING A START DATE FOR OPT:

Post-completion OPT always counts as full-time and it must be completed within 14 months of completing your program. Therefore, you may specify that the start date of your OPT begin up to **60 days** after you have completed your program. For example, if you complete your program on May 23rd, your start date for OPT must be between May 24th and July 22nd. **Please note that although you can apply for OPT after graduation, it is to your advantage to file early, as you may forfeit some of your twelve months of OPT while waiting for your card.**

Important: You may not change your OPT dates once you have mailed your OPT application to the Vermont Service Center. You may not begin working until you receive your EAD card and reach the beginning date on your EAD card.

Questions to think about when selecting a start date:

- Are you planning to move after graduation? If so, you may need a week or two to get settled
- Do you need additional time to search for a job after you graduate? ***Please note that with the change of regulations (April 2008), you should not accumulate 90 days total of unemployment during your 12 months of post-completion OPT. The unemployment time is accrued when your EAD card is valid, not while your OPT application is pending. If you are able to find an internship or a volunteer experience in your major field of study, as long as you are working at least 20 hours a week, this counts as employment.***
- If you choose a late start date, do you have enough finances to cover you while waiting for a later start date? Since the regulations now state that students should not accumulate 90 days of unemployment during their OPT, you may choose a later start date to allow plenty of time for finding a job. However, you need to consider how long you can remain in the U.S. without being able to work. Also, if you receive a job offer with an earlier start date than you have chosen for your OPT, you will have to advise your employer as to when your OPT authorization will start.
- Do you have travel plans outside of the U.S.? See section on travel guidance.

WHAT IS MY STATUS WHILE I AM WAITING FOR MY OPT CARD?

As long as you have filed your OPT application in a timely manner, you are authorized to remain in the US while your application is pending (even if the application is pending beyond the start date you have chosen for your OPT). If you do not already have an offer of employment, you should be actively seeking employment in the U.S. while waiting for your EAD card.

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RESPONSIBILITIES WHILE ON OPT

While on Post-Completion OPT, you are still an F-1 Student Visa Holder and you are still a Brandeis University student for visa purposes. This means that you are responsible for communicating the following information to the ISSO during your time of OPT:

- You must update your local and international addresses as discussed below
- You must update your employer information as discussed below
- If you have changed your visa status, you must fax, email or mail ISSO the copies of your Approval Notice from USCIS indicating your new visa status or your I-94 card and visa stamp indicating the new visa status. This must be done within 10 days of receiving the documents from USCIS or re-entering the US. ISSO will then COMPLETE your SEVIS record.
- Finally, when you have completed your OPT or if you leave the US and do not intend to return to use the remainder of your OPT, please email the ISSO within 10 days of leaving the US or finishing OPT.

YOUR LOCAL ADDRESS AND INTERNATIONAL ADDRESS

Failure to submit your current address where you reside to the Immigration Service could be a deportable offense. Please notify the ISSO by completing the “Change of U.S. Address” form located on the ISSO website: <http://www.brandeis.edu/acserv/isso/forms/localaddress/index.html> within 10 days of your move. We will then notify the Immigration Service via SEVIS. If you need to change your international address, please use the following link: <http://www.brandeis.edu/acserv/isso/forms/IntAddress/index.html>. *Please note: the U.S. government will not forward any government mail, even if you have submitted a forwarding address to the U.S. Postal Service. You should use the c/o ISSO address for your OPT application so that mail is not lost (see application procedures for the address).*

NOTIFYING ISSO OF EMPLOYER INFORMATION: The ISSO is required to update SEVIS with your employer information. You need to inform the ISSO of your employer name, physical address, employment start date and phone number within 10 days of beginning employment on OPT. You will also need to notify the ISSO when you terminate employment or if you change your employer. Employment information may be updated on the “OPT Employer” form located on the ISSO website (<http://www.brandeis.edu/acserv/isso/forms/opt/index.html>). You can also access the link on our home page under “Forms and Letters” – Report OPT Employer Information. *Please note that with the change of regulations, you should not accumulate 90 days total of unemployment during your 12 months of post-completion OPT – unemployment time is accrued when your EAD card is valid, not while your OPT application is pending.*

HEALTH INSURANCE

If you are graduating, it is important to think about health insurance because you will no longer be eligible for the student health insurance plan after mid-August of your graduation year. If your employer will not be providing you with coverage, some plans students have used are: International SOS (www.internationalsos.com), The Gateway Plans (www.gatewayplans.com), T.W. Lord & Associates (1-800-633-2360), Compass Benefits Group (www.compassbenefit.com), and The Harbour Group (www.ghinsurance.com), etc. We recommend that you review rates and plans carefully to ensure your full knowledge of the coverage.

SOCIAL SECURITY TAXES AND INCOME TAXES

While you are authorized to engage in practical training, you continue to be in F-1 status and the income you derive from practical training is exempt from social security taxes and withholding for social security purposes if you have been in the United States **for less than five years**. If you have been in the U.S. **for more than five years** you will be required to pay social security taxes. Whether or not you are liable for the payment of income taxes on income earned from practical training depends upon your individual situation and tax status. Most F-1 students who earn income from practical training will pay federal and state income taxes. You should consult the Internal Revenue Service (IRS) Publication 515: *Withholding of Tax on Non-Resident Aliens & Foreign Corporations* and Publication 519: *U.S. Tax Guide for Aliens* for clarification of your tax status. These can be found on-line at www.irs.gov.

IMMIGRATION STATUS AFTER OPT

After the end date on your EAD card, you will have **60 days** to do one of the following: depart the United States, transfer to another school to begin a new program, begin a new program of study at Brandeis University, or seek a change to another non-immigrant or immigrant status.

NEW PROVISION FOR SHORT-TERM OPT EXTENSION FOR ALL STUDENTS WHO HAVE AN APPROVED H-1B PETITION

Please note that with the change of regulations (April 2008), if your employer has filed an H-1B application for you with USCIS in a timely manner and your H-1B petition is selected and approved, you will be granted an extension that will

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enable you to remain in the U.S. and work using your OPT until September 30th of the fiscal year for which the H-1B visa has been requested. If the H-1B visa petition is denied, you would only be able to work until the end date on your OPT card, at which time you would have a 60-day grace period to remain in the U.S. as outlined above.

17-MONTH EXTENSION OF OPT FOR F-1 STUDENTS WHO HAVE OBTAINED A STEM DEGREE

This interim rule allows F-1 students who have received a degree in the U.S. in a STEM field (sciences, technology, engineering and mathematics) to obtain an extension of their existing post-completion OPT for up to 17 months, for a maximum period of post-completion OPT of 29 months. The extension is available only to students who are employed or will be employed by an E-verify employer in good standing with the USCIS, and who have obtained a degree in a "STEM" field - Science, Technology, Engineering, and Mathematics. Note: Only one 17-month extension period is allowed. (i.e. If you apply for a 17-month OPT extension after completing an M.S. degree in a STEM field, you will not qualify for another 17-month extension of OPT after completing a Ph.D. in a STEM field.) Students receiving the 17-month OPT extension may not accumulate an aggregate of 120 days of unemployment during any period of post-completion OPT (including the initial 12-month period, and the 17-month extension period).

TRAVEL WHILE ON OPT:

After you complete your degree requirements, you will need the following to re-enter the U.S.:

- a) Travel Signature on your I-20 that is less than six (6) months old.
- b) Letter from your employer to prove that you have a job to resume when you return to the U.S. or an offer letter to show that you will begin a job upon your return to the U.S.
- c) Financial documentation: If you have a low-paying job or unpaid internship, it is highly recommended to carry financial documentation with you to show you have sufficient finances to live in the U.S. Offer letters should contain salary information
- d) F-1 visa in your passport that will be valid on the day you plan to return to the U.S. If your visa stamp will be expired, you will need to renew it at a US consulate or embassy while outside the U.S.
- e) OPT Employment Authorization Document (EAD, also known as "OPT Card")
- f) Valid Passport

It is also highly recommended that you carry your diploma or transcripts or certification of completion from Brandeis.

DO YOU NEED TO RENEW YOUR F-1 VISA STAMP WHILE ON OPT?

If you do not travel outside of the U.S. during your OPT, it is not a problem if your F-1 visa stamp expires. However, if you are traveling outside of the U.S., once you leave the U.S. you will need to go to a U.S. embassy to renew your visa stamp. For visa renewal documentation, you will need the items listed above, including either your diploma or certification of completion from Brandeis.

****When you re-enter the U.S., make sure that you are issued an I-94 card with a notation of F-1, D/S.** If you re-enter as a tourist or in any other visa status, it will interrupt your F-1 status, which will invalidate your OPT.

What if I want to travel and return to the U.S. before graduation? Do I need a job offer and the EAD in order to return to the U.S.? The answer depends upon when you travel and at what stage the OPT application is in.

Travel – before your completion date while the OPT application is either pending or approved:

Low risk. You do not need a job offer or EAD in order to travel, as long as you return to the U.S. before you have completed degree requirements. In order to be readmitted in F-1 visa status, you need a "valid academic reason" to return. ****Please note that attending a graduation ceremony is not considered an "academic reason".** However, finishing classes, exams, or defending your thesis are examples of a "valid academic reason". If your application is pending, you should bring the Receipt Notice from USCIS with you when you travel. If the application is approved, we advise you to bring your EAD card and job offer letter – if available.

Travel – after your completion date and while the OPT application is pending:

High risk. After you have completed your program, the law [8CFR 214.2(f)(13)(ii)] references the need to show a valid EAD/approved OPT card in order to re-enter. However, recent interpretations from SEVP (Student and Exchange Visitor Program) and DOS (Department of State) indicate that re-entry with a pending application is possible. [DOS field cable 2004 State 008466 1/13/2004 AMDOC #200405007]. Because of conflicting guidance between the law and the interpretation of the law, we do not recommend travel and re-entry after your completion date and while the OPT application is pending unless you have a valid job offer. One never knows when CIS will adjudicate the OPT application, and once the application is approved, it is clear that both a job offer and the EAD is needed (see below). We recommend

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reviewing and even printing out the information on line from US Immigration and Customs Enforcement (ICE) regarding travel on OPT (section 2.N and 2.O) http://www.ice.gov/sevis/travel/faq_f2.htm

Travel – *after* your completion date and your OPT card has been approved:

High risk. Once the OPT application is approved by CIS, you **MUST** have an official job offer and the EAD to present at the Port of Entry to return to the United States. Once the OPT is approved, students can only return to the U.S. to resume employment - this is determined by a job offer. The Department of Homeland Security states, “If your OPT has been approved and you depart before you get a job, your OPT ends and you cannot reenter.” However, they have clarified their position to state that you do not need the job offer in order to depart, but you **DO** need the job offer to reenter the U.S.

APPLICATION PROCEDURE

1) Schedule an OPT appointment with an ISSO Staff Member by calling 6-3480 or by emailing isso@brandeis.edu.

** Please provide several choices in a week for potential appointment times as our calendars fill up quickly.

2) **TWO FORMS MUST BE COMPLETED PRIOR TO YOUR APPOINTMENT TO FILE FOR OPT:**

***Note:** The Immigration Service has an on-line processing system (**e-file**). However, the Vermont Service Center has advised that students should NOT e-file OPT applications, so until we receive more information about this, our recommendation is to proceed as we have outlined above and not to apply by e-file.

Please complete Form I-765 (Application for Employment Authorization) in advance of your ISSO meeting. Available to download on the USCIS web site at: <http://www.USCIS.gov> under forms and fees link, or you can download it from the employment link on our home page: www.brandeis.edu/acserv/isso. Type it on-line, and then print it out for your appointment.

I-765 HINTS

Line 1: Type your family name IN CAPS, and type first and middle names in lower case. Example: SMITH, Sarah

Line 3: Please use the ISSO address so that ISSO can verify the information on your EAD card and update SEVIS if necessary once your card arrives. Also, the post office will not deliver government mail if your name is not on the mailbox, nor will they forward government mail if you move.

C/O ISSO 415 South Street MS 040
Waltham, MA 02454-9110

Line 10 - This is your I-94 number – the white card in your passport, include 11 digits total

Line 11 – Complete this only if you have applied for OPT before (or TN visas or previous H-1B visas); CPT does not apply – you can check NO if you have only done CPT and on-campus employment

Lines 12 and 13 – This information is found on your I-94 card

Lines 14 and 15 - write “F-1 student”

Line 16 is (c) (3) (A) – for PRE-Completion optional practical training (you will work using OPT before graduating)
(c) (3) (B) – for POST-Completion optional practical training (you will work using OPT after graduation)
(c) (3) (C) – for the 17-month STEM OPT extension (please see STEM handout).

You need to sign and date your OPT application and provide a telephone number in the Certification section toward the bottom of the I-765.

2) Advisor’s Recommendation for OPT (last page of this handout) - Who signs this form?

UNDERGRADUATES: Must be signed by either your faculty advisor for your major (one major is fine) or your class advisor from Academic Services

IBS: Must be signed by Karen Muise

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SID: MA Students - must be signed by Cristina Espinosa or Cara King-Anderson
MS Students - Ravi Lakshmikanthan or Doris Breay
OTHER HELLER PROGRAMS: Ravi Lakshmikanthan or Doris Breay
GSAS: Must be signed by your faculty advisor

- 3) Bring a valid passport, I-94 card, and current visa entry stamp (even if expired)
- 4) Bring **All** previous Forms I-20 and EADs (Employment Authorization Document) that have been issued to you in the past, including your previous school if you transferred to Brandeis from another school in the U.S.
- 5) Bring two passport-style photos. Recommended photo stores include the Waltham Post Office on Main St., CVS on Main St., Walgreen's on the corner of South and Main Streets, or any store that sells passport photos (be careful that they are clear and to specifications!). On the back of each photo write your name and date of birth. Photos must be less than 30 days old at the time of filing your application. For more details, please consult the USCIS website at: http://travel.state.gov/passport/guide/composition/composition_874.html
- 6) Bring a check made payable to the "U.S. Department of Homeland Security" for \$340.00. On the second line write "three hundred forty and 0/100" (personal check recommended). In the note section of the check, write "I-765 fee". (Be careful to spell everything correctly, and to not make corrections on your check).

After receiving all information, ISSO will do the following within ONE WEEK:

- a) ISSO will recommend your OPT and process your new SEVIS Form I-20.
- b) ISSO will prepare the OPT packet that you will mail to USCIS
- c) ISSO will email you when you can pick up your completed OPT packet

ISSO will also request your non-Brandeis email address to add to the ISSOnews-OPT listserv. This way, ISSO will be able to contact you with important immigration updates while you are on OPT. If you change your email address, please email isso@brandeis.edu and request to add your new email address to the ISSOnews-OPT listserv.

MAILING INSTRUCTIONS:

After picking up your OPT packet, we recommend that you mail the documents by RETURN RECEIPT REQUESTED or CERTIFIED MAIL to USCIS for their adjudication. SAVE the mailing receipt that you will receive from the post office.

MAILING ADDRESS:

**U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Vermont Service Center
75 Lower Welden Street
Saint Albans, Vermont 05479**

- 3) In approximately 3 weeks, USCIS will send you a "Form I-797 Notice of Action" indicating that they have received your application and that your case will be decided within 90 days. You may hear before that time. It will have a tracking number for your application and will look something like EAC-11-222-3333. You may check the status of your application on line at <http://www.USCIS.gov>. Look for the case status on line link (enter the EAC# in the manner above). **If you have not received a receipt notice within 4 weeks, please contact ISSO.**
- 4) If approved, USCIS will send your Employment Authorization Document (EAD) Card to the ISSO. If USCIS has a question regarding your application before approval, they will issue a "Request for Evidence". ISSO will notify you if we receive such a request and will advise you on how to respond.

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