

OPTIONAL PRACTICAL TRAINING INFORMATION & APPLICATION PROCEDURES

Regulations governing OPT changed on April 8, 2008. These changes were made by Immigration and Customs Enforcement (ICE) a branch of the Department of Homeland Security (DHS). Information below updated on 9/10/2009.

Overview of "Initial 12 months Optional Practical Training"

Optional Practical Training (OPT) is designed to provide you with an opportunity to gain actual employment experience in your major field of study. Its purpose is to complement your academic work. Optional Practical Training falls into four categories: (1) full- or part-time employment during your annual vacation if you are enrolled and intend to register for the next session; (2) part-time employment (20 hours per week or less) while school is in session; (3) full- or part-time employment after you have completed your course requirements but before you have finished your thesis; or (4) full-time employment after you have completed your degree.

Under options 1, 2, and 3 OPT would occur before completion of the degree, while under the fourth option, OPT would occur following the completion of the degree.

Study in another degree or a higher educational level while engaged in optional practical training is **not permitted**. Full time study is prohibited during OPT. You may study on an incidental basis which is defined as part time, non-degree status. If you do choose to pursue a new degree and an I-20 is issued, your OPT will be forfeited as of the start date listed on the new I-20.

A student may be authorized 12 months of practical training, and become eligible for another 12 months of practical training when he or she changes to a higher educational level.

Part-Time vs. Full-Time Optional Practical Training

Both part-time and full-time optional practical training count towards the twelve-month total you have. Part-time training (20 hours per week or less) will count at one-half the full-time rate. For example, if you work for 10 hours per week for two months, you will have used one month of optional practical training. Any amount up to 20 hours is considered as part-time and will be deducted at that rate.

Reporting Requirements & Maintaining Medical Health Insurance

You remain in F1 status throughout your OPT and until you adjust to a different immigration status. All students on OPT must report within ten days of any change in the following areas: Change to legal name or address, interruption in and new employment or any change in immigration status. You must also maintain the required medical health insurance while you are on OPT.

Eligibility Requirements

The work must be directly related to your major field of study and it must be appropriate for someone with your level of education. You do not need to have a specific job offer to apply for optional practical training but be aware that you cannot recover portions of the optional practical training period that you may have spent searching for employment. **With the new regulations of April 8, 2008, a student can remain unemployed for an aggregate of no more than 90 days during an initial 12 month OPT period. The work may be full-time or part-time., and may occur anywhere in the United States. If you are in post completion OPT, you must work a minimum of 20 hours per week to constitute full time employment.** You may also volunteer in your field of study if you cannot find employment so as to maintain your immigration status. You must volunteer at least 20 hours a week. To be eligible to apply for optional practical training, you must have been in lawful student status for at least one academic year. Should you leave the United States during your studies for more than 5 consecutive months, you will need to reestablish the full one academic year period. Students enrolled in English language training programs are not eligible for optional practical training. However, if you are enrolled in a certificate program, you are eligible to apply for OPT as long as all of the above requirements are met.

Once you graduate/complete your program, it is the dates of the OPT on page 3 of the I-20 that keeps you in status. The earliest you can apply for the initial OPT is 90 days prior to the graduation date and for thesis/dissertation students, it is 90 days prior to the submission of your final dissertation to the Graduate School. You have a 60 day grace period after the graduation date/completion date to apply for OPT but in doing so, you can lose time on the OPT. In addition, if you decide not to apply for OPT, you still have a 60 day grace period to change your immigration status, transfer to a new degree program at UL or another institution or leave the country.

STEM EXTENSION: For those eligible for the additional 17 months of OPT (STEM), please note you must have graduated prior to the STEM application. In addition, you must be the recipient of a Science, Technology, Engineering, or Mathematics degree, employed with a company which is e-verified, and not been unemployed more than 90 days on the initial OPT. You may also volunteer in your field of study if you cannot find employment so as to maintain your immigration status but your employer must be e-verified. You must volunteer at least 20 hours a week. For more information on both the initial OPT & STEM, please refer to the following website:
http://www.ice.gov/sevis/updates_postcompletion_opt.htm#_Toc174419584

If you have applied for an H1 visa the **new cap gap prevention states** that If the employer of an F1 student on OPT files a timely H-1B petition, and requests an employment start date of October 1 of the following fiscal year, that student is permitted to continue working and will remain legally in the US in F-1 status until the H-1B petition is approved, rejected, denied or revoked. If the H-1 B petition is approved, the immigration status change will occur on October 1.

Students and employers should note that this permission allows the student to remain in the US in F-1 status and continue working under OPT and is automatic, pursuant to the new regulation from DHS. No new application for Employment Authorization Document is required. NOTE: This permission applies to all F-1s on OPT whose employers filed a timely H-1B petition for the following fiscal year, regardless of the student's field of study. F-2 dependents (spouses and minor children) are eligible to remain in F-2 status during this time as well.

FAILURE to Graduate/Complete Program: If you have not yet graduated, the completion date on front of the I-20 must not have expired. For graduate students, if you have completed all coursework, but have not graduated, you must register for masters or doctoral candidacy each spring, summer and fall semesters by the last date to register for each term.

Application Deadline

You may apply for your 12 month Optional Practical training no sooner than 90 days prior to the completion of your degree or graduation and no later than 60 days following the completion of your degree or graduation. This is a change from the previous regulation.

For Masters and PhD students submitting a thesis or dissertation the completion date is the date of defense and the time it will take to make necessary corrections. After determining your completion date, please apply at least two months prior to that date to facilitate processing of your application by our office and the Service Center.

Start Date of Employment

You are prohibited to work on or off-campus after you graduate or complete your program. During this interim period, you must refrain from working until you have received your EAD and the begin date listed on your EAD Card has arrived

Your permission to begin Optional Practical Training is not official until (1) you have been approved by immigration to begin working which can mean you are approved online or you received an "Employment Authorization Document" (EAD) from the USCIS and (2) the start date on the EAD is reached. You should submit a copy of your EAD card to the International Center.

Authorization May Not Be Rescinded or Deferred

Once authorization to engage in Optional Practical Training is granted and the EAD is issued, it may not be rescinded, canceled, or deferred if the start date on the EAD has arrived. This means that after Optional Practical Training is authorized by the USCIS, unexpected delays in completing degree requirements, inability to find an appropriate job, or loss of a job may reduce the time you have available for work.

Travel Outside the United States

Reentry provisions of the regulations require students in Optional Practical Training to present (1) *USCIS Form I-20*, endorsed for travel by the international student adviser "within the last 6 months" and (2) the "Employment Authorization Document" (EAD). In addition, if you are coming back to the United States after completion of studies, you must have a job or job offer and you should have a letter from your employer verifying your position. Students who do not meet these requirements may not be allowed to reenter the United States. Be sure to consult with the International Student Coordinator, if you have any questions concerning travel outside the United States and reentry to continue optional practical training.

Additional Information

Within 2-4 weeks of submitting the OPT application you should receive a receipt notice from Service Center. The receipt notice will provide a tracking number listed in the top left side of the form. This

number is your file number and is used to track your application. You may check on the status of your Optional Practical Training application via the www.uscis.gov website once you have received your tracking number.

Please note that should you need to obtain a replacement EAD card, you will be required to resubmit the entire OPT request packet including the Form I-765 processing fee.

If you have not obtained a Social Security Number, you should apply for this once you have received your EAD. It normally takes 10-14 days to receive your Social Security Card.

Once you have received your EAD, please submit a copy of the card to the International Center.

If your Kentucky driver's license expires after you have graduated and during your OPT period, you must obtain a letter from the International Center to verify your F-1 student status prior to applying for a new license.

Application Procedures

(1) Submit the Academic Advisor/Department Chairman Recommendation Letter for OPT. The letter is available on the International Center website under the OPT information. The letter requires a signature from both your Academic Advisor and the Department Chair.

(2) Complete the form I-765 (mark the code (c)(3)(A) for pre-completion or (c)(3)(B) for post completion. – (Need completed original I-765) Make sure your LAST/SURNAM is in caps. **Signature at bottom should be in BLUE ink**

NOTE: I-765 form can be obtained at this website: <http://www.uscis.gov>

Please do not submit I-765 payment or any part of your OPT via the internet. The OPT application should be processed with an International Advisor at the International Center.

Please use the International Center's mailing address if you anticipate moving within the next three months. Use International Center, University of Louisville, Louisville, KY 40292 on your I-765 form as immigration will not forward your mail. Texas is the Service Center for Kentucky addresses. Please remind the advisors if you reside in a state other than Kentucky because it may be necessary to file at a different Service Center.

(3) Complete "Request for Employment Authorization" form (*Need completed original form only*)

(4) Complete "OPT, Personal & Employer Information" form. (*Need completed original form only*)

(5) Complete the Reporting Requirement form. (Need completed original form only)

(6) Obtain 2 Passport Style Photos – All photos must meet the specifications for full frontal/passport photos and must be no more than 30 days old when an application is filed. Photos **must not** have a dark/gray background or have a side pose. Print your name and I-94 Admissions number in pencil/ink on the backside of each photo.

For more information on photo standards visit the Department for State Website at <http://travel.state.gov/pdf/Photo-Quality-Requirements.pdf>.

(7) Form I-765 Required **Processing Fee**: A check/money order made payable to "Department of Homeland Security" If paying fee via check, the check **must** have an address on the upper left hand corner – **do not** mark through the address even if incorrect

(8) Make 2 copies of your passport photo page and any renewal pages, visa page, I-94 card (front and back) and, if you have one, your previous EAD card (front and back).

(9) Make 2 copies of any I-20 that has been endorsed for CPT.

Once you have completed everything,, please call 852-6602 to schedule an appointment for processing of your application. Appointments are held every Wednesday at 2:00 pm.

Be sure to complete all forms and make all necessary copies of the materials indicated above before coming to the workshop.

The International Student Advisor will review your application, enter the OPT request into SEVIS, and print a new I-20 with this endorsement. You will be given a new I-20 and the International Center will keep a copy of the entire application on file. The International Center will send your application to immigration via regular mail for their review. If you choose to send the application certified, the originals will be returned to you.