

FOOTHILL COLLEGE
International Student Office (ISO)

**Employment Authorization After Completion of Studies
(OPTIONAL POST-COMPLETION PRACTICAL TRAINING)**

What is Optional Post-Completion Practical Training?

Optional Post-Completion Practical Training (OPT) offers students in F-1 status the opportunity to work in the United States for a period of twelve (12) months **immediately after completing their program of study**. The employment can be paid employment. The employment must be directly related to the student's major field of study.

What are the Eligibility Requirements for OPT?

F-1 status students are eligible for OPT if they:

- have been in F-1 status for an academic year of at least 8 – 9 consecutive months, and
- have continuously pursued a full-course of study (12 credits per term, except summer), and
- have complied with immigration transfer procedures if they have changed schools in the United States, and
- have complied with all immigration regulations regarding employment if they have been employed in the United States, and
- have a passport that is valid a minimum of six(6) months into the future at the time the application is received by DHS, and
- have an **unexpired** I-20. If the completion date in Section 5 of your I-20 has lapsed you are not eligible for OPT. You must apply to the ISO for an extension your I-20 completion date 4 to 5 months **before** the completion date in Section 5. Do not wait until the last few days before it lapses. If the completion date on your I-20 has lapsed you are in violation of immigration regulations and should discuss it immediately with the Coordinator, International Student Advising in the ISO, and
- will be completing an Associate Degree at the end of the current term. (OPT is not available at the completion of a Certificate Program.)

STUDENTS ARE NOT ELIGIBLE FOR PRACTICAL TRAINING IF THEY ARE CURRENTLY IN VIOLATION OF THEIR F-1 STATUS AND HAVE NOT BEEN REINSTATED TO LAWFUL F-1 STATUS BY THE DEPARTMENT OF HOMELAND SECURITY (DHS).

OPT can be approved only in a field directly related to your major. **At the time you apply for OPT all of the following must be the same:**

- the major in which you will be obtaining your degree or certificate, and
- the major listed in section 5 of your I-20, and
- the major listed in your record in the Foothill database, and
- the educational level (Associate) in Section 4 of your I-20 and in the Foothill database.

It is your responsibility to make certain your official record is accurate. If you have changed your major or level of education it is your responsibility to submit a **Change of Record** form to the ISO. The ISO can easily correct the major on your I-20 when you apply for OPT but we can change the I-20 only to the major or educational level that is listed in the official record on the student database therefore you must make certain that the major in the database is correct.

Students **do not need a job offer** before applying for OPT and should not wait until they receive a job offer before applying.

It is the responsibility of the student to submit the application to the Department of Homeland Security (DHS) during a specific time period. The details of this requirement are explained in the section **What Is The Deadline For Submitting The OPT Application To The DHS** on page 2.

Maximum of Twelve Months of OPT After Completing Each Higher Level of Education

Under immigration regulations F-1 students completing Associate degree programs are allowed 12 months of full-time OPT after the completion of the Associate degree if they have not completed OPT at any level of education prior to getting the Associate degree. Also, F-1 students are eligible for an additional **minimum** of 12 months of OPT after **each higher** education level the student completes after the Associate Degree. The higher education levels after an Associate Degree are Bachelor, Master, Doctorate. Furthermore, if a student completes certain enumerated majors after completing a Bachelor's, Master's or PhD degree he or she is eligible for 29 months of OPT. If, in the past, you have been authorized for OPT after completing a Certificate, Associate, Bachelor, Master or Doctoral program you will not be eligible for OPT after completing a program at Foothill because Foothill programs are not at a higher level of education than these other programs.

Effect of Curricular Practical Training (CPT) On Optional Practical Training (OPT)

The limit on the amount of OPT per each level of higher education **does not** generally apply to the immigration benefit of Curricular Practical Training, also known as CO-OP, CO-OP Education or Internships that you do before you complete your academic program. Time spent in authorized CPT is not counted as part of the OPT limitation unless the student completes **12 months of full-time** CPT. If the student completes 12 months of **full-time** CPT then the student is not eligible for any OPT after the student completes his/her current level of education; however, if the student uses less than 12 months of full-time CPT, the student is eligible for a full 12 months of OPT.

What is the Deadline for Submitting the OPT Application to the DHS?

Students must submit a *timely* application for OPT to the DHS having jurisdiction over the place they are residing at the time they file the application. **If the DHS does not receive the application within the time limits, your application will be rejected and you will lose the opportunity for OPT. The DHS does not make exceptions therefore applications will be rejected if they are received after the deadline.**

1. **The DHS must receive your application within the 90-day period that begins immediately before you complete your program of study or no later than 60 days after you complete your program of study.** The completion date of your program is the official ending date of the quarter in which all of your degree requirements are completed **not** the day of the actual commencement/graduation ceremony.

For example, assume that you complete your degree in the Fall quarter 2008 and assume that the last day of the Fall quarter is December 14, 2008. Since the earliest date to apply for practical training is 90 days before program completion, then the **earliest date DHS to receive** your application is September 16, 2008. **The last possible date for DHS to receive** your application is February 12, 2009 because it is 60 days after the official completion date of your program.

Also, you must make allowances for slow delivery of the mail because the DHS will not make exceptions or waivers to the receipt date deadline because the U.S. Postal Service was slow in delivering the application materials or lost or miss-delivered the application materials. Recently we have had a few instances in which applications mailed to DHS were received more than 16 days after they were mailed by the student. If the application is received after the deadline it will be rejected and you will lose the opportunity for OPT.

We strongly recommend that you mail the application to the DHS at least 90 days before the last day of the quarter in which you will complete your program because it can take the DHS two to four months to approve the application.

2. In addition to the deadlines stated in item No. 1 above, the application must be received by DHS no more than 30 days after the issue date of the I-20 that was issued for the OPT. The issue date is on the signature line of the I-20 that is issued for the OPT.

What is the Application and Authorization Procedure for OPT?

Steps 1 and 2: Read the information in this packet in its entirety and attend a Practical Training Workshop before beginning Steps 3– 6.

Attend a Practical Training Workshop. The ISO conducts workshops that assist students in understanding the Practical Training application process, eligibility requirements and the rules and regulations. It is **required** that students attend a Practical Training Workshop **before** submitting their documents and forms to the ISO. The Practical Training Workshop Schedule is available online at www.international.fhda.edu under Announcements, Events and Workshops. Also, you may obtain a copy of the schedule in the ISO.

It is recommended that students attend one of the workshops and meet with an International Academic Counselor approximately 4 months before they expect to complete their academic program. It takes the DHS two to four months to approve the employment. If you don't apply early, you may not be able to begin employment immediately after you complete your program. **In some cases students can actually lose part of their 12 months if they don't apply early enough.** Foothill can complete its part of the paperwork within a few days; however, it is the DHS part of the process that can take several months.

Step 3: Meet With an International Academic Counselor in the Counseling Center and obtain an OPT RECOMMENDATION FORM **and** submit an Application for Graduation . **The only counselors that are authorized to provide the Recommendation Form are: Cathy Denver, Kim Lane and Debra Lew.** Call 650-949-7423 or visit the Counseling Center to make an appointment. This step must be completed before step 4.

Step 4: Bring Your Application Documents To Barbara Brown in the ISO . After attending a Practical Training Workshop, meeting with an International Academic Counselor and applying for graduation you should bring the following documents and forms to Barbara Brown in the ISO for processing. You must hand deliver the materials directly to Barbara because she must review them in your presence. You must **not** mail your application to the DHS until the ISO processes your paperwork.

Completed OPT Recommendation Form (See Step 3 for information about this form)
Form I-765 with #1 – 16 completed with (C)(3)(A) entered in number 16 and your signature, telephone number and date in the “Certification” section. (Form I-765 and instructions for completing the form are included in this packet. Please read the instructions on page 9 and the Disclaimer on page 7 before completing the form and before mailing it to DHS).

Form I-538 with Section A completed by you.

All I-20's ever issued to you by Foothill College and by any other school in the USA;

2 photos as described on the Practical Training Document List that is included in this packet).

(PLEASE READ THE DISCLAIMER AND WARNING ABOUT FORMS AND FEES ON PAGE 7)

IF YOU DO NOT BRING ALL OF THE FORMS AND MATERIALS TO THE ISO AND IF YOU HAVE NOT COMPLETED THE I-538 AND I-765 IN ADVANCE, WE WILL NOT BE ABLE TO CONTINUE THE PROCESSING OF YOUR APPLICATION. The ISO will not process the application if you have not applied for graduation.

After you submit the documents and forms to Barbara Brown, staff in the ISO will:

- review the forms to determine if they have been completed properly; and
- determine if you have applied for graduation; and
- complete the advisor's part of the immigration documents and paperwork, including the recommendation that DHS authorize the employment; and
- return the forms, documents and other attachments to you for mailing to the DHS.

If it is determined that you meet all of the eligibility requirements for OPT, and you have submitted and completed all of the required documents, the Immigration Advisor will endorse your Foothill College I-20 to recommend the OPT.

The review process may take several days and you will be advised to return to the office in no more than five (5) workdays to pick-up the final paperwork. Additional time will be required if you do not provide complete paperwork or other necessary documentation.

Step 5: Prepare Your Application For Mailing to the DHS. Applicants for OPT are required to mail several documents, forms and other materials to the DHS as part of the application process. The **Practical Training Document List** that is attached contains a complete list of all of the documents you must mail to the DHS as part of your application. You should review the list and prepare all of the documents for mailing as described on the list. If you fail to submit any of the documents, your employment could be delayed. Also, the DHS could reject your application and you would lose the opportunity for OPT.

Step 6. Mail the Application, Application Fee and Required Documents to the DHS. The required materials and the instructions for mailing the application to the DHS are on the **Practical Training Document List**. It is your responsibility to mail the application to the DHS. **The DHS must receive the application, fee and required materials no later than 60 days after the last day of the quarter in which you complete your program at Foothill.** If it is received late, the DHS will not give you permission to work under OPT.

What Are My Responsibilities If I Don't Apply For OPT?

Your lawful F-1 status expires 60 days after the date you complete your program requirements. You are expected to depart from the United States by the 60th day after you complete studies **unless you file a timely application for practical training**, transfer to another school or educational program, change to an immigration status other than F-1 or make other arrangements to remain in the U.S. lawfully. If you do not comply with the requirements your continuation in the USA after the 60th day will be unlawful.

What Will Happen To My Application After I Mail It To the DHS?

1. If you followed our suggestion and mailed your application by “certified mail” with a “return receipt” you should receive the “return receipt” in the mail within two weeks after you mail the application to the DHS. **You must keep this receipt for your records**, as it is one piece of evidence to show that the DHS received your application.
2. Within 2 – 4 weeks after mailing the application to the DHS you should receive a **“Notice of Receipt”**. This receipt is the official receipt from the DHS and will contain a **“WAC number”**. **You must keep this receipt for your records**.
3. If you paid your application fee to the DHS by personal check, you should obtain a copy from your bank after it is paid to the DHS. The cancelled check serves as additional evidence that the DHS received your application. **Also, the DHS writes the WAC number on the check**.

Why Is the WAC Number Important?

The WAC number is very important because your application is filed under that number not under your name. If there are any problems with your application, such as delays in receiving your approval, you will need your “WAC number” to find your application and learn the status of your application. Also, I will need it if I have to contact USCIS officials about your application. You must keep the DHS receipt.

Can I Change My Mailing Address After I Mail My Application To The DHS?

We suggest that you do not change your address after you mail your application to the DHS until you receive the EAD. The DHS will mail the “notice of receipt” and your **Employment Authorization Document** (EAD also referred to as EAC) to the address you entered on your OPT application. Usually, if you have changed your address, the Postal Service **will not** forward DHS mail to your new address. If the EAD is returned to the DHS it often takes several additional months to get the EAD. During that time you cannot work but are using up your practical training time. If you feel that you must change your address before the OPT is approved, please contact the International Student Advisor in the ISO for the best method of handling it.

How Long Will It Take The DHS To Process and Approve My Application and How Can I Learn Specific Information About My Application?

The amount of time it takes the DHS to process the documents varies from two to four months depending on conditions at the DHS. Most of the time it takes the DHS approximately 3 - 4 months to process the application.

If you have not received approval for OPT within 120 days after the date on the DHS “Notice of Receipt” you should contact the ISO.

You can learn the current processing times of OPT applications by going online to USCIS.GOV

On the homepage click on **My Case is Pending**, then click on **Processing Times and Case Status**, then click on **Processing Times**, then in the box for **Service Center** scroll to **California Service Center** and click on **Processing Dates**, then scroll down the list of forms until you get to the **I-765 Application for Employment Authorization Based on a request by a qualified F-1 academic student**. This process will inform you of the receipt date of the applications that the USCIS is currently processing and you can compare it to the Receipt Date on your Receipt Notice from USCIS to get an idea of when the USCIS will get to your application.

You can learn the most current information about your specific OPT application by going online to USCIS.GOV.

On the homepage click on **My Case is Pending**, then click on **Processing Times and Case Status**, then click on **Case Status Online** then click on **online** then enter your **WAC Number** (read the directions for the proper method of entering it) and click on **SEARCH**. This search will **not** give you the processing time for your application but it will indicate the date the application was received, whether or not it has been approved and information about any RFE’s that may have been sent.

Sometimes students receive a **REQUEST FOR EVIDENCE(RFE)** after DHS receives the OPT application. In most cases there is no reason to panic when you receive an RFE although it could delay the processing of your application. An RFE is not a denial. It simply means that DHS wants more information before it makes a decision. Sometimes RFE’s request information that you sent in your original application for OPT but the immigration officer did not notice it. If you receive an RFE, you should bring it to the ISO immediately and discuss it with the Coordinator, International Student Advising.

Does the DHS Approve All Applications For OPT?

No, the DHS does not approve all applications for OPT but it has been approving more than 98% of them. One area that is receiving attention is the area of studies or employment that the DHS considers to be “vocational” as opposed to “professional” or “academic”. There have been a few incidents in which the DHS has denied OPT to an F-1 student because the school program or the proposed employment was determined to be vocational. Programs at Foothill for F-1 students usually are not considered vocational. Unfortunately, the DHS has not clarified its definition of these categories therefore it is difficult to determine in advance which areas of study or employment will be treated as vocational. One example might be programs and employment as “auto mechanic”. This probably would be considered vocational by the DHS because a college degree is not required to enter the field. There haven’t been any Foothill students that have been denied OPT for the reason that the program was vocational.

When Can I Begin Practical Training Employment?

Your permission to begin post-completion training is not finalized until you have received an “Employment Authorization Document” (EAD, sometimes referred to as an EAC) from the DHS. The EAD will have your signature, and will indicate the exact dates of your authorized employment.

Generally, the employment will be approved by the DHS to begin:

- the date of completion of studies, or
- the date we designate on your I-20, or
- the date the EAD is issued, but no later than the end of the 60-day period after completion of studies.

You must not begin work until the employment beginning date on your EAD and you should not continue to work after the ending date of your employment authorization period on the EAD.

May I look For Work And Apply For Work Before I Receive My EAD?

Yes, but you cannot begin employment until the beginning date on the EAD.

Can I Cancel the OPT Before I Use Any of It?

It is not possible to cancel OPT after the DHS has approved your application, even if you have not begun your employment. This inability to cancel the OPT also applies if you begin another academic program or depart from the United States. Sometimes it is possible to cancel OPT after you have applied but before the DHS has authorized the OPT. If you want to cancel the OPT before it has been authorized you should contact the ISO.

What Are The Conditions And Characteristics of the Employment That You Are Authorized to Perform?

The work you accept and perform must be directly related to your **major field of study**. For example, if your field of study in school was finance, you can perform work only related to finance.

The work must be appropriate for someone having your level of education. For example, if you received an Associate Degree with a major in Accounting, employment as a receptionist in an accounting company would not be appropriate because the education you received was to prepare you for a higher level of work than that of receptionist.

The work may be full-time or part-time but it all counts toward the 12-month limit as if it were full-time. You begin using the 12-month period on the beginning date authorized on the EAD even if you have not begun employment.

Your employment may take place anywhere in the United States.

What Information Does The Department of Homeland Security Require Me To Provide To Foothill College After OPT I Have Applied For OPT And After It Has Been Authorized By The DHS?

- **Provide Information About Your Employment And Future Education in The USA. You Are Required To Report The Changes To The ISO Within Ten (10) Days Of The Effective Date Of The Change.**

You are required to inform the Foothill College ISO of the name, office address, email address and phone number of your employer. If you change employers you must inform our office of the dates you stopped working for one employer and began working for the new employer. Also, you must provide us with the name, office address, email address and phone number of your new employer.

If you cease your employment before the expiration date of the authorized period of OPT you must inform the ISO of the date that you ceased employment.

If you plan to return to school in the USA after completing your OPT you must provide the ISO with a letter of acceptance and the name of the school that you plan to attend.

If you leave the USA and will not return during or after the end of the OPT you must notify the ISO.

- **Change of Personal Phone Number, E-Mail Address or Address of the Place in which you Reside in the USA. You Are Required To Report The Changes To The ISO Within Ten (10) Days Of The Effective Date Of The Change.**

Immigration regulations require that you inform the ISO of your new residence address, phone number or email address no later than ten (10) days after you move or change your phone number or email address. Post Office boxes are not acceptable as an address. Immigration regulations require an address where you actually reside.

Is It Required That I Be Employed During The Entire OPT Period That Is Authorized By DHS?

- Students on OPT can have no more than 90 days of unemployment. Each day during the period when OPT authorization begins and ends that the student does not have qualifying employment counts as a day of unemployment.

- Periods of up to 10 days between the end of one job and the beginning of the next job will not be included in the calculation for time spent unemployed.
- If the student whose approved period of OPT has started travels outside the USA while unemployed, the time outside the USA will count as unemployment against the 90-day limit.
- If a student travels while employed wither during a period of leave authorized by an employer or as part of their employment, the time spent outside the USA will not count as unemployment.
- To qualify as employment the work must be at least 20 hours per week or more.
- Students on OPT may work as volunteers or unpaid interns where the unpaid employment does not violate any labor laws. The work must be at least 20 hours per week. The student must be able to provide evidence that he/she worked at least 20 hours per week.

FOOTHILL COLLEGE IS REQUIRED TO REPORT ALL OF THE INFORMATION TO DHS THROUGH SEVIS WITHIN 21 DAYS AFTER YOU REPORT IT TO THE ISO.

FOR THE MOST CURRENT INFORMATION ABOUT OPT STUDENTS SHOULD REVIEW THE OPT POLICIES AND GUIDELINES, ESPECIALLY SEVP POLICY GUIDANCE: 0801-01 THAT CAN BE FOUND AT THE SEVP SECTION OF THE ICE WEBISTE AT WWW.ICE.GOV/SEVIS/. IMPORTANT EXCERPTS FROM THIS POLICY GUIDANCE ARE ATTACHED AT THE END OF THIS PACKET.

Can I Travel Outside The United States Before Or After I Have Been Authorized For OPT?

1. Departure from the USA after the DHS has approved OPT and the EAD has been received.

Students who have completed their program and have been issued an EAD can reenter the United States to **resume** employment if they have in their possession a passport that is valid six(6) months into the future, a valid unexpired F-1 visa, an unexpired EAD, an employment letter issued by the employer and an I-20 recently endorsed for travel and reentry on page 3 by a Designated School Official (DSO) in the ISO.

The Bureau of Immigration and Customs Enforcement (ICE) has announced that it **will not allow** F-1 students on OPT to reenter the United States unless they can present evidence to show that they are entering to resume employment or have new employment awaiting them. We recommend that if you do have employment you should carry a letter of employment with you when you travel.

2. Departure From the USA Before the EAD Is Received From the DHS.

Technically, between the time students complete their program and the time they receive their EAD, they cannot and should not travel outside the United States. Students who try to reenter the U.S. after completion of their program without a valid, unexpired EAD and letter of employment **may be denied reentry to the United States.**

Even though immigration officials can refuse to let you reenter the United States if you don't have an EAD, some immigration inspectors at the San Jose and San Francisco Airports will permit students to reenter the U.S. without an EAD **if** they have the following in their possession:

- a passport that is valid six(6) months into the future, **and**
- a valid unexpired F-1 visa, **and**
- an I-20 with page 3 endorsed with a recommendation for OPT and recently endorsed for travel by a Designated School Official (DSO) in the ISO, **and**
- the **Notice of Receipt** (with Wac #) the student received **from the DHS** after submitting the application, and
- a written offer of employment issued on the employer's letterhead.

Students must be aware that there is no guarantee that they will be permitted to reenter the United States without the EAD and/or without a letter of employment, especially if they go through immigration inspection in airports outside the San Francisco/San Jose area.

May I Continue Health/Medical Insurance through Foothill College While I am on OPT?

If you are going to remain in the United States after termination date of your current Foothill health/medical insurance you should obtain insurance that becomes effective no later than the Foothill insurance terminates.

During the period that former Foothill students are on OPT they are eligible to continue the insurance through Foothill; however, they must apply for the continuation of the insurance before their current Foothill insurance terminates. To continue the insurance through Foothill, students must make arrangements in the Office of International Programs in 5403 before their current Foothill medical insurance expires. Rather than continuing their insurance through Foothill many students obtain insurance through their OPT employer or through private insurance providers or HMO's.

Further Information

Additional information on practical training and other types of employment authorization is available from the ISO . Staff is pleased to offer information, counseling and assistance on all federal regulations related to maintaining your student status. Our office hours are Monday – Thursday, 9:00am – 5:00pm and Friday, 9:00am – 4:00pm.

DISCLAIMER, WARNING AND GENERAL INFORMATION REGARDING APPLICATIONS FOR OPTIONAL PRACTICAL TRAINING

Immigration regulations, procedures, application deadlines, forms, fees and the information provided by the International Student Office in this publication and in the Practical Training Workshops are subject to change at any time and it is your responsibility to insure that you comply with all regulations and procedures in a timely manner and submit the correct forms and fees. Forms and fees change frequently therefore before submitting any forms or fees you should access the USCIS website at www.uscis.gov to obtain the latest version of the I-765 and the correct filing fee for each of the forms. The I-538 is not on the USCIS website and is available only from the ISO. The latest information about OPT and new policies regarding OPT are posted on the website of the SEVP section of the ICE website at www.ice.gov/sevis/.

INSTRUCTIONS FOR COMPLETING FORM I-538

Form I-538 is a required part of your application and is included in this packet of materials. Please read the Disclaimer, Warning and General Information about forms and fees on page 7. You must complete and sign **Section A, items #1 – #8 before** you meet with an Advisor in the ISO. Please **do not** complete any part of Section B, items #9 - #11.

Please print or type the information. Do not use your handwriting.

Items number 1 and 2: These are self-explanatory. Please fill-in the correct information.

Item number 3: Enter the number that is on your immigration Form I-94. It is the small card that the immigration inspector gave you when you entered the U.S. Sometimes it is referred to as an arrival or departure card. The number has eleven (11) digits.

Item number 4: This refers to the **first date** on which you **entered** the U.S. in **F-1** status. It will be stamped on the first I-94 you received or on your first I-20. Also, it is stamped inside your passport. It **is not** the date you received your visa at the U.S. Consulate.

Item number 5: This refers to the level of education that you are completing. It is marked with an “x” in Section 4 of the most recent Foothill I-20 that was issued to you.

Item number 6: This refers to your major. This is the major that is entered on the Optional Practical Training Recommendation form that was completed by your International Academic Counselor. If the major on this form is not the same as the major entered in Section 5 of your most recent Foothill I-20, please notify the staff when you submit your documents to our office.

Item number 7: For “proposed employment” simply enter the name of your major. For the beginning date you can enter any date that you wish to begin your employment within the 60-day period that begins immediately after the end of the quarter. The ending should be exactly one year after the beginning date that you entered. For example, if your final quarter ends on 12/14/03 and you want to begin employment on 1/12/04, enter 1/12/04 as the beginning date and 1/11/05 as the ending date. In this example you cannot use a beginning date before 12/14/03 or after 2/13/04. For the number of hours per week enter “full-time.”

Item number 8:

A. Curricular or work/study. In this section you must enter any Curricular Practical Training that was authorized on your I-20 at Foothill or at any other school. A sample

Entry follows:

CPT (part-time) 9/8/98 – 12/20/98

CPT (full-time) 5/25/99 – 9/3/99

CPT (part-time) 1/6/00 – 5/20/00

If you did not do CPT, enter “none” in this section.

B. Post Completion of studies. Even though the heading of this section refers only to “post completion of studies” you must include all post and pre-completion practical training previously **approved by DHS/INS** that was not curricular practical training. A sample entry follows:

Pre-completion Practical Training (part-time) 1/3/97 – 6/5/97

Post-completion Practical Training (full-time) 5/7/98 – 9/7/98

If you did not do OPT enter “none” in this section.

C. Sign or date the form at the bottom of **Section A**.

SECTION B, Numbers 9 – 11: DO NOT COMPLETE ANY PART OF SECTION B

FORM I-765

Form I-765 is a required part of your application and is included in this packet of materials.

Immigration forms and the fees for filing immigration form change frequently and it is your responsibility to make certain you are submitting the correct version of the I-765 and the correct fee. Please read the Disclaimer, Warning and General Information about Forms and Fees on page 7. It explains how to verify that you are submitting the correct version of the I-765 and the correct fee.

You must complete **items #1 – #16** before you submit your forms to the ISO. Sign the “**Certification**” section, enter your telephone number and date the form.

Section of the Form immediately above number 1. After the words “I am applying for” enter an “X” in the box in front of “Permission to accept employment.”

Items 1 –8: These items are self-explanatory. Please fill-in the correct information. **Do not change your mailing address after you enter an address in number 3.**

Item 9: Enter your number from your Social Security Card. If you don’t have a number enter “none”.

Item 10: Enter the eleven (11) -digit numbers from your I-94 card. This is the same number you entered in item number 3 of your Form I-538.

Item 11: If you ever have **applied** for any type of employment through **USCIS**, place an “X” in the box for “Yes”. You must mark “Yes” if the application to USCIS was approved or denied.

Do not mark “Yes” if your only employment has been CPT because CPT is not approved or denied by USCIS. It is approved or denied by your International Advisor.

If you marked “Yes” you must indicate the Immigration Office to which you sent the application and the dates of approval or denial. You must also state whether the employment was granted or denied. Also, you must attach documentation showing the approval (usually a copy of your EAD) or denial.

If any of this information is unclear, do not enter anything in this section until you meet with your advisor.

Item 12: This number refers to the **most recent date** on which you **entered** the U.S. in **F-1** status. It will be stamped on the last I-94 you received when you entered the U.S. Also, it is stamped inside your passport. .

Item 13: This refers to the place you went through U.S. Customs or were inspected by an immigration inspector the last time you entered the U.S. The location is stamped on the last I-94 you received or in your passport.

Item 14: This refers to the status you were given by the immigration inspector the last time you entered the U.S. If you entered as F-1 you should enter “student” in this space. If your last entry to the U.S. was in a status other than F-1, such as B-1 or H-1b, enter that status instead of student.

Item 15: This item refers to your current immigration status. Your current status should be F-1. If your current status is not F-1 you are not eligible for OPT and should discuss your situation with an International Student Advisor.

Item 16: Enter the following in this section, (c)(3)(A).

Certification: Sign the “**Certification**” section, enter your telephone number and date the form.

International Students
SEVP Policy Guidance 0801-01
Updates to Post-Completion Optional Practical Training
Effective date: April 23, 2008

5.1. What is the new deadline for applying for post-completion OPT?

F-1 students may apply for post-completion OPT up to 90 days before their program end date and up to 60 days after their program end date. The application must be properly filed with the correct USCIS Service Center. In addition, the application must be properly filed within 30 days of the date the student's DSO recommends OPT in SEVIS.

5.4. When should a student request that his or her DSO recommend post-completion OPT?

A student should ask his or her DSO to recommend post-completion OPT within 30 days of the date the student expects the application to arrive at the USCIS Service Center. If the OPT recommendation in SEVIS is dated more than 30 days prior to the receipt date, the application may be denied.

5.5. What is the earliest date a student can file a request for post-completion OPT with USCIS?

A student may file the request for post-completion OPT no more than 90 days prior to the student's program end date.

6.5. What happens if a student applies for post-completion OPT before his or her program end date and subsequently fails to complete the requirements for his or her program?

The student should contact his or her DSO immediately for guidance.

If the employment authorization application has not been adjudicated by USCIS, the student may withdraw the application by notifying the Service Center where the application was filed. The DSO should also withdraw the recommendation for OPT in SEVIS.

If the employment authorization application has already been approved, the DSO should extend the student's program end date to the appropriate date. The student may work part time while enrolled in courses to complete the requirements for his or her program and full time during breaks and vacations. After successful completion of all the program requirements, the student may work full time.

However, even though the student's program end date was extended, because the OPT was granted as post-completion OPT; **the student is subject to the 90 day limitation on unemployment.**

6.6. How does a transfer or change of level impact the period of OPT?

Any OPT authorization ends on the transfer release date for a student who requests a transfer to another SEVP-certified school or a change of level to continue at the same school.

7. LIMITS ON PERIODS OF UNEMPLOYMENT DURING A PERIOD OF AUTHORIZED OPT

7.1. Limits on periods of unemployment

7.1.1. What are the limits on periods of unemployment?

Students on post-completion OPT may have up to 90 days of unemployment.

7.1.5. What counts as time unemployed?

Each day during the period when OPT authorization begins and ends that the student does not have qualifying employment counts as a day of unemployment. The only exception is that periods of up to 10 days between the end of one job and the beginning of the next job will not be included in the calculation for time spent unemployed.

7.1.6. How does travel outside the United States impact the period of unemployment?

If the student whose approved period of OPT has started travels outside of the United States while unemployed, the time spent outside the United States will count as unemployment against the 90/120-day limits.

If a student travels while employed either during a period of leave authorized by an employer or as part of their employment, the time spent outside the United States will not count as unemployment.

7.2. Employment allowed while on OPT

7.2.1. What types of employment are allowed for regular pre- and post-completion OPT?

All OPT employment, including post-completion OPT, must be in a job that is [related to the student's degree program](#).

This employment may include:

- *Paid employment.* Students may work part-time (at least 20 hours per week when on post-completion OPT) or full-time.
 - *Multiple employers.* Students may work for more than one employer, but all employment must be related to the student's degree program and for pre-completion OPT cannot exceed the allowed per week cumulative hours.
 - *Short-term multiple employers (performing artists).* Students, such as musicians and other performing artists may work for multiple short term employers (gigs). The student should maintain a list of all gigs, the dates and duration. If requested by DHS, students must be prepared to provide evidence showing a list of all gigs.
 - *Work for hire.* This is also commonly referred to as 1099 employment where an individual performs a service based on a contractual relationship rather than employment relationship. If requested by DHS, students must be prepared to provide evidence showing the duration of the contract periods and the name and address of the contracting company.

- *Self-employed business owner.* Students on OPT may start a business and be self-employed. In this situation, the student must work full-time. The student must be able to prove that he or she has the proper business licenses and is actively engaged in a business related to the student's degree program.
- *Employment through an agency.* Students on post-completion OPT must be able to provide evidence showing they worked an average of at least 20 hours per week while employed by the agency.
- *Unpaid employment.* Students may work as volunteers or unpaid interns, where this does not violate any labor laws. The work must be at least 20 hours per week for students on post-completion OPT. These students must be able to provide evidence from the employer that the student worked at least 20 hours per week during the period of employment.

7.2.3. How do students show that employment is directly related to their degree program?

SEVP recommends that students maintain evidence -- for each job -- of the position held, proof of the duration of that position, the job title, contact information for the student's supervisor or manager, and a description of the work.

If it is not clear from the job description that the work is related to the student's degree, SEVP highly recommends that the student obtain a signed letter from the employer's hiring official, supervisor, or manager stating how the student's degree is related to the work performed.

7.3.1. What should students report to ensure that their status does not expire due to excessive unemployment time?

Students are encouraged to report changes in employment to their DSO as soon as possible. SEVP recommends that students report changes within 10 business days of the change to avoid situations where a DHS official may determine the student is out of status.

The following table suggests the best way to report employment or a change in employment.

Situation Report New job

- Name of the employer
- Start date of employment
- Mailing address for the employer

Change to a new job

- Name of the previous employer
- Ending date of the employment with the previous employer
- Name of the employer
- Start date of employment
- Mailing address for the employer

[Multiple short-term gigs](#) in one period with less than 10 days between gigs

- Report at the beginning of the first gig and indicate “Multiple short term gigs”

Work for hire (start)

- Indicate “Self-employed work for hire”
- Indicate the start date of the contract

Work for hire (ending more than 10 days between the end of one contract and the beginning of another contract or a new job)

- Indicate “Self-employed work for hire”
- Indicate you have no current contract
- Ending date of the last contract worked

More than 10 days of unemployment

- Indicate “unemployed”
- Ending date of last job

Self-employed business owner (start)

- Indicate “Self-employed business owner”
- Indicated date went into business

Self-employed business owner (end)

- Indicate “Self-employed business owner”
- Indicate date business closed or student no longer worked for the business full-time

Student decides to exit the United States and complete his or her F