

Important Information to read before applying for Optional Practical Training (OPT)

note: if you do not understand this information, please make an appointment to see the PDSO, Nancy Goulde.

Employment Issues to Understand

All off-campus employment must be authorized before it can begin. Working off-campus without the appropriate authorization is considered illegal employment according to federal immigration law and is a potentially deportable offense.

Remuneration or compensation means something is given to you because you provided a service. It can be a paycheck, a bonus payment, a stipend, or it can be meal vouchers, room and board, or payment of your travel costs. Any of these would be considered to be compensation under Immigration regulations.

Simply put, if you receive anything for providing a service, you are being compensated. So, for example, if you aren't getting paid money for working at some organization but you are getting free housing, that situation will require authorization for Optional Practical Training (OPT) or Curricular Practical Training (CPT).

Volunteer work? In the past the government might have looked at uncompensated work as volunteer work, but it doesn't always do that now! If you are providing some kind of regular service to an organization (filing, putting stamps on an envelope, "internship-type" work, etc.) then, according to immigration lawyers and the government, that is employment- even though you are not getting paid. It is work, and thus you must have proper authorization for it, either through OPT or CPT.

You do not need to apply for OPT if you will be working on campus before the end of your program. If you graduate and are offered an on-campus job, you will need OPT.

Optional Practical Training (OPT)

Students holding F-1 status are permitted a total of twelve months of OPT per education level. Therefore, if you seek a bachelor's degree, you get 12 months. If you continue for a master's degree, you get an additional 12 months. If you are not getting your master's at Randolph College, then another school, not Randolph, will help you apply for this 2nd OPT.

You cannot combine the 12 months of undergraduate OPT with the 12 months of graduate school OPT to work two years in a row. When you start graduate school, your undergraduate OPT time is no longer available. ("use it or lose it").

Most students request the full 12 months of OPT at the same time (for “post-completion”- after graduation- OPT), but a student may request several weeks in the summer and save the balance for use at another time.

Optional Practical Training may be authorized only in the field of study (the MAJOR, not the minor) indicated on the current and valid SEVIS I-20 form. Jobs such as waitressing or working at Wal-Mart cannot be counted as OPT.

Any authorized optional practical will be subtracted from the total 12 month period allowed. For example, if you complete 3 months of practical training before completion of your degree, you are eligible only for 9 months of post-completion practical training.

Part-time (20 hours per week or less) optional practical training will be deducted at the rate of one day of practical training for every two part-time days authorized. Part-time is not available in post-completion OPT.

Optional practical training may be requested for the following periods:

- * during annual vacation (e.g. summer) and other times when school is not in session
- * while school is in session, provided training does not exceed twenty hours per week (this is rarely done)
- * after completion of all course requirements for the degree (post-completion OPT)
- * after completion of the study program (for 1-year students) (post-completion OPT)

Timing your application:

Applying for pre-completion OPT: if you’re a new student at Randolph and have not yet satisfied the 1 academic year requirement, you can apply 90 days before the start date. You must have completed the 1 academic year requirement before you start working.

Applying for pre-completion OPT: if you’re not a new student at Randolph and have already satisfied the 1 academic year requirement, you can apply 120 days before the start date.

Applying for post-completion OPT (to work after graduation): you can apply 90 days before graduation and up to 60 days after graduation day. If you do not complete your application in time, you will forfeit your ability to apply. The application may take as long as 3 months to be processed, so plan appropriately. (in general, by early February if you want the EAD card by May graduation). Your start date must NOT be more than 60 days after graduation.

Note: The I-765 application form must be received by the Service Center no later than 30 days after the DSO recommends OPT in SEVIS. Remember, that your application must be received by the Service Center no later than 60 days after your graduation date.

Prof. Goulde's advice: apply early. Then you'll be ready to take a job if it comes along.

You do not need to have a job in order to apply for your Employment Authorization Document (EAD). **However, once practical training is authorized, there is no way to cancel it, even if you do not find a job.**

Completion of OPT:

For pre-completion OPT: the end date will be stated on the I-20 and the EAD card

For post-completion OPT: OPT must be completed within 14 months after completion of studies (graduation day). So, for example, if you graduate at the end of May, spend two months traveling in the USA and then start work, you'll have 12 months of OPT and then a sixty-day grace period in which you can stay in the USA.

In another example, if you graduate on May 15, start work on May 16, you'll have 12 months of OPT time and then 2 months in which to travel, pack, etc.! Then (at the end of the total of 14 months after graduation), you'll have to leave immediately if you're not going to another school or have been offered an H-1 B visa, etc.

If you go to another school (usually graduate school) after OPT, you must ask the ISS office at Randolph College to transfer your records to the new school (so they can give you the new I-20) within 60 days after the end date of your OPT. You can stay for 5 months in the USA after your OPT ends and you're waiting for the new program to begin, BUT ONLY if you have transferred your SEVIS records to the new school within those 60 days.

For Students With STEM Majors: for post completion OPT

STEM stands for Science, Technology, Engineering, Mathematics. The US government will allow extensions of some post-completion OPTs if your MAJOR qualifies. The maximum extension is 17 months, for a maximum of 29 months of OPT. The employer must be part of the E-verify system and agree to report to the DSO.

Here are the **STEM majors at Randolph:**

Biology, General (CIP code: 26.0101)

Chemistry, General (CIP code: 40.0501)

Engineering Physics (CIP code: 14.1201)

Mathematics, General (CIP code: 27.0101)

Physics, General (CIP Code: 40.0801)

You will have to apply for the extension and pay the fee (currently \$340). You will be required to show proof of your major by submitting an official transcript. You can continue working for up to 180 days while waiting for your extension. **You can receive only ONE STEM extension in your lifetime.** So, perhaps you may choose to save the extension for after your master's degree. That's your choice.

For more information on STEM degrees, go to
<http://www.ice.gov/sevis/stemlist.htm>

Keep in touch: If you apply for post completion OPT through Randolph College, you must notify Randolph College PDSO (Prof. Goulde) if you change your address (which of course you will do when you leave here) or have left your job.

You have 10 days after moving to a new residence to do so. Inform the US government by filling out Form AR-11 also. You must use an actual street address (the physical location) and not a P.O. Box. When it asks for the "A" number, put your I-94 number. Failure to complete the address change could result in fines, imprisonment or deportation.

Website to download Form AR-11:
<http://uscis.gov/graphics/formsfee/forms/index.htm>

You must also report the following information to the PDSO:

-your employer's name and address,

- if you are unemployed

-any changes to your address and employer's information

Unemployment on OPT:

The government is now saying that students on 12-month OPT must not be unemployed for more than a total of 90 days (and 120 days for STEM extensions). If you are, then you'll be out of status. Exception: Periods of up to 10 days between jobs are not counted. One suggestion is that you find volunteer work in your area (unpaid work) if you can't find a paying job. That way, you're

still in status. You must work at least 20 hours a week and have employer verification. (This won't work for STEM extensions) So, start your job-hunting early!

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If a student is lucky, sometimes the company s/he is working for with the OPT will offer a H-1 B visa. The company, **not our College**, handles the application. Duration of status and OPT work authorization will be extended for the student whose H-1 B petition has been accepted and whose employment start date is Oct 1. A new I-20 must be filed.

Frequently Asked Questions about OPT and employment

Q: Do I need to have a job offer before I apply for OPT?

A: No.

Q: Can I work at any job with OPT authorization?

A. No. OPT authorization is only for employment related to your MAJOR. Working in an unrelated job is a serious violation of your F-1 status. Do not put your legal status at risk.

Q. Would anyone find out if I worked off campus without authorization or took a job under authorized practical training that was not related to my field of study?

A. The short answer is, yes, so don't do it! -Here's why.

Any employment that is in violation of your F-1 status is a deportable offense if it comes to the attention of the Department of Homeland Security. Your employer is required to report your earnings to the U.S. Department of the Treasury's Internal Revenue Service, and you are required to file an income tax return reporting those earnings and paying any taxes due on them, even if the employment was not authorized.

If at some point in the future, you decide to apply for U.S. permanent residency, you are required to submit copies of your past U.S. federal income tax returns as part of the application. If previous employment is indicated on your tax returns, the immigration officer can require that you present proof of work authorization for those jobs.

Regardless of whether you are applying for permanent residency or some other non-immigrant status (such as H-1B), if previous employment is indicated on your immigration paperwork (such as an endorsement for optional practical training on an I-20, or some other evidence of work authorization) **the immigration officer adjudicating the new application may request specific**

information regarding the previous employment and its applicability to the work authorization you held.

Remember that compliance with federal immigration regulations is your responsibility, and the consequences for non-compliance are severe.

Q: Can I begin work before I receive my EAD card?

A: No.

Q. If I'm on OPT, can I take classes?

A.: Students authorized for optional practical training after completion of studies **may register part-time** at a U.S. college or university, but not full-time and **not in a degree program**. Authorization to engage in optional practical training is automatically terminated when a student transfers to another school or begins full-time study at a different educational level.

Q: Do I need to provide the Randolph College ISS office with a photocopy of my EAD card once I receive it?

A: Yes.

Q. Do I need to report any changes to the ISS office after I get OPT?

A. Besides address changes, students must notify the ISS office if they decide to end their optional practical training early for any reason, such as departure from the United States, change of status, or school enrollment. You'll need to supply information about your employer (name, address).

Q: Do I need to contact the ISS office prior to traveling outside the United States while on OPT?

A. Yes, this is a good idea. (read on!)

Students should contact the ISS office prior to traveling outside the United States to see if an updated ISS signature is required on their I-20. Your EAD will say "Not Valid for Re-entry" on its front. This means that the card, by itself, is not a re-entry document. Also, you should have a letter from your employer stating you will be returning to that job as well as the actual EAD in hand.

If you will be traveling AND need to apply for a **new visa**, it is important that you consult the ISS office as there may be issues regarding the visa application that you will need to be aware of. USCIS regulations state that such travel can only take place if the individual will be returning to the U.S. to, "resume authorized employment." Therefore, travel may be problematic if the student does not have a job offer or if the student's F-1 visa has expired. Please note: There have been cases where students who had completed their degree program were denied a new visa and not permitted to reenter the United States.

Q. What happens if I don't find a job?

A. You can be out of work up to 90 days; after that, you'll be out of status. (This rule is new!). So, start job hunting right away. If you can't find a paying job, try

volunteering in your field for 20 hours a week. Keep a record of that volunteer work.

Q. If I'm on OPT and then decide to go to another school, what do I do?

A. Students on OPT who plan to go to another college or university in the United States after completing OPT must inform the Randolph College ISS office of their final choice, and complete a SEVIS Release Form so that the ISS can perform the appropriate "transfer out" process in SEVIS and designate the school to which you will transfer and on which day. When you get the new I-20, your OPT must end because you will no longer be under Randolph College's I-20. **Note:** Your new I-20 must be issued within the 60-day grace period after OPT ends, even if the program does not start until 5 months later. So, plan ahead!

Q. After OPT, if I'm not going to another school or not offered a job, and I'm going home, how long can I stay in the USA?

A. 60 days.

Important Note

This information is subject to change without notice. If you have any questions or concerns regarding your legal status in the United States, it is important for you to contact the ISS office at Randolph College.