

Q & A about OPT:

When can OPT take place?

OPT can take place either before graduation or in the year following graduation. OPT that takes place before graduation can only be used for up to 20 hours per week during the school year (though full time work is permitted during holidays and vacation periods if the student applies). After graduation, the employment can be full-time. Post-graduation OPT must be completed within 14 months of the student's graduation.

How much OPT time can a student get?

A student can have OPT for a maximum of twelve months after graduation. Pre-graduation practical training will be deducted at half the rate so up to 24 months of training are possible.

Who is eligible for OPT?

Only students in universities who are pursuing degrees are eligible for OPT. English language students and elementary and secondary school students are not eligible for OPT.

Can a student work in any type of job while on OPT?

The student is authorized only to accept positions that are directly related to the student's major area of study. Beyond that there is little guidance and students are generally given a fair amount of leeway here.

Can a student get an additional year of practical training if the student enrolls in a new program at a higher educational level?

Yes. New rules allow students to get an additional year of OPT when they move into a degree program at a higher educational level. For example, a student can receive one year of OPT upon completion of a bachelors degree program. When the student then completes a masters degree program, he or she would get another year. And then an additional year of OPT would be available if the student later enrolls in a Ph.D. program.

What if the student transfers?

Authorization to engage in practical training employment is automatically terminated when the student transfers to another school.

What is the procedure for applying for OPT?

An F-1 student must request OPT from the DSO at his or her institution. The request must include a completed Form I-538 accompanied by the student's current Form I-20. If the DSO wishes to recommend the student be granted OPT and the DSO believes the proposed employment is directly related to the student's major area of study and commensurate with the student's educational level, the DSO will recommend OPT in SEVIS and print out the I-20 with the SEVIS recommendation.

The student will then submit a copy of their I-94, two photos, a copy of the passport and the SEVIS I-20 ID along with Form I-765 application for employment authorization and the required fee to the BCIS service center with jurisdiction over the student's place of residence (note that electronic filing of I-765s will be available on May 29, 2003).

The DSO will file the I-538 in the student's records at the school since SEVIS data entry will serve to notify the BCIS of the DSO's recommendation for OPT.

When can work begin after application is made for OPT?

Work can only start after receiving an employment authorization document (EAD). The EAD is a laminated small card that resembles a driver's license or a green card.

There may still be a waiting period before work can begin even if the EAD has been issued. For students seeking pre-graduation practical training, the EAD will only be valid as of the date employment is scheduled to begin or the date of the issuance of the EAD, whichever is later. For post-graduation OPT, the EAD is valid as of the date of completion of studies or issuance of the EAD, whichever is later. A school may properly consider the date of graduation to be the date of completion of studies unless the studies are finished in a prior academic session.

When should OPT be requested?

Post-completion OPT must be requested from a designated student official (DSO) prior to completing course requirements or prior to completing the course of study. It cannot be requested during the student's post-graduation grace period. The new rule also requires students seeking OPT during the summer vacation period after the first year of study to request OPT at least 90 days prior to the end of the first academic year.

OPT can be requested up to 120 days prior to the date of intended employment. The INS by regulation must complete processing on the EAD application within 90 days.

What happens if the BCIS cannot adjudicate the EAD application within 90 days?

If the regional service center is taking longer than 90 days, then the student can apply for an interim EAD with a local BCIS office. Local BCIS offices have varying procedures for handling such applications.

What happens if the student decides to withdraw the EAD application?

A student can withdraw an EAD application if the employment has not yet begun. The procedures for cancelling varies among the Service Centers. Usually the request can be routed through the DSO who can fax the request to the Service Center NAFSA liaison. If a student simply sends the request directly, it may not be properly matched up with the file. DSOs not familiar with the cancellation procedure for their Service Center should contact their NAFSA CIPP-RR.

If the employment period has begun, a student may not reclaim any eligibility time. Also, if a student transfers schools, all eligibility time is lost.

What happens if the F-1 student leaves while the EAD application is pending?

The BCIS considers an alien who leaves the US with a pending I-765 application to have abandoned the application.

What about travel after the EAD is issued?

Travel for periods of up to five months is permitted as long as the DSO has endorsed the student's I-20 for travel within the previous six month period.

What if the F-1 student travels after getting the EAD and needs a new visa stamp?

F-1 students in theory can get a new visa stamp at a consulate prior to re-entering the US. However, it can often be challenging to prove sufficient ties to the student's home country when the student is coming only to pursue employment rather than to continue coursework. So students should consider getting a new F-1 stamp prior to commencing OPT.

What about the spouse and children of the F-1? May they accept employment as well?

No.