

LIM

COLLEGE

OPT GUIDE

2023-2024

OPT GUIDE

This guide is for submitting your Post-completion OPT application to the United States Citizenship and Immigration Services (USCIS). You must be physically present in the U.S. to apply for OPT even though the application is online.



Contents

- 01 What is OPT? (Page 4)**
 - OPT eligibility
 - When to apply
 - Choose your OPT start date
- 02 Begin OPT application process: request a new I-20 (Page 5)**
- 03 Submit your OPT application online through your USCIS account (Page 6)**
- 04 After you submit your OPT application (Page 7)**
- 05 After your OPT application is approved (Page 8)**
- 06 Frequently Asked Questions (Pages 9-11)**



01 What is OPT?

OPT (Optional Practical Training) is a benefit of your F-1 status. OPT is a temporary employment authorization that is directly related to your major field of study. There are two types of OPT: pre-completion and post-completion. Pre-completion OPT occurs during an academic program. Post-completion OPT occurs after you complete your degree program requirements. This guide is for Post-completion OPT.

Eligibility

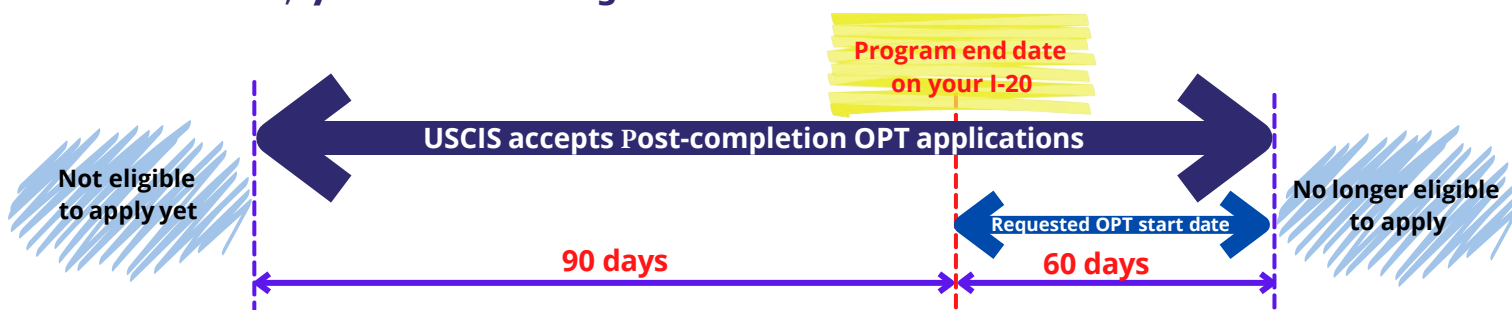
- You must be physically present in the U.S. to apply for OPT
- You must be in Active F-1 status
- You must be enrolled in active F-1 status for at least one academic year
- You must not have been authorized for 12 months of OPT at the same degree level
- You must not have engaged in 12 or more months of full-time CPT at the same degree level
- You must be in good academic standing
- You intend to pursue employment opportunities directly related to your major field of study
- **Note:** You do not need to have a job offer to apply for OPT

When to apply

The earliest you can apply for post-completion OPT is **90 days before** the program end date on your I-20. The latest you can apply is within the 60 days after the program end date on your I-20. We recommend that you apply as early as possible. Note that the USCIS will not accept applications received 60 days or more beyond the end date on your I-20.

Choose your start date

You get to choose the date you would like OPT authorization to begin: the start date must be within the 60-day period following your program end date on your I-20. Once you choose your OPT start date and submit your application to USCIS, **you cannot change it.**



02 Begin OPT application process: Request an OPT I-20

STEP 1: Request a new Form I-20 with OPT Recommendation on it from the Office of International Student Services.

- ♦ GRADUATE STUDENTS - Click this link to access and initiate the e-request form:
[Graduate OPT Recommendation I-20 Request](#)
- ♦ UNDERGRADUATE STUDENTS - Click this link to access and initiate the e-request form:
[Undergraduate OPT Recommendation I-20 Request](#)

* When you initiate and sign the e-request, it will be electronically delivered to your assigned Academic Advisor to confirm that you are expected to graduate this semester or have just graduated. Please **allow 7 business days** for the e-request to be reviewed & signed by your Academic Advisor. Once processed, you will receive a PDF copy of the e-request by e-mail.


STEP 2: The Office of International Student Services will receive your signed e-request form and will issue you a new digitally signed Form I-20 with OPT Recommendation via email.


STEP 3: Review and sign your new Form I-20.

STEP 4: Collect and prepare documents found on the list in Section 3 of this guide.

STEP 5: Create an online [USCIS account](#).

STEP 6: Submit your OPT application online through your [USCIS account](#).

 Note that you should proceed with the online application process very carefully. The system allows you to submit your application without all required evidence, which can lead to a denial of your OPT application. **It is the student's responsibility to ensure the online application is completed fully, accurately, and includes all required document uploads before submitting their application to USCIS.**

 **IMPORTANT:** You must submit your OPT application through your USCIS account **within 30 days from the date your new I-20 with OPT recommendation was Issued** by the ISS advisor. The date of issue can be found on page 1 of your new I-20 under "School Attestation" next to the advisor's signature. Failure to follow this rule will result in OPT denial by USCIS.

03 Submit your OPT application online through your USCIS account

=====

IMPORTANT: You must submit your OPT application through your USCIS account within **30 days** from the date your new I-20 with OPT recommendation was issued by the ISS advisor. The date of issue can be found on page 1 of your new I-20 under "School Attestation" next to the ISS advisor's signature. Failure to follow this rule will result in OPT denial by USCIS. USCIS processing can be 3-4 months.

Students who do not have a new I-20 with OPT recommendation must not proceed with the USCIS OPT application and need to first request an OPT I-20 from the ISS office.

Before you scan the OPT I-20 ensure that it is signed by the ISS advisor and by you. All three pages of the OPT I-20 must be uploaded to your USCIS OPT application.

=====

1. Create your online USCIS account: <https://myaccount.uscis.gov/>
 - Follow instructions for creating a **USCIS Online Account**
 - Select "File a Form Online" and choose "Application for Employment Authorization (I-765)"
2. Remember: What is your eligibility category? "*c(3)(B) Student Post-Completion OPT*"
3. Prepare the following documents to upload via your USCIS account:
 - Digital 2"x2" passport style photo of you that meets **USCIS specifications**
 - The photo must be taken within 30 days
 - A scan of your most recent Form I-94 (<https://i94.cbp.dhs.gov> -> "Get most recent I-94") This must show your,most recent "**F-1 D/S**" admission to the U.S.
 - A scan of your passport's biographic page (where your photo is located)
 - Your passport must be valid at least 6 months into the future
 - A scan of the front and back of any previous EAD cards (if applicable)
 - A scan of any previous I-20s with CPT & previous OPT authorizations issued by LIM and other schools
 - If you are missing I-20(s), upload a letter of explanation – contact ISS office for a template
 - A scan of all 3 pages of your new I-20 with OPT recommendation (shown on Page 2)
4. Prepare a credit or debit card with which you can pay the **USCIS filing fee**

Follow the instructions and complete each step in the order they are presented to you by the system. Students may use the tips in Section 4 of this guide for additional assistance.

These tips are not intended to be legal advice. It is the student's responsibility to ensure the online application is completed fully, accurately, and includes all required document uploads before submitting their application to USCIS.

04 After you submit your OPT application

- USCIS may take up to **3 - 4 months** to adjudicate electronic OPT applications
- Monitor your application status via your USCIS account
- Sign up for USPS informed delivery to track the delivery of your documents. You should expect to receive the following in mail:
 - I-797 Receipt Notice with your case number
 - I-797 Approval Notice
 - EAD (Employment Authorization Document) card
- If you have to move while OPT application is pending, you must update your address at USCIS website immediately to make sure the card will be mailed to the correct address: <https://egov.uscis.gov/coa/displayCOAForm.do>
- **If you receive a Request For Evidence (RFE) or a denial of your OPT from USCIS, please contact the ISS office immediately for guidance**
- The 60-day grace period does not apply if you have applied for OPT within regulatory deadlines. You can stay in the US for as long as it takes USCIS to review your request
- **You must not work, paid or unpaid, until your EAD card arrives. You can work only after you receive your EAD and only within the approved dates on the EAD card**
- Travel before OPT approval is not recommended. If there is an emergency that requires you to travel, please refer to the FAQ section of this guide. You should also contact ISS office for guidance.



05 After your OPT application is approved

- On the start date of OPT printed on your EAD card, you will receive a message from SEVP's email: donot-reply.sevp@ice.dhs.gov with instructions to create SEVP PORTAL account. The portal may be used to report employer information, changes to address, and telephone number. SEVP OPT Portal Help: <https://studyinthestates.dhs.gov/sevp-portal-help>
 - **All changes must be reported within 10 days.**
- You may also choose to report OPT employment and change of address via the ISS office by requesting an OPT Reporting form. Email iss@limcollege.edu to be sent the OPT Reporting form.
- You may request to receive an updated OPT I-20 for a travel and to see your updated OPT employment. Please contact ISS office at iss@limcollege.edu to request a Reprint OPT I-20.
- **Remember:** there are rules and responsibilities for those in F-1 status who have a pending OPT application and after your OPT is approved. Check your copy of the OPT request e-form, Section 2 for 'Acknowledgment of Responsibilities' and the Post-completion OPT Reporting Requirements (provided by ISS). Also, refer to the OPT FAQ section of this guide, and the Canvas ISS virtual resource guide for more information about types of allowable OPT employment, travel while on OPT and other important aspects of maintaining legal status while on Post-completion OPT.



06

Frequently Asked Questions

I have a job offer but my EAD card has not arrived yet. Can I begin work?

NO – working **before** your OPT has been authorized by the USCIS constitutes illegal employment that will jeopardize your legal status in the US.

When can I start work?

On the start date of your approved EAD card – wait for the card to arrive to check the start date.

Can I travel while my OPT application is pending at USCIS?

LIM recommends students to reconsider traveling under these circumstances. Traveling under these circumstances should be undertaken at the student's own risk. If you must travel outside the US while your OPT is PENDING adjudication at USCIS, you will need to carry the following documents: a valid passport (must be valid at least 6 months into the future), a valid F-1 visa, an I-20 with a pending OPT notation & endorsed for travel by a DSO at LIM, the I-797 Receipt Notice from USCIS. If either of these documents is missing, the student is assuming risk.

Can I travel after my OPT is approved?

Students whose OPT application has been APPROVED may only re-enter the US to resume employment. This means that a student will need to carry the following documents: an EAD card; a valid passport (must be valid at least 6 months into the future); a valid F-1 visa; an I-20 with an approved OPT notation, updated employer information & endorsed for travel by a DSO at LIM; and proof of a job or a job offer received before departing the US. If either of these documents is missing, the student is assuming risk.

What counts as employment on OPT?

Employment must be directly related to the student's degree program. It is the student's responsibility to prove the relationship between the job and a student's field of study if requested by the U.S government. Furthermore, employment on OPT must be at least 20 hours or more per week.

Do I need to keep proof of my employment on OPT?

Yes – you are strongly encouraged to keep documented proof of each employment you engage in while on OPT that will contain information on the position held, responsibilities, the duration of that position, number of hours per week, and contact information for the student's supervisor.

07

Frequently Asked Questions

(continued)

What are the types of acceptable employment on OPT?

Acceptable Types of Employment per SEVP OPT Policy Guidance [7.2.1]:

Note: all types of employment listed below must be directly related to your degree program and be at least 20 hours or more per week.

- Regular paid employment: A student must work at least 20 hours per week when on post-completion OPT.
- Multiple employers: A student may work for more than one employer, concurrently or one at a time. All employment must be related to the student's degree program.
- Short-term multiple employers (performing artists): A student, such as a musician or other type of performing artist, may work for multiple short term employers (gigs). The student should maintain a list of all gigs, the dates and duration.
- Employment through an agency or consulting firm: A student on post-completion OPT must be able to provide evidence showing he or she worked an average of at least 20 hours per week while employed by the agency.
- Self-employed business owner: A student on OPT may start a business and be self-employed. 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.
- 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 an employment relationship. If requested by DHS, the student must be prepared to provide evidence showing the duration of the contract period and the name and address of the contracting company.
- Unpaid employment: A student may work as a volunteer or unpaid intern, where this practice does not violate any labor laws. The work must be at least 20 hours per week for a student on post-completion OPT. A student must be able to provide evidence acquired from the student's employer to verify that the student worked at least 20 hours per week during the period of employment.

What is the 90-day unemployment rule?

Once your OPT begins (check the start date on your EAD card), you have a total of 90 days of unemployment allowed for the entire OPT period. The 90 days are cumulative: this means that if you use up 60 days of unemployment time looking for a job from the start date of your EAD card then, you only have 30 days of unemployment time for the remainder of your OPT period. If you accrue more than 90 days of unemployment at any point during your OPT period, you will be considered out of status and your F-1 SEVIS record may automatically terminate by SEVP. Students should depart the U.S., transfer their SEVIS record or change status before exceeding the limit of allowed unemployment.

08

Frequently Asked Questions

(continued)

Does the approved vacation granted by my employer count toward the 90-day unemployment rule?

Approved vacation from a job does not count as "unemployment" if you are still considered an employee there.

Where do I report my employment?

After your OPT is approved, on the start date of your OPT, you can submit an ISS OPT Reporting Form or submit it through the SEVP portal. **By law, you are required to report any changes in your employment and address within 10 days of the change.**

Where do I report my new address while on OPT?

You can submit an ISS OPT Reporting Form or in your SEVP portal. If you need to change your address before OPT is approved, please contact iss@limcollege.edu for assistance. **By law, you are required to report changes in your employment and address within 10 days of a change.**

Do I need to pay taxes while on OPT?

While on OPT, you are subject to all applicable federal, state and local taxes and must file a tax return.

What are my options after OPT ends?

If you maintained status while on OPT, you are allowed a 60-day grace period following your OPT expiration date: You can depart the U.S., change your status, or transfer your F-1 to a new school or program. In some cases, you may want to pursue these options before the end of your OPT.

H-1B Questions? LIM College ISS office staff is not able to provide you with legal advice about H-1B sponsorship. Students who are interested to find out more about applying for H-1B, should consult with an experienced immigration attorney and visit the following websites for more information:

<https://www.uscis.gov/eir/visa-guide/h-1b-specialty-occupation/h-1b-visa>

<https://studyinthestates.dhs.gov/h-1b-status>

LIM College cannot provide legal advice on immigration matters not related to your F-1 status and we cannot endorse any immigration attorney's or websites to help you obtain another status such as the H-1B.

REMEMBER: It is your responsibility to submit the OPT application with the appropriate documents and keep track of it. It is also your responsibility to maintain your status.

