OPTIONAL PRACTICAL TRAINING (OPT)

Optional Practical Training (OPT) is defined by US Citizenship & Immigration Services (USCIS) as "temporary employment for practical training directly related to the F-1 student's major area of student." OPT can be authorized at the following times:

- *During the student's annual vacation and at other times when school is not in session;*
- *As long as the student is currently enrolled and eligible, and intends to register for the next semester;*
- *While school is in session, provided that OPT does not exceed 20 hours per week;*
- *After completion of all course requirements for the degree, excluding thesis or equivalent, if the student is in a Bachelor's, Master's, or Doctoral degree program; or*
- *After completion of the course of study*

Conditions

- *Employment must be appropriate to the degree earned in college and in the area of study.*
- *The student has been in valid F-1 status for a minimum of one academic year by the start of the request practical training period.*
- *OPT can be requested for a maximum of 12 months for each academic level completed.*
- *Students must not have engaged in full-time Curricular Practical Training off-campus (20 hour or more per week) for more than 12 months.*

Types of activity that constitute employment while on OPT

- *Regular paid employment in position directly related to the student's program of study.*
  - *For Post-Completion OPT, the work must be for at least 20 hours per week*
  - *Students may work for multiple employers, as long as it is directly related to the student's program of study.*
- *Payment by multiple short-term multiple employers.*
- *Work for hire (Contractual work)*
- *Self-employed business owner*
- *Employment through a recruiting agency*
- *Volunteers or unpaid interns*

Required application documents (will be included in OPT application packet mailed to USCIS)

- ❑ **OPT Request Form** (including advisor's approval) This form is for ISSS use only and is not mailed to USCIS

- ❑ Form I-765 *Application for Employment Authorization*

   Item #20: Pre-Completion OPT = (c)(3)(A)   Post-Completion OPT= (c)(3)(B)   STEM Extension= (c)(3)(C)
   This is a "fillable" form on the USCIS website. Download and print a copy to mail with your OPT packet. Do not submit electronically.

- ❑ Photocopy of **passport identification page**, including expiration date of your passport and passport photo

- ❑ Photocopy of **Form I-94** *Departure Record (front & back)*

- ❑ Two **color passport-style photographs**
   Passport style photograph guidelines can be found at the Department of State website:
   http://travel.state.gov/passport/pptphotoreg/pptphotoreq_5333.html Print your name and I-94 number on the back of each photo with a pencil

- ❑ **$410 application fee**
   Check or money order payable to U.S. Department of Homeland Security. Do **not** send cash.

- ❑ If applicable, photocopies of previous Employment Authorization Documents (**EAD**s)

- ❑ **SEVIS I-20** (with OPT endorsement on page 3). This will be issued after the other required documents are submitted to International Student and Scholar Services. A photocopy of the new I-20 is included in your OPT application packet when mailed to the USCIS Service Center.

International Student & Scholar Services
Breland Hall, Rm 152

![NMSU logo]

<u>Eligibility</u>

Pre-Completion OPT

Pre-completion OPT is OPT authorized to be worked before the student's program end date. Students with approved pre-completion OPT may work up to 20 hours per week while school is in session. Students who are eligible to register for the next term, and who plan to do so, may have approval to work full time when school is not in session.

Applications for Pre-Completion OPT can be submitted up to 120 days before the employment start date.

Post-Completion OPT

Post-Completion OPT is OPT authorized to be worked after the student's program end date. This is full-time employment.

Applications for Post-Completion OPT can be submitted up to 90 days before your program end date or up to 60 days after your program end date.

Additional OPT benefits available to specific F-1s on OPT

H-1B Cap-Gap OPT

Under the new rule, the Cap-Gap extension is a period in which an eligible F-1 student's status is automatically extended to bridge the gap between the end of the F-1 status and the start of H-1B status. If the student in Post-Completion OPT is approved for an H-1B, F-1 status will be extended to the beginning of the H-1B starting date.

F-1 students with a STEM degree

A 24-month STEM extension may be available to F-1 students on Post-Completion OPT. The list of STEM degrees includes specified majors in science, technology, engineering or math. The major field of study (CIP code) on the I-20 must be included on the ICE list (see posting on the ICE website). The F-1 student must have earned a bachelor's, master's, or doctoral degree, be employed by an E-Verify employer (USCIS E-Verify program), and have less than the allowable days of unemployment.

When to mail
Your application must be mailed **within 30 days** of the OPT I-20 issue date.

You may send the application as early as 90 days prior to the completion of studies or graduation date. The deadline for submission of your OPT application to the Texas Service Center (TSC) is before your program completion date. Two to four weeks after mailing your application, you will receive a "Notice of Action" (Form I-797) from USCIS stating an estimated processing time and that your documents have been received. You are encouraged to send your application as early as possible to avoid delays. **Employment can start only after the EAD has been received from USCIS and on or after the OPT start date on the EAD.**

There are two methods of checking the status of your application, using the Notice of Action receipt number assigned to your application:

- The USCIS online case status service, https://egov.uscis.gov/casestatus/landing.do for current processing dates and status of your case; or
- The USCIS National Customer Service Center at 1-800-375-5283

The starting date of your Optional Practical Training will be: (1) the OPT date indicated on your I-20, or (2) the date the application is process by USCIS – whichever is *later*.

OPT must be completed by the 14th month following your graduation. You cannot extend or renew OPT beyond the 12 month limit unless you qualify for a STEM or H-1B Cap-Gap extension. You **do not** need an offer of employment in order to apply for Optional Practical Training. Eligibility for an additional OPT authorization in the future is limited to F-1 students completing another academic program at a higher level. For example, you may be eligible for OPT following a bachelor's degree and again following the completion of a master's program.

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NM STATE UNIVERSITY

Where to mail

OPT applications (if item #3 on I-765 is a New Mexico or Texas address) are mailed to the USCIS Texas Service Center

USCIS Dallas Lockbox	**For Express Mail or courier service deliveries**
USCIS	USCIS
PO Box 660867	Attn: AOS
Dallas, TX 75266	2501 S. State Hwy, 121, Business Suite 400
	Lewisville, TX 75067

Unemployment during OPT

The limit is 90 days for students on Post-Completion OPT including those with a Cap-Gap extension. An exception is that students with a STEM OPT extension are given an additional 30 days of unemployment time for a maximum of 120 days.

Travel outside the U.S.

An F-1 student approved for Optional Practical Training following completion of studies continues in F-1 status. If you are traveling outside the U.S. with an unexpired EAD issued for Post-Completion OPT, you may return to the U.S. to resume employment following a temporary absence. Carry a letter from your employer explaining your employment and reason for travel. Contact our office for current information regarding travel during OPT. Re-entry into the U.S. while on OPT requires an I-20 which has been endorsed for travel within the preceding 6 months, an unexpired EAD, and a valid visa.

Your responsibilities during OPT

Contact the International Student & Scholar Services office to report any of the following:

- Changes in current physical address (within 10 days of move)
- Current employer(s) name and address
- Changes in status including H-1B approval or departure from U.S.
- Changes in preferred e-mail

This is a USCIS requirement and is mandatory to maintain your F-1 status during OPT. International Student & Scholar Services is responsible for updating the above information in SEVIS at the time of a change upon receipt of your notification. Send updates to isss@nmsu.edu

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OPT FAQs

How long does it take to receive my EAD employment authorization card?
> The USCIS service centers process OPT applications by the date received. Depending on the number of pending applications received, the processing time can be from 2-4 months.

Can I work before my EAD arrives?
> In order to start working, you must have the card and it is not earlier than the starting date on the EAD.

Can I request expedited processing based on a pending job offer?
> Currently this is not possible at the USCIS Texas Service Center

What is my I-94 number (Item #10 on Form I-765)?
> This is the 11-digit number on your most recent I-94 Arrival/Departure card that is usually stapled in your passport, or you may have to request this information online: https://i94.cbp.dhs.gov/I94/#/home