

## OPTIONAL PRACTICAL TRAINING

### Definition of Optional Practical Training (OPT)

- Temporary employment for practical training directly related to the student's major area of study and **commensurate** with degree level.
- Allows a maximum of 12 months of practical experience.
- Students do **not** need to secure employment before applying for OPT.
- Requires USCIS approval

### Preconditions For OPT

- Students may engage in OPT after being enrolled for at least one full academic year.
- OPT is available before and after completion of the educational objective, but different rules apply to pre- and post –completion OPT
- Passport must be valid for at least 6 months into the future.
- Prior use of full-time CPT for one year or more makes you ineligible for OPT.

### Pre-completion OPT

- 20 hours/week limit while school is in session and the student still has coursework to complete
- Over 20 during official school breaks as long as student is currently enrolled, **and** intends to register for next term (full-time)
- Only graduate students can apply for pre-completion OPT

### Post-completion OPT

- Over 20 hours after student has completed all course requirements for the degree while completing a thesis or dissertation.
- Only full-time OPT can be requested
- Undergraduate students can request OPT only after completion of the course of study
- Graduate students can apply for OPT after completion of the course of study while completing the thesis, dissertation or equivalent work.

### Application Deadline For Opt After Completion of Studies

- ISS recommends that you start the application process 90 days before you complete the course of study.
- **USCIS takes approximately 60-90 days to process OPT** and there is no way to expedite it.

4/5/2011

- If your application has not been adjudicated within 90 days of USCIS receipt, you may request from the USCIS local office that they grant you an interim 240-day Employment Authorization Document (EAD).

4/5/2011

## **MOST COMMON QUESTIONS**

### **Can I reenter [the U.S.] if my request for OPT is pending?**

Yes, you may reenter to search for employment

### **Can I reenter [the U.S.] if I left while on OPT?**

If your OPT has been approved and you depart before you get a job, your OPT ends and you cannot reenter. If you have a job, you may travel and reenter to resume work at the same job.

### **Does a departure from the U.S. while the OPT I-765 is pending constitute an abandonment of that application?**

An F-1 student who has timely applied for OPT may travel outside of the United States while the OPT application is pending. This is a direct contradiction from the previous belief that a departure from the U.S. while the OPT is pending constitutes an abandonment of that application.

### **Will the immigration inspectors at the port of entry (and the Consulate, if a new F-1 visa is necessary for reentry) require the student to show an unexpired EAD?**

The consular officers were sent a field cable instructing them that applicants for F-1 visas may present either an EAD or, if the OPT application is still pending, the I-765 receipt notice (form I-797) as proof of eligibility for the visa. U.S. Immigration and Customs Enforcement (ICE) has confirmed that Customs and Border Protection (CBP) has incorporated this piece of information into their training of immigration inspectors.

### **Does the phrase “may return to the U.S. to resume employment” mean that a student has to have a job or job offer before leaving and reentering?**

Student and Exchange Visitor Program (SEVP) now appears to be interpreting this as “*before* your EAD is issued you can reenter the U.S. to *resume looking* for a job; *after* your EAD is issued you can only reenter the U.S. to resume employment. SEVP further clarified that the student need not have already commenced actual employment before leaving, as long as the student has a *job offer* to return to.

- It is always best that you assume caution when traveling, and that you bring all necessary documents with you to prove that you have secured a job.

4/5/2011

- Departing the country while the OPT application is pending, is very risky (even though immigration has released the new regulation).

#### **LAST MINUTE APPLICANTS**

- Applications must reach the Vermont Service Center, at least, 10 days before the completion of the course of study; or completion of all course requirements for the degree (graduation). Applicants might not receive 12 full months of OPT.

4/5/2011

## **OPT PROCESS**

### **URI Process**

1. Letter from academic advisor specifying graduation date (on URI letter head)
2. Reduced Course Load Form approved from the Graduate School (ONLY if currently part-time). This document remains in the OISS.
3. Updated Bank Letter (in not employed on campus during the application period). This document remains in the OISS.

### **USCIS Process**

1. Complete form I-765.
2. Complete form I-538 (Section A only).
3. Provide two photographs of yourself. Must meet the USCIS specification (see attached).
4. Check payable for \$380.00 to **US Department of Homeland Security** (fee subject to change).
5. Submit photocopies of:
  - a. I-94 card (both sides)
  - b. Biographical pages of your passport
  - c. Current visa page
  - d. New endorsed form I-20**
  - e. All previous form I-20
  - f. Previous EAD card (if any)

## **II. Mailing Instructions**

After you have meeting with an OISS staff, using a return receipt requested service (approximately \$6.00), mail the application documents to the address listed below:

USCIS  
P.O. Box 660867  
Dallas, Texas 75266

### **US Post Office and USCIS Response**

4/5/2011

- Post office return receipt
- Notice of Action from USCIS, where they acknowledge the receipt of your money and the I-765 (OPT) application (10-30 days).
- You **might** receive a request from USCIS to submit additional evidence to process your OPT application. Let us know if you receive this blue form (30-60 days).
- EAD card (60-90 days).

If you have any doubts or questions, contact Amie Limon at [amie\\_limon@mail.uri.edu](mailto:amie_limon@mail.uri.edu) or call 401-874-2395.

## OPT CHECK LIST

I. **Please include the following documents (original and copies) in your OPT packet and bring them to the OISS for review:**

- Original I-538 form
- Original I-765 form
- Photocopy of all previous I-20's
- Letter from major advisor stating graduation date (official letter head)
- Bank letter (if applicable)
- Two photographs of yourself (passport style) (**Do not glue or staple!**)
- Check for \$380.00 USD
- Photocopy of both sides of I-94 card (front & back)
- Photocopy of passport page
- Photocopy of visa page
- Reduce Course Load Form (if applicable)
- Photocopy of your change of status adjudication results (if applicable)
- Top portion of Employment Authorization Document (EAD) receipt (if applicable)
- Photocopy of previous EAD card (if applicable)

**REMEMBER TO KEEP YOUR NEW I-20 WITH OPT NOTATION FOR YOUR RECORDS!**