

## **FAQ's about Optional Practical Training**

### **What is OPT?**

OPT is training that is directly related to an F-1 student's major area of study. It is intended to provide a student with practical experience in his or her field of study during or upon completion of a degree program.

### **Who is eligible for OPT?**

An F-1 student who has attended an SEVP-certified college, university, conservatory, or seminary on a full-time basis for at least one academic year may be authorized for up to 12 months of OPT per education level. However, F-1 students who have one year or more of full-time curricular practical training are not eligible for OPT for that degree.

### **What is the deadline for applying for post-completion OPT?**

An F-1 student may apply for post-completion OPT up to 90 days before the student's program end date and up to 60 days after his or her program end date. The application must be properly filed with the correct USCIS Service Center. In addition, the application must be properly filed within 30 days of the date the student's DSO recommends OPT in SEVIS

### **When should a student request that his or her DSO recommend post-completion OPT?**

A student should ask his or her DSO to recommend post-completion OPT within 30 days of the date the student expects the application to arrive at the USCIS Service Center. If the OPT recommendation in SEVIS is dated more than 30 days prior to the receipt date, the application may be denied.

### **What is the earliest date a student can file a request for post-completion OPT with USCIS?**

A student may file the request for post-completion OPT no more than 90 days prior to the student's program end date.

### **What is the earliest a student can apply for pre-completion OPT?**

A student may file for OPT up to 90 days before he or she completes a full academic year. If the student has already completed a full academic year, he or she may apply for OPT up to 90 days in advance of the requested employment start date.

### **Can a student file for combined pre-completion OPT and post-completion OPT?**

No, the regulatory provisions differentiate between pre-and post-completion OPT in the application process and in the requirements for maintaining employment.

SEVIS has been updated to support this revision. DSOs should ensure that the employment end date for pre-completion OPT is on or before the student's program end date.

### **What are the restrictions on the requested end date for post-completion OPT?**

The requested end date cannot be more than 12 months after the requested start date. The end date may be sooner if the student has less than 12 months of OPT left at the current education level or the student wishes to retain a period of OPT for pre-or post-completion OPT for another degree at the same education level.

### **What employment dates will be authorized for post-completion OPT?**

The start date will be the requested start date or the date of approval, whichever is later. (A start date more than 60 days after the program end date is treated as a request to start on the 60th day after the program end date.)

The end date will be the earliest of:

- The requested end date. (If USCIS adjudicates the Form I-765 after the requested start date, the end date will be extended to reflect the later start date.)

- The date on which the student's remaining allotment of OPT expires – for example, a student who previously used three months of full-time pre-completion OPT – will have only nine months of OPT time remaining.
- 14 months after the student's program end date.

### **In SEVIS, what distinguishes pre-completion OPT from post-completion OPT?**

The program end date distinguishes the two types of OPT. All pre-completion OPT takes place prior to the program end date in SEVIS. Post-completion OPT begins after the program end date.

### **If a student receives an EAD for 12 months of pre-completion OPT but finishes his or her course of study early, can the student continue to use the EAD issued for pre-completion OPT after the program end date?**

No. The EAD was issued for pre-completion OPT. Accordingly, the EAD is only valid for OPT prior to the program end date. The student would have to stop working on or before the program end date and file a separate application for post-completion OPT.

A student will not lose any unused OPT from the original EAD. The student will only lose the OPT completed prior to the program end date. So, if a student applied for part-time pre-completion OPT from January 02, 2008, to January 01, 2009, but finished the course of study on June 1, 2008, the student would still have nine months of OPT available (the six months of part-time OPT used by the student would account for three months of the total amount available at that education level).

### **Can a student in a graduate-level program who has completed all program requirements, aside from thesis or equivalent, apply for either pre-completion OPT or post-completion OPT?**

Yes, a student who only has the thesis or equivalent remaining may either apply for pre-completion OPT or post-completion OPT while completing the thesis/dissertation.

If a student in this situation applies for pre-completion OPT, he or she:

- May work full time.
- Is not subject to the unemployment provisions, and may receive a program extension.
- May not apply for the 17-month extension from a period of pre-completion OPT.
- Would not be eligible for the cap gap extension of OPT.

Alternatively, if a student in this situation applies for post-completion OPT, he or she:

- May work full time.
- Would be eligible for the cap gap extension.
- May apply for the 17-month extension if otherwise eligible.
- Would be subject to the unemployment provisions.
- Would be unable to receive an extension of his or her course of study.

### **If a student does not complete his or her thesis/dissertation during the 12 months of post-completion OPT, what steps must he or she take?**

The student should prepare to change status, change education level and/or transfer, or depart the country prior to the end of the 60-day grace period.

### **What happens if a student (excluding those students who have completed all program requirements aside from thesis or equivalent) applies for post-completion OPT before his or her program end date and subsequently fails to complete the requirements for his or her program?**

The student should contact his or her DSO immediately for guidance.

If the employment authorization application has not been adjudicated by USCIS, the student may withdraw the application by notifying the Service Center where the application was filed. The DSO should also withdraw the recommendation for OPT in SEVIS.

If the employment authorization application has already been approved, the DSO should extend the student's program end date to the appropriate date. The student may work part time while enrolled in courses to complete the requirements for his or her program and full time during breaks and vacations. After successful completion of all the program requirements, the student may work full time.

However, even though the student's program end date was extended, because the OPT was granted as post-completion OPT, the student is subject to the 90-day limitation on unemployment.

SEVP strongly recommends that a student who may not be able to successfully complete all program requirements on time defer applying for post-completion OPT until after his or her program ends.

### **How does a transfer or change of education level impact the period of OPT?**

Any OPT authorization ends on the transfer release date for a student who requests a transfer to another SEVP-certified school or a change of education level to continue at the same school.

### **What are the limits on periods of unemployment?**

Students on post-completion OPT may have up to 90 days of unemployment.

Students who have OPT extended due to the cap gap provisions continue to accrue unemployment time and are subject to the 90-day limit on unemployment.

Students who receive a 17-month extension are given an additional 30 days of unemployment for a total of 120 days over their entire post-completion OPT period.

### **Is a student who splits OPT between two degrees at the same education level limited to a total of 90 days of unemployment?**

No, the student is not limited to a total of 90 days of unemployment in this case. For each new period of post-completion OPT, the student will have the full 90-day period of unemployment.

### **How many hours does a student need to work per week during post-completion OPT (including the 17-month extension) to be considered employed?**

A student must work at least 20 hours per week in a qualifying position to be considered employed. If a student has a variable schedule, within a month, it should average out to at least 20 hours per week.

### **What counts as time unemployed?**

Each day (including weekends) during the period when OPT authorization begins and ends that the student does not have qualifying employment counts as a day of unemployment. OPT authorization begins on the employment start date shown on the student's EAD.

### **If a student does not receive the approved EAD, the missing EAD is not returned to the USCIS Service Center, and the student applies for a replacement EAD, when does the student begin accruing unemployment?**

The "clock" for unemployment starts after issuance of the replacement EAD by USCIS.

### **How does travel outside the United States impact the period of unemployment?**

Time spent outside the United States during an approved period of post-completion OPT counts as unemployment against the 90/120-day limits, unless the student is either:

- Employed during a period of leave authorized by an employer; or
- Traveling as part of his or her employment.

### **What types of employment are allowed for regular pre- and post-completion OPT?**

All OPT employment, including post-completion OPT, must be in a job that is [related to the student's degree program](#).

For students who are not on a 17-month extension, this employment may include:

- Multiple employers. A student may work for more than one employer, but all employment must be related to the student's degree program and, for pre-completion OPT, can not exceed the allowed per week cumulative hours.
- 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.
- 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.
- 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.
- 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.
- Paid employment. A student may work part time (at least 20 hours per week when on post-completion OPT) or full time.
- 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.

#### **How does a student show that employment is directly related to his or her degree program?**

SEVP recommends that the student maintain evidence for each job documenting the position held, proof of the duration of that position, the job title, contact information for the student's supervisor or manager, and a description of the work.

If it is not clear from the job description that the work is related to the student's degree, SEVP recommends that the student obtain a signed letter from his or her hiring official, supervisor, or manager stating how the student's degree is related to the work performed.

#### **What should a student report to ensure that his or her status does not expire due to excessive unemployment time?**

The student should report changes in employment to his or her DSO as soon as possible. SEVP recommends that the student report any change within 10 business days of the change to avoid situations where a DHS official may determine the student is out of status.

#### **What is the effect on a student's status if the student exceeds the period of unemployment?**

A student who has exceeded the period of unemployment while on post-completion OPT has violated his or her status unless he or she has taken one of the following actions:

- Applied to continue his or her education by a change of education level or transferring to another SEVP-certified school
- Departed the United States
- Taken action to otherwise maintain legal status

#### **How will DHS enforce this provision?**

A student may be denied future immigration benefits that rely on the student's valid F-1 status if DHS determines that the student exceeded the limitations on unemployment.

Additionally, ICE/SEVP may examine SEVIS data for an individual, a selected group or all students on post-completion OPT and terminate a student's record if it fails to show that the student maintained the proper period of employment. In such cases, the student will be given an opportunity to show that he or she complied with all OPT requirements, including maintaining employment.