

FREQUENTLY ASKED OPTIONAL PRACTICAL (OPT) QUESTIONS UNION UNIVERSITY

What is OPT?

It means Optional Practical Training. It is work experience in the student's field of study, usually performed off-campus.

How long is OPT?

Twelve (12) months full time. This is Standard OPT and can be extended by an additional twenty-four (24) months on the field of study in Science, Technology, Engineering, or Mathematics. This is known as the STEM OPT. See STEM Degree List, www.ice.gov/SEVIS/Stemlist.htm.

Can I work on OPT before I complete the degree?

Yes. Any "pre-completion" OPT work experience undertaken before the degree completion is deducted from the twelve (12) month standard. Part-time OPT (less than 20 hours per week) is deducted at one half the rate of full-time OPT. For example, two (2) months of part-time OPT is one (1) month of full-time OPT.

When can I apply for the twelve (12) month OPT?

Up to ninety (90) days before degree completion or sixty (60) days after degree completion.

How much does it cost to apply for the standard twelve (12) month and STEM Extension Twenty-four (24) Months OPT?

The appropriate fee payable to U.S. Department of Homeland Security is currently \$410.

How do I apply for twelve (12) months Standard OPT?

1. You attend mandatory OPT workshop
2. Gather required documents
3. Make an appointment with the International Student Advisor
4. Mail all required documents to the USCIS

How long does it take for the USCIS to approve an application?

Two (2) to three (3) months after the application is received.

Can it be denied?

Yes.

Can I work while waiting for the USCIS's approval?

No. You can work once the Employment Authorization Document (EAD) has been received and from the start date on the EAD.

Can I work after receiving the OPT Approval Notice, I-766, but before the EAD arrives?

No.

Will a student be covered by Union University student insurance during OPT?

No.

What if I lose the EAD, can I received another one?

Another card can be issued by the USCIS. You must file the Form I-765 with the appropriate fee payable to the US Department of Homeland Security. The Form I-765 can be found at uscis.gov/forms.

My employment dates on the EAD are different than the dates on the OPT I-20, which are correct?

The dates on the EAD are correct.

What kind of work can I do on 12 months OPT? You may:

- Volunteer
- Be employed as a consultant
- Be employed as a salaried worker
- Be self-employed. See your International Student Advisor if considering the option. You must work in a field that is directly related to your major.

What kind of work can I do on the 24 months STEM OPT? You may:

- You must be considered an employee in a field that is directly related to your major
- The e-verify employer must complete form I-983 Training Plan and submit a copy to the DSO

All companies must be E-verified. ***You cannot volunteer.***

Can I travel while waiting OPT approval and during the standard, twelve (12) months OPT or Twenty-four (24) months OPT period?

An F-1 student engaged in pre-completion OPT follows the same procedure for visits abroad and re-entry as all F-1 students. An F-1 student who is engaged in post-completion OPT who travels outside the United States temporarily (i.e., less than 5 months) can be readmitted to resume employment for the remainder of the period authorized on his or her EAD card, provided:

- The student presents a Form I-20 endorsed by the DSO within the preceding 6 months
- The student presents unexpired visa and passport
- The student presents an unexpired EAD, and
- The student is returning to resume employment.

If my degree is not a STEM major, can I still seek the STEM OPT?

No.

How do I know whether my degree is a STEM degree?

Go to <http://www.ice.gov/SEVIS/Stemlist.htm>

Can I travel outside of North America while awaiting H-1B approval?

No. If you do travel, you cannot return in F-1 status. You must seek an H-1B visa at the US Consulate in your country. You can return in H-1B status within ten (10) days of the H-1B start date of October 1.

Can I work for a non E-verify employer on twelve (12) months OPT?

Yes.

Can I work for a non E-verify employer on twenty-four (24) months STEM OPT?

No.

Can both non E-verify and E-verify employer apply for H-1B?

Yes

Can a student change employers while the STEM extension application is pending with U.S. CIS? (New or Revised)

Yes. However, if the STEM extension period had started, the employer must also be an E-Verify employer. The student must report the change in employment to his or her DSO. The DSO must update the student's employer information in SEVIS and the student should submit an amended Form I-765 to the appropriate USCIS Service Center, providing the new employer's E-Verify number and copy of the USCIS receipt notice for the first Form I-765. A brief letter explaining the submission should also be included. There is no fee associated with submitting the amended Form I-765.

How many days of unemployment am I allowed during the standard, twelve (12) months and twenty-four (24) months STEM?

90 days for the 12 months OPT. 150 days for the combination of both the 12 months and 24 months OPTs.

What happens if I am not employed for more than 90 days on the 12 months OPT or more than 150 days on the 24 months STEM OPT?

(Note: while on OPT your F-1 status depends on you being employed)

If you are not employed for 90 or more days while on 12 month OPT, or 150 days while on 24 months STEM OPT, it is advised that you leave the U.S. and return to your home country. You are not maintaining F-1 status, and, the US Government policy advises that future immigration benefits may be denied to a student who has been unemployed for more than the allowed days while on OPT.

What is "CAP-GAP?"

Current regulations allow certain students with pending or approved H-1B petitions to remain in F-1 status during the period of time when an F-1 student's status and work authorization would otherwise expire though the start date of their approved H-1B employment period. This is referred to as filling the "CAP-GAP," meaning it provides a way of filling the "gap" between the end of working in F-1 status and the beginning of H-1B status that might otherwise occur if F-1 is not extended for qualified students.

How do I get a CAP GAP I-20?

If your employer filed for H-1B in a proper manner, including an application for change in status while you are currently in the standard OPT or 24 months STEM OPT period, and you have a receipt of the filing, CAP GAP will apply. In this case, you remain in F-1 status and can continue to work prior to October 1, the H-1B start date.

Please contact the International Student Office for more information on CAP GAP.

NOTE: If H-1B is correctly filed after your OPT period has ended, but within the sixty (60) days grace period, you may remain in the US, but you may not work. CAP GAP can be given to you.