

Optional Practical Training (OPT)

12-Month OPT

(Updated 10/01/2020)

Definition of Optional Practical Training (OPT)

An F-1 student may apply to USCIS for authorization for temporary employment for practical training directly related to the student's major area of study. The student may not begin OPT until the date indicated on his or her employment authorization document. [8 CFR 214.2(f)(10)(ii)(A)]

Eligibility Requirements and Things to Think About

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| Eligibility requirements | Practical Training may be authorized to an F-1 student who has been lawfully enrolled on a full-time basis for one full academic year. |
| Location | Student may work anywhere in the USA for the duration of OPT. |
| Duration & hours per week | Cumulative maximum of 12 months per educational level. Required to work at least 20 hours per week. Student may work 40 hours per week. |
| Field/level of work | Position must be in student's major field of study. |
| Offer of Employment | No offer of employment is required, but a student is expected to work or be actively seeking employment after the OPT EAD (Employment Authorization Document) is issued. However, unemployment after the EAD start date is restricted. |
| Effect on other work | A student who completed 12 months or more of full-time CPT is not eligible for OPT. |
| Deadlines for Submitting OPT Application to USCIS | The student must properly file his or her OPT application to USCIS up to 90 days prior to his or her program end date and no later than 60 days after his or her program end date. |
| Start date of the EAD | The effective start date of the EAD will be either the date employment is scheduled to begin (as listed on page 3 of the I-20), <u>or</u> the date the EAD is issued, whichever occurs later . |
| Approval process | Student must apply for and receive an EAD from USCIS with assistance of ISA (International Student Advisor) before work begins. |

Reporting Employment/Volunteer Opportunities to ISSS while on OPT

| Situation | Information |
|---|--|
| Employed by one employer | Provide the employer's name and address |
| Multiple employers | List all employer's names and addresses, indicate which employer is the primary employer |
| Self-employed | Indicate that the student is self-employed and give the business address (which can be the same as the personal address) |
| Not currently employed | Indicate "none" for the employer |
| Volunteering in field of study | Provide volunteer position title, name of organization and address |
| Students with performing arts degrees who have multiple short-term gigs | Indicate "self-employed performing arts student". Provide list of gigs on a regular basis or if working for an agency, list the agency as "employer" and provide address |

Restrictions on Unemployment:

For students on 12-Month OPT, F-1 status is now dependent upon employment. Students cannot be unemployed for more than an aggregate of 90 days while on OPT in order to maintain F-1 status. If students do not have a job, please contact ISSS for an appointment.

Final Considerations:

- Are still considered in F-1 status during the period of employment.
- Cannot work on-campus after the new end date of the I-20.
- Need to update ISSS regarding any changes of mailing address or name changes.
- Need to update ISSS regarding any changes in employment/employer.
- Need to request a travel signature before leaving the USA
- Has a 60-day grace period at the completion of OPT.
- If students use the 90-days of unemployment, there is no grace period.
- May be able to extend the EAD card for an additional 24 months of OPT if students meet the extension eligibility requirements and apply in a timely fashion. Contact an International Services Specialist for details.
- Will no longer than the work authorization, engage in practical training employment when they transfer to another school or begin study at another educational level.
- MUST give an address where they can receive the I-797 or they will not get the USCIS Receipt # which is necessary to correspond about the status of the application.
- Correspondence from U.S. Department of Homeland Security will not be forwarded. To change the address with USCIS while the application is pending, visit this website: <https://egov.uscis.gov/crisgwi/go?action=coa>.
- PLEASE CONSULT WITH A CPA KNOWLEDGEABLE IN NONRESIDENT TAXES AS OPT MAY AFFECT YOUR TAXES.

Form I-765 Instructions – OMB No. 1615-0040**Part 6- Page 7**

Complete this section only if:

- You have been approved for CPT in the past
- You have been approved for OPT in the past
- You have used a different SEVIS ID in F-1 status in the US (for example, you attended school for a while, left the US to take a break from school, and returned with a new I-20, you would have a SEVIS ID from your first period of attendance that is different than your current SEVIS ID). Your SEVIS ID is on the top right corner of your I-20, and starts with N000...

If you need to complete this section because one or more of these apply to you, please complete item 1.

For each of the items listed above, complete one box in Part 6. We suggest using the following to complete the Page number, Part Number, and Item number, as this information is required specific to Category (c)(3)(B) (per the [I-765 instructions](#), page 4):

Page 3, Part 2, Item 27

- CPT: Please list your CPT approvals. We suggest this format: CPT Authorizations (as a title to the section). Employer Name; Start date – End date; Part-time or Full-time; Degree level (Bachelor's, Master's, or PhD). You can find your CPT details on the I-20 that was approved for each period of CPT.
- OPT: Please list your past OPT approvals. We suggest this format: OPT Authorizations (as a title to the section). Start date – End date; Degree level (Bachelor's, Master's, or PhD)
- Previous SEVIS ID's: Please list your other SEVIS ID's you have used in the past. We suggest this format: Previous SEVIS ID's (as a title to the section). SEVIS ID: N00....; program start date – program end date; Degree level (Bachelor's, Master's, or PhD).

Important Note: *As more information regarding these regulations arises, this handout may be updated and changed. It is recommended you check with your International Services Specialist for the most recent information.*

Submit the following items to ISSS by emailing: ISSS@UCDENVER.EDU

| | |
|--|--|
| | Completed OPT Request Form |
| | Completed and signed Memorandum from Academic Advisor |
| | Completed and signed current edition USCIS Form I-765 (with copies of all past EAD cards, if applicable) |
| | If ever approved for CPT, copies of all previous I-20s with CPT approval (if applicable) |
| | Copy of valid passport (name page only), visa and I-94 |

Once these items are received, ISSS will create a new I-20 endorsed for OPT within 5 **business** days and send to student (*during the COVID-19 emergency, ISSS is permitted to send I-20 documents via email to a student's university email*).

The student is responsible for making sure that the final OPT packet sent to USCIS includes the following:

USCIS OPT Application Checklist:

| | |
|--|---|
| | Completed form G-1145 (optional, if student would like text and/or email notifications of the case status updates) |
| | Check/money order for \$410.00 made out to U.S. Department of Homeland Security; or form G-1450 (for credit cards) * Always refer to USCIS's I-765 website for current Filing Fee information and to use the USCIS Fee Calculator |
| | Two passport photos (write full name and I-94 number in pencil on the back for identification purposes) |
| | Completed and signed current edition of Form I-765 (with copies of all past EAD cards, if applicable) * Always refer to USCIS's I-765 website for current Form Edition Date |
| | Copy of endorsed I-20 with OPT recommendation, DSO's signature and student's signature. |
| | If ever approved for CPT, copies of all previous I-20s with CPT approval (if applicable) |
| | Copy of valid passport, visa and I-94 |

Students should file the OPT application within *30 days* of the date ISSS enters the recommendation for OPT on the I-20. Failure to send in a timely manner will prevent students from receiving the EAD card. Student should make copy of the entire application for their records and keep the original signed I-20 with OPT recommendation. ****If the U.S. Mailing Address included in Part 2 the I-765 is located in Colorado, send the petition to the address below. If the U.S. Mailing Address is outside of Colorado, contact your International Services Specialist or check the [filing locations for Form I-765 on the USCIS website](#) to find out where to send your petition.**

Courier completed petition to:

USCIS
 Attn: NFB AOS
 1820 E. Skyharbor Circle S
 Suite 100
 Phoenix, AZ 85034

Please Note: Students should courier the application by Express Mail so that they can track it in case they do not get a Notice of Action (I-797) within 45 days of posting it. As of October 2, 2020 USCIS *may* start requiring "signature confirmation restricted delivery" for EAD cards that will require identification to be presented upon delivery.

ISSS staff do not have the legal authority to review or give advice regarding these applications. ISSS will continue to provide general instructions on completing Form I-765 and preparing documents for OPT application. We do not review your application in any detail. You are welcome to seek advice from an immigration attorney regarding your application.

NEW SEVP POLICY GUIDANCE

Practical Training – Determining a Direct Relationship Between Employment and a Student’s Major Area of Study

On September 27, 2019, Immigration and Customs Enforcement (ICE) issued new policy guidance regarding Optional Practical Training (OPT). The guidance impacts both F-1 students who apply for and utilize OPT as well as Designated School Officials (DSOs) who authorize OPT and manage their institution’s F program.

- F-1 students applying for both 12-month OPT and a 24-month STEM OPT extension will need to provide a detailed explanation of how their OPT employment is directly related to their major area of study.
- DSOs are required to 1) review the explanation provided by students to ensure that there is a direct relationship between the OPT participant’s job and major area of study; 2) obtain additional documentation from the OPT participant if necessary to determine a direct relationship, and 3) retain both the explanation and any additional documentation.

ICE recognizes that you may not yet have a job offer at the time you apply for OPT. You have two options to report your employment information to the Student and Exchange Visitor Program (SEVP) once you do find a job.

SEVP PORTAL

You may use the SEVP Portal to report details about your employment after OPT is granted by USCIS. For information about how to create your SEVP Portal account, please visit the following Study in the States website: <https://studyinthestates.dhs.gov/create-an-sevp-portal-account>.

The SEVP Portal includes fields where you can enter the employer name, start date, whether the position is full-time or part-time, and the employer address. All OPT participants must also provide a description of how their practical training opportunity related to their major area of study using the field entitled, “Relation to Field of Study: Explain how this job relates to the degree that qualified you for this OPT.”

ISSS FORM

OPT participants may also report details about their employment directly to ISSS. Once USCIS grants your OPT, ISSS will send you a message instructing you to complete a form that includes fields to enter the employer name, start date, whether the position is full-time or part-time, the employer address, and a description of how your practical training opportunity relates to your major area of study.

EXPLAINING AND DOCUMENTING HOW YOUR JOB RELATES TO YOUR FIELD OF STUDY

Your goal is to show a logical explanation between the duties involved in the practical training opportunity and your major area of study.

Here are some sample explanations:

- ***Bachelor’s degree in Electrical Engineering:*** I work full-time as an Electrical Engineer at ABC Corp., a government’s contractor. In my job, I analyze client requirements for electrical systems and provide them with cost estimates of such systems. My work requires understanding of electrical circuit theory, which I studied in-depth at the University of XYZ.
- ***Bachelor’s degree in Business:*** I work full-time as a Loan Officer at a mortgage company, Happy Homes, where I meet with clients and evaluate, authorize, and recommend approval of loan applications. I use the knowledge that I gained in my credit analysis, sales and marketing classes, which were part of my degree program, on a daily basis.

- *Master's degree in Kinesiology*: I work 25 hours per week in a health food store as a consultant for Self-Made, Inc., designing and teaching exercise classes that are incorporated into a customer's overall nutrition and exercise plan. My designs and customer instruction draw upon my studies and classwork in exercise therapy and physical reconditioning.

Below are examples of additional documentation that ISSS may request and that you should consider keeping in your personal records. You may be asked to provide evidence of the direct relationship between your studies and your OPT employment several years from now.

- 1) Detailed Job Description;
- 2) Degree Plan showing the required coursework to complete your degree;
- 3) Transcripts showing the courses you completed and the grades you received;
- 4) Course descriptions, and syllabi from your classes that provide details regarding learning objectives; and
- 5) Research papers, portfolios of work, or other evidence of projects completed.

WHAT IF I DON'T PROVIDE AN ADEQUATE EXPLANATION OR DOCUMENTATION?

- ISSS may not be able to issue you an I-20 authorizing OPT. Without this authorization, you won't be able to submit an application for OPT.
- The Student and Exchange Visitor Program may terminate your OPT and your F-1 status. Currently, SEVP is relying on Designated School Officials (DSOs) to determine if the explanation and documentation provided by students is adequate, but they can review this information at any time.
- You may be denied future immigration benefits, such as H1B or employment-based permanent residency, if it is later determined that your OPT should not have been authorized.

You should also be aware that the government may utilize a "crosswalk" website such as those maintained by the College Board, the Department of Labor, and the National Center for Education Statistics to confirm that your degree is a match for the job you are in. You'll find the College Board crosswalk website here - <https://bigfuture.collegeboard.org/majors-careers>. The potential issue with this is if the position that your major links to isn't a "specialty occupation" under the H1B regulations, your employer's request for H-1B status for you could be denied in the future. So, both you and your employer want to be aware of this potential issue and take some care with both the job title and the job description of your OPT position.

12- MONTH OPTIONAL PRACTICAL TRAINING (OPT) REQUEST

SECTION I: Personal Information

CU Denver Student ID #: _____ SEVIS ID #: _____

Family Name: _____ Given Name: _____

E-mail address: _____

SECTION II: Academic Information

Academic Level (circle one): Bachelor Masters Doctorate

Degree Program/Major: _____ Department/School: _____

SECTION III: 12- Month Optional Practical Training Request

(When do you want your OPT to begin?)

OPT Start Date: ____/____/____

OPT End Date: ____/____/____

I hereby authorize the release of any information necessary to complete this request. I also understand that normal processing time is 5 **business** days.

Student Signature

Memorandum from Academic Advisor for Optional Practical Training (OPT)**TO: International Student & Scholar Services****FROM:** _____ (Advisor's Name) _____ (Department Name)_____ (Advisor's Signature) **Date:** _____**RE: OPT Recommendation for** _____ **(Student's Name)**

I hereby certify that the above named student:

- is currently enrolled in a full course of study toward the completion of a _____ (level of study) degree in _____ (field of study) at the University of Colorado Denver, and the expected date of completion of this degree is _____ (the last day of the final semester of study).

OR

- was enrolled in a full course of study toward the completion of a _____ (level of study) degree in _____ (field of study) at the University of Colorado Denver, and the date of completion of this degree was _____ (the last day of the final semester of study).

For Master's and Doctoral thesis/dissertation/project students who wish to begin OPT prior to graduation:

For OPT eligibility, defining the "completion date" for thesis/dissertation/project students can be more flexible. Students who choose not to define their "completion date" as the last day of the final semester of study (as listed above) can opt to define their "completion date" as 1) the date of the completion of all required course work, or 2) the date of their defense. The student can request to begin OPT within the 60-day window following either of these definitions of "completion date."

I hereby certify that the above named student:

- is enrolled in a full course of study toward the completion of a _____ (level of study) degree in _____ (field of study) at the University of Colorado Denver, and the date of **completion of all required course work** is _____ (date). The student will be taking additional dissertation/thesis/research hours in order to complete the required thesis/dissertation, and is expected to complete the degree within the next twelve months.
- is enrolled in a full course of study toward the completion of a _____ (level of study) degree in _____ (field of study) at the University of Colorado Denver, has completed all required course work, and the **thesis/dissertation defense** will/did take place on _____ (date).