

**OPTIONAL PRACTICAL TRAINING  
APPLICATION  
AND  
INFORMATION**

**RADFORD UNIVERSITY**

International Education Center

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## TABLE OF CONTENTS

<b>Contents</b>
<b>Optional Practical Training – General Overview</b>
<b>USCIS info page, “F-1 Student Job Aid for All Non-Stem OPT Applicants”</b>
<b>USCIS Fact Sheet for Employers on the Cap-Gap Extension of OPT</b>
<b>USCIS Application for Employment Authorization application information</b>
<b>Instructions for I-765 Application For Employment Authorization</b>
<b>RU Optional Practical Training Application Information</b>
<b>RU OPT Request Form</b>
<b>Form I-765</b>
<b>RU STEM Extension Application</b>

Included in this package, you will find the forms necessary to apply for OPT, for OPT Extensions, supplemental information from USCIS, and information that may be helpful to provide to your employer. If you have any questions, please contact the Immigration Counselor, at 540-831-6200 ([tjdalton2@radford.edu](mailto:tjdalton2@radford.edu)).

(07/20/2009)

## **OPTIONAL PRACTICAL TRAINING**

Optional Practical Training (OPT) is an employment authorization that is a benefit of F-1 student visa status. A student may apply to the Service for authorization for temporary employment for optional practical training. The employment must be directly related to the student's major area of study. The student may not begin optional practical training until the date indicated on his or her employment authorization document (EAD), Form I-766. A student may submit an application for authorization to engage in optional practical training up to 90 days prior to being enrolled for one full academic year, provided that the period of employment will not begin until after completion of the full academic year as indicated by the Immigration Counselor. A student must complete all practical training within a 14 month period following the completion of studies.

The total periods of authorization shall not exceed a maximum of 12 months. Part-time practical training, 20 hours per week or less, shall be deducted from the available practical training at one-half the full-time rate if the part-time training was for 12 months.

Students who are approved for OPT may then be employed as follows:

- ❖ *Paid employment* either part time (at least 20 hours when post-completion OPT) or full time with
  - Multiple employers - student may work for more than one employer, but all employment must be related to the student's degree program and cannot exceed the allowed per week cumulative hours
  - Short-term multiple employers (performing artists, for instance) – performing artists may work for multiple short-term employers (gigs), but should maintain a list of all gigs, the dates, and the duration of each.
  - Work for hire – students may accept contractual employment where the student performs a service based on a contractual relationship, not employment. These students must have evidence showing the duration of the contract periods and the name and address of the contracting agency/company.
  - Self-employment/your own business – students on OPT may start a business and/or be self-employed. The student must be able to prove that he/she has the proper business license and is actively engaged in a business related to his/her degree program.
  - Employment through an agency or consulting firm – students on post-completion OPT should be able to provide evidence showing they worked an average of at least 20 hours per week while employed by the agency/consulting firm.

- ❖ *Unpaid Employment/Volunteer Work* - Students may work as volunteers or unpaid interns when this practice does not violate any labor laws (for instance, if the volunteer's duties match that of a paid employee). The work should be at least 20 hours per week for students on post completion OPT, and students should be able to provide evidence, acquired from the student's employer/volunteer site, to verify that he/she worked at least 20 hours per week during the period of employment.

### **Termination of practical training**

Authorization to engage in optional practical training employment is automatically terminated when the student transfers to another school or begins study at another educational level.

### **Travel While on Post-Completion Optional Practical Training (OPT)**

OPT adjudication pending – It is risky to travel with a pending application. Consular/border officials have been informed of the regulations, but it does not guarantee your admission. According to the regulations, a student whose request for OPT is pending may re-enter the U.S. to search for employment. You should carry your OPT receipt notice with you while traveling. You should have a valid passport and visa stamp AND have a recent travel signature on your I-20. There are risks to leaving the U.S. after graduation but before OPT approval because the date of approval is impossible to predict and may occur without your knowledge.

OPT approved – IF your OPT has been approved and you depart before you get a job, your OPT ends and you cannot re-enter. If you do have a job, you may travel and re-enter to resume work at the same job. You should carry an updated letter verifying your employment and job duties (related to your field of study) with you. You should also have a valid passport and visa, AND a recent travel signature on your I-20.

### **STEM extension of OPT**

Students majoring in STEM degrees may be eligible to apply for an extension of OPT by 17 months, for a total of 29 months. STEM is an acronym for:

Science	Technology	Engineering	Mathematics
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STEM fields include:

- |   |  |   |
|---|--|---|
| <ul style="list-style-type: none"> <li>• Actuarial Science</li> <li>• Computer Science Applications</li> <li>• Engineering</li> </ul> | <ul style="list-style-type: none"> <li>• Engineering Technologies</li> <li>• Biological and Biomedical Sciences</li> <li>• Mathematics and Statistics</li> </ul> | <ul style="list-style-type: none"> <li>• Military Technologies</li> <li>• Physical Sciences</li> <li>• Science Technologies</li> <li>• Medical Scientist (MS. , PhD)</li> </ul> |
|---|--|---|

STEM Extension Requirements are:

- Student must be currently authorized for 12 month period of OPT and must be working for a U.S. employer in a STEM qualifying job related to the student's field of study.
- The student must have successfully completed a bachelor's, masters or doctoral degree in a field on the STEM designated degree program list above, from a SEVIS-certified college or university.
- The student must have a job offer or be employed by an employer registered with the E-VERIF federal employment verification system at the time of application for the STEM extension.
- The student must not have previously received a 17 month extension. Only one extension is allowed.
- The student must apply for the 17 month extension through his/her former school's Immigration Counselor. The Immigration Counselor must recommend the extension and issue a new SEVIS I-20 in SEVIS with the recommendation noted on the I-20.
- The student must submit Form I-765 with the fee (currently \$340) to USCIS.
- The student must file the extension application in a timely manner, generally 90 days before the current OPT expires.
- A student who files the application timely may continue employment while the extension application is being processed until the final decision is made, or for 180 days, whichever comes first.
- The employer must agree to report the termination or departure of the student to the former school of the student, or through other processes chosen by the Department of Homeland Security.
- The student must agree to provide a report every six months to the Immigration Counselor of his/her former school. The student must report the following:
  1. Change of name
  2. Change of residential or mailing address
  3. Name and address of employer
  4. Change in name and/or address of employer
  5. Changes of employment or termination of employment.

## E-VERIFY

E-Verify is an internet-based system operated by the U.S. Department of Homeland Security in partnership with the Social Security Administration. The program allows participating employers to electronically verify the employment eligibility of their newly hired employees. An employer's registration with E-Verify is free and voluntary, and at the discretion of the employer.

### Employment during STEM Extension:

Students authorized for an OPT STEM extension must work at least 20 hours per week for an E-Verify employer in a position directly related to the student's STEM degree. For students who are on a STEM extension, the employment may include:

- **Paid Employment:** All employment during the STEM extension must be paid employment. Volunteer experience does not count as employment for the purpose of maintaining F-1 status during the STEM extension. Students may work for:
  1. **Multiple employers** – Students may work for more than one employer, but all employment must be related to the field of study, and all employers must be enrolled in E-Verify.
  2. **Work for Hire** – This is commonly referred to as 1099 employment where an individual performs services based on a contractual relationship rather than an employment relationship. The company for whom the student is providing services must be registered with E-Verify. If requested by DHS, the student must be prepared to provide evidence of the duration of the contract periods, the name, and the address of the contracting company.
  3. **Self-Employed Business Owner** – Students on a STEM extension can start a business and be self-employed. The student must register his/her business with E-Verify and work full time. The student must be able to prove that he or she has the proper business license and is actively engaged in a business related to his/her degree program.
  4. **Employment through an agency or consulting firm** – Students may be employed by an employment agency or consulting firm that is registered with E-Verify, but the third parties contracting with the agency or firm (where the student is providing service) need not be.

Students on STEM extensions are allowed to volunteer, incidental to their status, however, volunteer work does NOT count as employment for the purpose of maintaining F-1 status.

## **CAP-GAP EXTENSION OF OPTIONAL PRACTICAL TRAINING**

Students approved for OPT and working in a job related to their field of studies, whose employer has submitted a petition for an H-1B, will be eligible for the Cap-Gap provision if their employer has filed a petition for H-1B visa for the student employee.

The word “cap” refers to an annual numerical limitation set on the H-1B non-immigrant employment visa classification. In recent years, the number of H-1B petitions filed per year exceeded the annual cap. H-1B petitions are filed on April 1, and if approved, the employment authorization begins October 1. In the past, F-1 students on OPT who were beneficiaries of an H-1B petition often had their F-1 status expire before the H-1B status began – a period known as the cap gap. These students had to discontinue their work, and in most cases, had to leave the United States and return at the time the student’s H-1B status became effective on October 1.

The cap-gap provision allows for automatic extension of F-1 status, and for students in a period of approved post-completion OPT when the H-1B petition is filed, an extension of their OPT employment authorization.

The student does not file an application for the extension, or receive a new EAD to cover the addition. To receive the Cap-Gap extension:

1. The student must contact the Immigration Counselor at the school to receive an updated Form I-20.
2. The student must complete the OPT Extension Application and provide the Immigration Counselor with a copy of the I-797 H-1B receipt or approval notice issued by USCIS.
3. The Immigration Counselor will issue an updated I-20 pursuant to the regulations of the cap-gap provision. The extension expiration date shown on the I-20 will depend on whether the documentation shows that the application for H-1B has been received, or has been approved. In either case, the student eligible for cap-gap extension of OPT can continue to work while the update to his/her I-20 is being processed. The updated Form I-20 is not required for the student to continue working. It merely serves as proof of the extension of OPT employment authorization.

## **ADDITIONAL RESOURCES**

USCIS “***FACT SHEET: Information for Employers on the Cap-Gap Extension of Practical Training***”, see [http://www.nafsa.org/regulatory\\_information.sec/regulatory\\_document\\_library.dlib/f\\_and\\_m\\_students/sevp\\_fact\\_sheet\\_for\\_employers/](http://www.nafsa.org/regulatory_information.sec/regulatory_document_library.dlib/f_and_m_students/sevp_fact_sheet_for_employers/)

**Download Form I-765** Application for Employment Authorization at <http://www.uscis.gov/portal/site/uscis/menuitem.5af9bb95919f35e66f614176543f6d1a/?vgnnextoid=73ddd59cb7a5d010VgnVCM10000048f3d6a1RCRD&vgnnextchannel=db029c7755cb9010VgnVCM10000045f3d6a1RCRD>

## STEM EXTENSION APPLICATION

### FOR OPTIONAL PRACTICAL TRAINING

**RU Documentation Needed:**

- Copy of Current EAD card
- Copy of completed I-765 form
- OPT STEM Extension Application ( this form)

- Copy of passport ID page and any extensions
- Copy of I-94 card, front and back
- Newly issued I-20 form noted with extension of OPT
- Copies of ALL I-20 forms, pages 1 and 3
- Two color photos that meet I-765 requirements
- OPT fee (check payable to Department of Homeland Security)

**USCIS Documentation Needed:**

- Completed I-765
- Copy of Current EAD card
- Copy of diploma or proof of graduation

**Download I-765 and instructions, and complete in blue ink. <http://www.uscis.gov/files/form/I-765.pdf>**

Student's last name: \_\_\_\_\_ First Name \_\_\_\_\_

Student ID # \_\_\_\_\_ SEVIS # \_\_\_\_\_ Phone \_\_\_\_\_

Student Email \_\_\_\_\_ Date of Birth \_\_\_\_\_

Local US Address: \_\_\_\_\_

Student Job Title: \_\_\_\_\_ Employer: \_\_\_\_\_

Employer Address: \_\_\_\_\_

Supervisor's name and contact information: \_\_\_\_\_

Work Location Address, if different than employer mailing address: \_\_\_\_\_

\_\_\_\_\_ Employer E-Verify # \_\_\_\_\_

Dependents with you in the U.S.:

Name (Surname, Given Name)	Date of Birth	Country of Birth	Gender (M/F)	Relationship

I understand that my degree must be in an approved STEM field; my employer must be registered in E-Verify; and I must report information to the RU Immigration Counselor every SIX MONTHS starting from the date the extension begins and ending when the F-1 status ends. The reporting requirement is to verify that my name and address, my employer name and address, and/or loss of employment are current and accurate. The report is due to the Immigration Counselor within 10 business days of each change of information. I understand that if I am unemployed for 120 days during the OPT STEM extension period, my eligibility for OPT terminates. I have read the all of the information regarding the extension of Optional Practical Training and reporting requirements.

Student Signature \_\_\_\_\_ Date \_\_\_\_\_

Please return this form to RU International Education Center, P.O. Box 7002, Cook Hall Room 105, Radford, Virginia 24142. Fax 540-831-6588. Telephone 540-831-6200.

