

GE handouts do not constitute or replace professional legal advice, and you should not rely on them solely when making decisions about your immigration status or reporting requirements.

OVERVIEW of OPT

Optional Practical Training (OPT) is for F-1 visa holders only. OPT is a benefit, not a right. It is an opportunity to gain temporary work experience in a ***field directly related to your academic major***. The Office of Global Education at Hartwick (GE) *recommend* OPT, and the United States Citizenship and Immigration Services (USCIS) must *adjudicate* it. To be eligible, you must be in “good standing” with US Immigration and Customs Enforcement (ICE), and you must have been enrolled full time for the previous academic year (*with the exception of pre-approved short course load options). You are eligible for a total of 12 months of OPT per degree. Individuals who have majored in Sciences, Technology, Engineering, or Mathematics (STEM) are eligible for an additional 17 months of OPT, and this extension is applied for in conjunction with their employer. Employment through OPT is limited to positions that are related to your major field of study and your degree level (Bachelor’s). You may not begin employment until you have received your Employment Authorization Document (EAD), and employment is allowed only within the period of authorized dates on the EAD.

- **Pre-completion OPT** must take place in addition to (rather than in place of) regular full-time enrollment. You may request OPT on a part-time basis (up to 20 hours per week) during your studies, or on a part-time or full-time basis during break periods. (Part-time OPT is deducted from your available 12 months at a rate of 1 month for every 2 months authorized.)
- **Post-completion OPT** begins after your program end date. Employment must be full time, which is defined as at least 20 hours per week.



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OPT APPLICATION CHECKLIST

**** Please make an appointment with the Associate Director of Global Education and Service Learning and have all items below completed and prepared BEFORE your appointment (incomplete OPT Packets will be delayed). ****

- ✎ **Form I-765** needs to be completed and signed. You can download the form at <http://www.uscis.gov/files/form/i-765.pdf> and enter the data. If you choose to handwrite the information, please use black ink. We recommend filling in the form on your computer, as it is much easier to correct if an error is made. Also, please email the completed form to yourself so that we can retrieve it, if necessary, during your appointment.

Please note the following with respect to the Form I-765:

- We do NOT recommend using eFile.
- For item #16: The code for post-completion OPT is **(c) (3) (B)**.
- Use the following as your application address:

**Hartwick College
The PSGE Center
One Hartwick
Drive
Oneonta, New York
13820**

- ✎ **New I-20 for OPT** – photocopy of all three pages. During your appointment, we will do the following: (i) determine your requested starting date for employment which may be no more than 60 days after the program end date; (ii) submit your employment request into SEVIS; and (iii) print your new I-20. You will keep the original, and the copy will be submitted as part of your application.

- ✎ **All previous I-20s** – photocopies of all three pages of each.

- ✎ **Academic Progress Report:** Secure signatures from both the Registrar and your I.S. advisor. **Please note: This form is not required for pre-completion OPT applicants.*

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- ✦ **Copy of the name page and photo page of your passport.** If the extension of validity of the passport is on another page, be certain that you attach a photocopy of that page as well.
- ✦ **Copy of visa page.**
- ✦ **Copy of I-94 card (front and back).** If you don't have an I-94 card you can get your I-94 number on line (Google I-94 number).
- ✦ **Copies of all previously issued Employment Authorization Documents (EAD cards) (front and back).** You would only have an EAD if you previously had been approved for off-campus employment on the basis of OPT or economic hardship.
- ✦ **Two color passport-style photographs.** These are to be taken within 30 days of filing your OPT application and must conform to the USCIS specifications outlined at the following web address:
http://travel.state.gov/passport/get/get_874.html. You can have the photos taken at *Wal-Mart* (607 431 9557) or *Rite Aid* (607 432 7640) or *Walgreens* (607 433 5101). **Write your name and I-94 card number on the back of each photo** in pencil. GE can take your photo as well but you will need to find your own way to print.
- ✦ **\$380 fee.** Please make your *check* or *money order* payable to "U.S. Department of Homeland Security." Personal checks must have the account holder's current address printed on them.



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Application Timeline

- You may apply up to 90 days prior to the completion of your program and up to 60 days following your program end date (your "grace period"). The OPT application must be properly filed with the USCIS-Dallas Center within 30 days of the date that we prepare your I-20 for OPT.
- You can select the starting date of employment any time within 60 days after your program completion date. We will discuss this when we meet to review your application.
- **MAIL YOUR COMPLETED APPLICATION** (Priority Mail or Certified with Return Receipt): **Confirm proper mailing address on USCIS web site** (www.USCIS.gov)

For USPS Deliveries:

USCIS
PO Box 660867
Dallas, TX 75266

For express mail and courier deliveries:

USCIS
Attn: AOS
2501 S. State Hwy. 121 Business
Suite 400
Lewisville, TX 75067

NOTE: GE recommends that you use express or courier mail service.

* If using overnight delivery by any private service provider, send your package to the proper Express mail/courier delivery address listed on the USCIS web site.

**Please be certain that you place the I-765 Form at the front of your application packet, to ensure prompt processing by USCIS.

FOLLOW-UP

- Within 3-4 weeks, GE should receive an I-797 Receipt Notice in your name. We will make a photocopy for our records and then send it to you in campus mail. KEEP this notice! This receipt notice does not mean that the application was approved, but it does provide proof that the application was filed. Follow all of the instructions on the receipt notice.
- The confirmation receipt notice will contain a receipt number associated with your application. You may use that number to check the status of your application at the USCIS web site: <http://www.uscis.gov/portal/site/uscis>; please proceed to the right side of the page under the "Help with" heading. Below the "Check Case Status," type the number from the confirmation receipt. We also recommend that you sign-up for email updates at the address noted on your receipt.
- The EAD will also come to the PSGE Center, in your name, and should arrive within approximately 90 days of the notice date on your I-797. We will make a photocopy for our records and then contact you through your Hartwick email account to ask that you pick it up in person.
 - GE will not monitor your application timeline. It is up to YOU to contact us if you do not receive the I-797 or the Employment Authorization Document (EAD) in a timely manner.
 - Do NOT keep your EAD card in your wallet. Treat your EAD like you treat your passport. If you lose it, you must re-file the application and pay another filing fee.

OPT POLICIES

OBLIGATIONS WHILE USING OPT

- While you are in the U.S. on Optional Practical Training, you are still an F-1 student of Hartwick College for SEVIS purposes, and ***you are required to notify the Associate Director of Global Education and Service Learning of the following information throughout the authorization period:***
 - Your residential address
 - Employer's name
 - Employer's address
 - The above information may be emailed to the PSGE Center; it will then be entered into your SEVIS record.
 - Unemployment: During any 12-month period of post-completion OPT, no student may be unemployed for an aggregate of more than **90 days**.
- If you pursue graduate studies following OPT, please arrange with Hartwick and your graduate school for the transfer of your SEVIS record. Your authorization for OPT ends on the transfer release date.

FREQUENTLY ASKED QUESTIONS

1. **How long does the application process take?** Adjudication should take approximately 90 days; however, this is subject to several factors, and the processing time can be longer.
2. **When can I start to work?** You may start after you have your EAD and once the employment authorization date (shown on the EAD) has arrived.
3. **If I apply for pre-completion OPT and then decide not to use it, can I get my time back?** If USCIS has not yet acted on your application, you may write them and request to withdraw your application. Once authorization has been granted, it is NOT possible to have it withdrawn.
4. **May I change employers if I have OPT?** Yes. OPT is not employer specific. You are allowed to work for more than one employer or change employers provided that the = new job is directly related to your area of academic study. It is recommended that you maintain evidence – for each job- of the following information: (i) position held, (ii) proof of the duration of the position, (iii) job title, (iv) contact information for your supervisor, and (v) a description of the work. It is further recommended that you obtain a signed letter from your hiring officer or job supervisor stating how your academic degree is related to the work performed.
5. **Must I pay taxes when I am working on OPT?** You are likely subject to local, state, and federal income taxes. While on OPT, however, you may still be eligible for tax treaty benefits, and you may still be exempt from Social Security and Medicare tax, depending on your residency for tax purposes. Refer to the Substantial Presence Test in IRS Publication 519.
6. **May I travel outside of the U.S. after I have applied for or secured OPT?**

A. While your application for OPT is PENDING

Although the regulations allow you to travel outside of the U.S. and re-enter the country to search for employment with a pending OPT, you must be certain that you return before your EAD card is issued or you will ***forfeit your OPT***. This is very risky because you do not know when your OPT will be approved. Therefore, you are advised **NOT** to leave the U.S. while your OPT is pending.

B. After your OPT has been APPROVED but BEFORE YOU HAVE A JOB OFFER

(Whether you've received the EAD card or not) - Do **NOT** leave the country if your OPT has been approved and you depart the U.S. before getting a job, your OPT ends and you cannot reenter unless you have a written job offer.

C. After your OPT has been APPROVED and YOU HAVE A JOB OFFER

(Whether you've received the EAD card or not)

You may travel outside the U.S. You should be prepared to present:

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1. A valid SEVIS I-20 endorsed by a DSO within **6 months**;
 2. A valid F-1 entry visa;
 3. A passport that is valid for at least 6 months into the future;
 4. A valid EAD card or Receipt Notice Form I-797; and
 5. An offer letter on company letterhead indicating you are/will be employed, including specific dates of employment.
7. **May I travel outside the US if my visa has expired?** You may leave the country, but you will need to visit a U.S. consulate abroad to apply for a new F-1 visa before returning. Some consular posts may not grant a new student visa in this situation. Please note: "automatic revalidation" may be available if you travel to Canada or Mexico.
8. **May I return to graduate school immediately after completing OPT?** Yes. You need to complete the USCIS procedures for school transfer through SEVIS. Hartwick's Associate Director of Global Education and Service Learning must release your electronic record so that you can obtain an I-20 from your new school. You may transfer during the 60-day grace period following post-completion OPT, as long as the transfer release date occurs within the grace period. Please contact GE regarding these procedures.
9. **If I have OPT for 1 year and return to school for another degree, am I eligible for another year of OPT?** You are eligible for a maximum aggregate period of 12 months of optional practical training per educational level. Individuals in STEM degree areas should contact GE for information on applying for a STEM extension.
10. **May I take classes while I am using OPT?** Yes and No. A class "on the side" is not a violation of your OPT. Authorization to engage in Optional Practical Training, however, is terminated when you begin study at another educational level.
11. **How long can I stay in the United States after my OPT expires?** Assuming you have remained in compliance, you have a grace period of 60 days within which you must do one of the following: (i) leave the U.S., (ii) complete a SEVIS transfer to another higher education institution, or (iii) complete a change of status. In accordance with the "cap-gap" rule, effective April 2008, F-1 individuals who are the beneficiaries of a timely-filed H1-B petition that has been approved by, or remains pending with USCIS, are granted an extended period of stay and work authorization. The extension of status and work authorization terminates on October 1 of the fiscal year for which the H1-B visa has been requested. If you are the subject of an H1-B petition, please contact GE for additional information.



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Academic Progress Report

TO: Carolyn Cooper, Global Education and Service Learning Advisor

RE: F-1 Student Optional Practical Training Recommendation

DATE: _____

STUDENT: _____

MAJOR: _____

MINOR (if applicable): _____

The above-named Hartwick College student is preparing the paperwork required for adjudication of post-completion Optional Practical Training (OPT) benefits through the United States Citizenship and Immigration Service (USCIS). Through OPT, an F-1 student can be granted initial work permission in his or her academic field for up to twelve months.

Your signature below confirms that this student is making sufficient progress in Independent Study and is on track in the current semester to complete his/her academic program requirements in the above-stated major and minor (if applicable).

I.S. Advisor: _____

Name
Date

Signature

Registrar: _____

Name
Date

Signature

***Both signatures are required.**

OPT TIMELINE

Apply up to
3 months
before

Application Window

90 DAYS

OPT application
must be received
by Office of Global
Education no later
2 weeks before
graduation

60 Days

Can choose any date within 60
day window after graduation
for OPT start date

OPT

OPT Employment of 12 Months

- Cannot accrue more than 90 days aggregate total of unemployment during 12 months
- If eligible, can file for STEM 17-month extension. Must file before EAD card expires

Grace period of 60 days to
either leave U.S. transfer to
another school or change to
another visa category

60 Days

* please note – if
you are simply
remaining in the
U.S. for the grace
period, you
cannot leave and
re-enter

Depart
US