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What is OPT? Am I eligible?

- OPT stands for “Optional Practical Training” and is a benefit for F-1 students.
- A period of 12 months, most commonly used after a student’s program is complete, for job training in the United States.
- To be eligible, you must:
  - Have completed course work.
  - Have been in valid F-1 status for 1 full academic year (2 semesters)
  - Be physically present in the United States.
  - Be otherwise maintaining F-1 status.
  - Intend to find training in the major field of study.
  - You DO NOT need to have a job before applying for OPT.
- F-1 students can have 1 period of 12 months of OPT per degree level. You can receive OPT after completing each degree. Certificate programs do not qualify.

FAQ - What if I end up failing a course and am not finished with courses as I thought I would be?

- If this happens, please contact ISSS. An advisor will make a notation on your OPT that you will be doing part time OPT only as you complete your last course. When your course is complete, you can resume full time OPT.

FAQ - Can I have OPT if I complete a second BA?

- No, you can only have 12 months of OPT per degree level, not just degree. One period of OPT for BA/BS, one for MA/MS/Med/MFA etc.
OPT Application Process

When can I apply for OPT?

- Earliest- 90 days BEFORE your program ends
- Latest- 60 days AFTER your program ends, when your grace period is over.

But, when does my program end?

- You can find your program end date on your I-20 form, item number 5. It is the final day of your final term.

NOTE: When counting your days, make sure you count the DAYS, not the months. USCIS is very specific in saying that a student may apply 90 days prior to the end date.
How do I choose my start date for OPT?

- YOU are responsible for choosing your own start date.
- The start date must fall between the day after your program ends and the end of your grace period 60 days later.
- Keep in mind that it will take up to 90 days to receive your card and in order to work: You must have your card AND your start date has arrived.

**FAQ: But, what date would be best?**

- It is really up to you. If you have opportunities to work, you might want to choose a date right away. If you want more time to look or to have a break before working, you might want to choose a later start date. If you are applying close to your Program End Date you should probably choose a later start date to allow for the 90 day processing time of your EAD.

**YOU CANNOT TRAVEL WHILE OPT IS PENDING. SEE “Travel on OPT” FOR DETAILS**

UMB Application Process

1. Attend a workshop! Save your receipt.
2. Complete the OPT application packet.
3. Drop off your completed packet with your receipt at ISSS front desk.
4. Your packet will be reviewed. Please allow 10 business days before pick up. Make sure your packet is complete. An incomplete packet will cause a delay in the processing of your application.
5. If your packet is complete, an advisor will create a new I-20 for you, recommending OPT (find the notation on page 3 of your I-20).
6. Pick up your packet and mailing instructions at the ISSS front desk. **MAIL WITHIN 30 DAYS of the new I-20 issue date! If you mail after 30 days, you will be denied OPT.**
7. Copy the complete packet for your files. Always keep detailed records of your immigration paper work and your employment history on OPT.
8. Mail to USCIS.
9. Watch for the receipt in the mail.
10. Use your EAC number to track your application at USCIS.gov.
11. wait! It can take up to 90 days before you receive your EAD card in the mail.

FAQ: I have a job offer but my EAD card has not arrived yet. Can I speed up the process?

• No. There is no option to expedite the OPT application. You should plan to wait 90 days and plan your application accordingly.

But what if I work for free until it comes and then work for pay? My job wants me to start right away!

• No. You cannot be training in any way outside your authorized OPT dates.

What Counts as OPT?

The “training” of “Optional Practical Training” does not only mean a paid job. You can do many things, as long as you are engaging in training for 20 hours or more per week.

- Volunteer in your field
  “Volunteering” can mean different things. In order for a volunteer position to count as OPT to avoid unemployment time, it MUST BE IN YOUR FIELD, ie: an unpaid internship. Volunteering at a homeless shelter or hospital does not count as OPT but is allowed if you would like to be involved in community service.
- Intern- paid or unpaid
- Contract work
- Self-Employment (with proper paperwork and permits)
- Get a job- part time or full time
FAQ- How do I know if the job is OK for OPT?

- You must make the call that a job is appropriate or not appropriate. Some things are obvious, working at a fast food restaurant or a grocery store for example wouldn’t be appropriate. However, there are some degrees that are ambiguous and have a wide range of jobs that might make use of those skills. You should keep job descriptions of any job you take to prove that your degree was required and that you are using the skills from your major field of study for the job should you be asked by USCIS.

FAQ- Who is going to care or know what job I am doing?

- You must report all of your jobs/training to ISSS for entry into the SEVIS system. Also, if you were to apply for a new visa after OPT, you might be asked to prove what you were doing on OPT and how it was in compliance.

FAQ- But maybe I am working at a restaurant as a manager and I was a business major. That counts right?

- You have to make the call but if it is hard to convince yourself that it meets the minimum requirement of being in your field of study then it probably is not a good idea. A good measurement is that is should require a degree and a job like restaurant manager, does not.

**Get a letter from your supervisor explaining the job if it is not obvious that it is related to your major field of study**
Unemployment on OPT

- During the 12 months of OPT, you must not exceed 90 days of unemployment total.

- It is important that you report your training and employment to ISSS to record that you are not unemployed. If you do not report your job and you are actually employed, no one will know that you are not accruing unemployment time.

- If you cannot find a paying job, there are other ways to be considered “employed” and avoid accruing unemployment time. Look into setting up an internship instead.

- If you cannot find anything in your field that would be considered training after 90 days, you can:
  - Begin a new degree program
  - Depart the United States
  - Change to a new visa category if the opportunity is available.

FAQ: What happens if I use my 90 days but don’t leave? Maybe I will find a job after 4 months or after 6 months.

- Staying in the US on your OPT after the 90 days unemployment has passed will cause you to be in violation and out of status. This will put you at risk for being denied a future visa or visa benefit. IE: H1-B applications. No one will come looking to arrest you but it is important to follow the regulation to protect your future opportunities. If you stay in the US for more than 120 days while out of status, you could be barred from entering the US later on.
Responsibilities During OPT

While on OPT, you are still an F-1 student and still under the responsibility of UMASS Boston. You need to always report the following to ISSS:

- Submit a copy of your EAD card to ISSS.
- Change of address within 10 days of your move.
- A new or change of a job or training site within 10 days of the start date. If you are doing two part time jobs or contract work at the same time, report all positions.
- If you decide to leave the US and not complete your OPT. ISSS will complete your record so you have a clean end to your status and will not encounter problems the next time you apply for a visa.

The forms you will need are available on the ISSS website.

FAQ- I lost my EAD card/ My EAD card was stolen. What do I do?

- You will need to replace your card. To replace your card you should contact ISSS. You will be required to complete a new I-765 form and pay the $380 fee once more. Your application for replacement will include the same materials as your initial OPT application plus any police reports of a theft if applicable. It is important that you report your card lost or stolen and get a replacement so that someone does not use your card fraudulently.
Travel on OPT

- To return to the US while on OPT you must present:
  - A valid passport
  - A valid F-1 visa stamp
  - OPT I-20 with travel signature (valid for 6 months)
  - EAD card
  - Proof of a job or other training opportunity
- While OPT is pending (you do not yet have your EAD card): Do NOT travel. To return you will need your EAD card. EAD cards will not be mailed outside of the United States. Travel at your own risk!

FAQ- I want to travel. I have my EAD card but no job. What do I do?

- It is recommended that you secure some kind of training before leaving the US for travelling. Keep in mind that you can secure an unpaid internship rather than a paid job and it is just as good. Make sure you get a letter to take with you.

FAQ- My visa is expired. What do I do?

- If you travel while your visa is expired, you will need to reapply for a new visa stamp before returning to the US. To do this, you should be in your home country and refer to your local consulate for all the required documents. You will need to show your EAD card and proof of a job/training. You can travel to Canada/Mexico/ the adjacent islands (some islands in the Caribbean) with an expired visa and re-enter the US through something called “Automatic Revalidation”.
**STEM Extension**

- STEM = Science, Technology, Engineering and Math
- If your major is a STEM qualifying major, you can apply for an extension of your OPT for 17 months, giving you a total of 29 months of OPT.
- If you qualify, contact ISSS in your 8th month of OPT is over to complete the STEM application. You will file a new I-765, pay a new fee and get a new EAD card. You will be able to work during the time between the end of your original OPT and when you receive your STEM EAD card.
- Your employer must be an E-Verify employer.

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**FAQ - I had a double major and one of the majors was in a STEM field. Am I eligible?**

- Maybe. You must be working in the STEM related field to be eligible. For example, if you were a Business and Computer Science double major, you could be STEM extension eligible if you are working in a company’s IT department but not if you are working in their marketing or sales department.

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**What Happens After OPT?**

- When your OPT is over you can:
  - Ask your employer to sponsor an H1-B employment visa
  - Begin another degree program as an F-1 student
  - Change to a new visa status if available
  - Depart the United States

You have a 60 day grace period after OPT ends to change status, start a new program or to depart the US.
FAQ- **My OPT is ending in February and I am going to start a new program in August. Can I stay until my new program?**

- No you can’t. You must begin the new program within 60 days after OPT ends. You will need to depart the US and return for your new program on a new SEVIS record and new F-1 visa within 30 days of the new program beginning.

**H-1 B and the Cap Gap**

- H1-B is an employment based visa, applied for by your employer.
- Your employer should apply at the April 1\(^{st}\) start date of the application period. They run out fast!
- If your employer sponsors an H1-B for you, you might run into the Cap-Gap, the time between your OPT end date and the H1-B start date on October 1.
- If this is the case, contact ISSS for a Cap-Gap I-20 so that you can continue to work. You must provide ISSS with a receipt from the application for an H1-B being filed with USCIS.
- Some employers, such as non-profits and institutes of higher education are exempt from the cap and can apply for an H1-B at any time of the year.

**FAQ-** My employer doesn’t mind keeping me on as an H1-B but doesn’t want to pay all the fees to file and offered to do the paperwork if I pay for it or we split it. Is that ok?

- No, absolutely not. The H1-B visa holder is technically the employer, not the employee and the responsibility of filing and paying for the petition is that of the employer. If you pay the filing fees, your employer would be in violation of labor law.