Optional Practical Training (OPT)

International Student Programs (ISP)
Optional Practical Training (OPT)

- Approval to work full time in the US for up to 12-months in a position directly related to your field of study.

- An extension of your F-1 status:
  - When you are on OPT, you are in F-1 status
  - Allows you to remain in the US until end of OPT + additional 60 day grace period
  - When you travel and re-enter the US on OPT, you re-enter in F-1 status

- Basic Eligibility:
  - Maintained F-1 status during the past year
  - Timely filed application with US Citizenship & Immigration Services (USCIS)
  - (Graduate Students) – have advanced to candidacy
  - (Undergraduate Students) – complete program of study
  - Job offer is **Not** required
Timing of Application

• Apply as early as **90-days** before “Program Completion”
• Apply as late as **60-days** after “Program Completion”

• How to define “**Program Completion**?”
  – **Undergrad Students**
    • Commencement Day (06/12/2015)
    • Last Day of the Term if Winter or Fall
  – **Graduate Students**
    • Defense date or the last date of term in which you defend
Mind the “Gap”

GRADUATE STUDENTS

- From TA/ RA to Post-Doc at Caltech without missing a paycheck
- Start your new job the day after your program completion date

Best Practices

- Apply 90-days *BEFORE* your program completion date
- Request the *EARLIEST* start date

03/12/2015 = OPT Application Mailed

06/12/2015 = Program Completion Date

06/13/2015 = Requested OPT Start Date
Embrace the “Gap”

ALL STUDENTS

- From student – to job seeker – to hopeful employee
- Give yourself extra time to find the job you want

Process

- Apply 90-days BEFORE you want to START working
- Request the LATEST allowable start date (within 60-days of completion)

06/12/2015 = Program Completion Date

* (03/12/2015 - 08/01/2015) = OPT Application Mailed *

08/11/2015 = Requested OPT Start Date

Remember – CANNOT work during this 2-month gap
Employment Authorization Document (EAD)
Completing the Application at ISP

Visit ISP during walk-in hours 1:00 – 4:00 PM
Schedule an appointment with an ISP advisor outside of walk-in hours
  – A typical appointment takes 30 minutes

Bring the following to your OPT application appointment:
  – Check for $380, made payable to “Department of Homeland Security”
  – Valid Passport
  – I-94 (print online record or is stapled to your passport)
  – Any previous Employment Authorization Documents (EAD)
  – Any previous I-20s if participated in Curricular Practical Training (CPT)
  – 2 Recent and identical U.S. passport photos
  – ISP mails the application to USCIS
Application Process

• U.S. Passport Photo Guidelines
  – Frame subject with full face, front view, eyes open
  – Make sure photo presents full head
  – White or off-white background
  – No shadows on the face or background

Examples of correct passport photos
USCIS Receives Your Application

• Receipt Notice from USCIS
  – Arrives at ISP within 2 - 3 weeks after application is mailed to USCIS
    • ISP will notify you by email
    • ISP will retain the Receipt Notice
  – Contains the Receipt Date – the date on which USCIS began processing your application
  – Contains a Receipt Number, or “WAC” number, specific to your application
    • Track your case status online: [https://egov.uscis.gov/cris/Dashboard.do](https://egov.uscis.gov/cris/Dashboard.do)
EAD Mailed to ISP

• Employment Authorization Document (EAD)
  – Issued within 90-days of Receipt Date
    • ISP will notify you by email
    • ISP will keep EAD until you collect it
  – Contains the authorized employment start date/end date
    • You may only be employed on OPT during the dates listed on your EAD
  – EAD states “Not Valid for Re-Entry” – this means that the EAD alone does not grant you authorization to re-enter the U.S. (I-20, F-1 visa, and passport are still needed)
  – Should be kept safe with your passport (not in your wallet)
    • Only need to present the EAD on your first day of employment and at the U.S. border
Request to Expedite OPT Processing

• If you have a job offer that requires you to begin before the standard 90-day processing time and you can demonstrate significant hardship to you or your employer, you may qualify for expedited processing by USCIS.

• To Request an Expedite
  – Need Employment Offer Letter
    • Company Letterhead
    • Requested Start date
    • USCIS OPT Receipt Notice

Contact USCIS National Customer Service Center: 1-800-375-5283
Your Responsibilities During OPT

Employment:
• Cannot accrue more than 90 days of unemployment during approved OPT period
• Full-time employment, which is at least 20 hours/week
• Employment related to student’s degree program

Reporting Requirements:
• Must report employer name and address to ISP
• Must report any changes in employment to ISP
• Must report your local address to ISP

Email all updates to: isp@caltech.edu
Allowed Employment

- Multiple Employers
- Single Employer
- 1099 Employment (contractor)
- Self-Employed Business Owner *
- Employment through a Temp Agency or Consulting Firm

- Unpaid Employment
  - Can “work” as a volunteer or in unpaid intern positions related to your field
  - Positions need to be truly unpaid/ volunteer positions
  - At least 20 hours/ week
Travel & OPT

BEFORE OPT is approved:
- I-20
- Passport
- Valid F-1 Visa *
- OPT Receipt Notice

AFTER OPT is approved:
- I-20 (signed for travel w/in the last 6 months)
- EAD
- Passport
- Valid F-1 Visa *
- Proof of employment (employer offer letter)
Going Back to School

Transferring to another school or starting a new degree at Caltech during OPT?

Starting a new program of study *during* your authorized OPT period
- Requires ISP to transfer/ level change to your I-20 record in SEVIS
- Ends your OPT & permission to work
- Any remaining OPT time is lost

Consult an ISP advisor before beginning a new program of study
17-Month Extension of OPT

A one-time 17-month extension of OPT is available for students:

- Currently on Post-Completion OPT
- Not previously granted a 17-month extension of OPT
- Job offer from an employer registered with E-Verify: [www.uscis.gov/e-verify](http://www.uscis.gov/e-verify)
- Qualifying major that is included on the U.S. Immigration & Customs Enforcement List of eligible “STEM” majors.

Caltech majors that currently do not qualify for the 17-month extension are:

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Division</th>
<th>Full Name (Caltech/ FSA)</th>
</tr>
</thead>
<tbody>
<tr>
<td>BEM</td>
<td>HSS</td>
<td>Business Economics and Management</td>
</tr>
<tr>
<td>Ec</td>
<td>HSS</td>
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<td>En</td>
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<td>History</td>
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<td>HPS</td>
<td>HSS</td>
<td>History and Philosophy of Science</td>
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<td>ISP</td>
<td>CIT</td>
<td>Independent Studies Program</td>
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<tr>
<td>PI</td>
<td>HSS</td>
<td>Philosophy</td>
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<tr>
<td>PS</td>
<td>HSS</td>
<td>Political Science</td>
</tr>
<tr>
<td>SS</td>
<td>HSS</td>
<td>Social Science</td>
</tr>
</tbody>
</table>
17-Month Extension of OPT

Application Process

• Can apply up to 120-days BEFORE your OPT ends
• **MUST** apply prior to the end of your OPT
• Prepare new Form I-765 (1-page application form available at [www.uscis.gov/portal/site/uscis](http://www.uscis.gov/portal/site/uscis))
• $380 application fee
• 2 Recent and identical passport photos
• **MUST** have an employer enrolled in E-Verify. Enter the employer name as listed in E-Verify and the E-Verify Company Identification Number
• Contact ISP for I-20 updated to reflect request for 17-month extension
• Submit application to USCIS
17-Month Extension of OPT

Working While your Application is Still Pending

• If the 17-month extension of OPT application is filed prior to the original OPT end date, employment can continue while the extension application is pending, until a final decision is made or until 180 days pass, whichever comes first.
Your Responsibilities While On The 17-Month Extension

Employment:
• Cannot accrue more than 120 days of unemployment during approved OPT period (cumulative total for post-completion OPT & 17-month extension)
• Employer(s) must be enrolled in E-Verify
• Full-time employment, which is at least 20 hours/week
• Employment related to student’s degree program

Reporting Requirements:
• Must report employer name and address to ISP
• Must report any changes in employment to ISP
• Must report your local address to ISP

• If applicable, the employer agrees to report to ISP when you terminate your employment

Email all updates to: isp@caltech.edu
17-Month Extension
Allowed Employment

**ALL Employers MUST be enrolled in E-Verify**

- Multiple Employers
- Single Employer
- 1099 Employment (contractor)
- Self-Employed Business Owner *
- Employment through a Temp Agency or Consulting Firm

- Unpaid Employment
  - Can “work” as a volunteer or in unpaid intern positions in your field
  - Positions need to be truly unpaid/ volunteer positions
  - At least 20 hours/ week
17-Month Extension & Travel

- **Initial Period of Post-Completion Still Valid:**
  - I-20 (signed for travel w/in the last 6 months)
  - EAD
  - Passport
  - Valid F-1 Visa *
  - Proof of employment (employer offer letter)

- **17-Month Extension Pending, Initial Period of Post-Completion OPT is Expired:**
  - Do NOT Travel
Talking with Employers about OPT

Before you go to an interview:

- Know your immigration responsibilities and options
- Know what you need from the employer
- Be ready to offer solutions
- Be ready to talk about immigration issues in a general way
Beyond OPT…
Transitioning to J-1 or H-1B Employee Status

If you decide to remain in the United States to work after your OPT expires, you will need to transition to another immigration status. The most common status that students transition to is J-1 or H-1B.

In general, J-1 status is unique to educational institutions. The process of moving from F-1 to J-1 is very clear and straightforward. If you are thinking about J-1 status, contact the educational institution you are working for about 6-months prior to the end date of your OPT.

H-1B status is most common for those who accept an industry position. The process of moving into H-1B status in industry requires planning. On the following slides, we review some special F-1 OPT provisions that help facilitate a move into an H-1B status with an industry employer.
Beyond OPT…
Transitioning to H-1B Employee Status

What is the H-1B?

• Employer sponsored status
  • A job is required to secure this authorization
  • You cannot apply for H-1B, an employer must apply on your behalf

• Employment is restricted to “Specialty Occupations” – occupations that require the theoretical and practical application of a body of highly specialized knowledge requiring completion of a specific course of higher education

• Employment authorization is employer-specific and job-specific

• Employment authorization that can be given for up to 6 years, but can only be granted in increments of up to 3-years at a time
The ISSUE:

Understanding the H-1B Cap & the F-1 “Cap Gap” Provisions

The US government has a “cap” (a limit) on the number of H-1Bs granted each year.

- Academic institutions are exempt from H-1B Cap (if you are employed by an academic institution, you do not have to worry about the “Cap Gap”)
- For private industry, the annual number of initial H-1Bs is limited by law:
  - 65,000 H-1Bs for everyone
  - 20,000 H-1Bs for those with an MS or PHD degree from a college or university in the United States
- The “Cap Gap” is a potential gap in your employment authorization due to the timing of the H-1B application process and the end of your authorized OPT. The following slides explain this in more detail.
Beyond OPT…
Transitioning to H-1B Employee Status

Each year, a new allotment of initial H-1Bs (65,000 + 20,000) becomes available on October 1.

H-1B Timeline

Earliest Date One Can Begin Employment on H-1B in Fiscal Year 2016: 10/1/2015

Earliest Date One Can Begin Employment on H-1B in FY 2017: 10/1/2016
Beyond OPT…
Transitioning to H-1B Employee Status

You can begin applying for an H-1B up to 6 months prior to the expected H-1B start date. Therefore, since a new allotment of H-1Bs becomes available on October 1, the earliest date to begin applying for one of these H-1Bs is April 1.

H-1B Timeline

10/1/2015

10/1/2016

4/1/2015
FY 2016
H1-B Application Period Begins

4/1/2016
FY 2017
H1-B Application Period Begins
Beyond OPT…

Transitioning to H-1B Employee Status

If you are planning to complete all your degree requirements by June, the following timeline outlines one possible scenario. Remember, your OPT must begin within 60 days of your completion date.

**OPT Timeline**

- Expected Degree Completion Date: 6/12/2015
- Latest Possible OPT Start Date: 8/11/2015
- Latest 12 Month OPT End Date: 8/10/2016
By combining the two timelines, you can see that there is a potential gap in employment caused by the timing of the OPT and H-1B applications. This gap is outlined in orange below.

### H1-B Timeline
- **Degree Completion Date**: 6/12/2015
- **Earliest Date One Can Begin Employment on H1-B in FY 2016**: 4/1/2016
- **OPT End Date**: 8/10/2016

### OPT Timeline
- **Latest OPT Start Date**: 8/11/2015
- **Gap in Employment Authorization “CAP GAP”**: 10/1/2015
Beyond OPT…
Transitioning to H-1B Employee Status

OPT “Cap Gap” Provisions

• In 2008, the rules governing OPT were amended to address this gap in employment authorization, or the “Cap Gap” issue
  – If you have an H-1B that will begin on October 1 and your OPT ends before October 1, your OPT is automatically extended to cover any gap in employment due to the “CAP GAP”

• If this case applies to you, please contact ISP for a new I-20
international.caltech.edu