

OPTIONAL PRACTICAL TRAINING (OPT)

FAQ'S

What is OPT?

- Optional Practical Training is a 12-month temporary employment authorization, which is a benefit of the F-1 student status.
- Provides an opportunity for F-1 students to apply skills acquired from their academic program to work experience in their major field of study. Its purpose is to “round off” or complement your academic work.
- OPT must be recommended by the International Student Advisor (Ruby Pleasure) and approved by the United States Citizenship and Immigration Services (USCIS)
- Jobs must be directly related to the field of music.

Who is eligible for OPT?

In order to receive approval for post-completion OPT, you must..

- Be in valid F-1 status for nine months (one academic year) or more
- Be enrolled full-time or have an approved Reduced Course Load.
- Be in good academic standing.
- Have been enrolled full-time for at least one full academic year prior to submitting an OPT application.
- Have completed your course of study.

What is the duration of OPT?

- A total of 12 months of OPT is available for each level of study.
 - Example: if you were granted 12-months of Post-completion OPT after your bachelor's degree then you are still eligible to apply for 12 months of OPT at the master's degree level.

When can I apply for OPT?

- You can submit your application for the USCIS up to 90-days before your Program Completion Date or during the 60-day grace period after the Program Completion Date.
- Program Completion Date is 05/31/2013.
- **Final Date you can apply for OPT is 07/30/2013.**

How can I determine my requested authorization start date?

Things to consider:

- It can take up to 3 months for USCIS to process and mail your EAD (Employment Authorization Document) to you
- USCIS must receive your application no later than 30 days after your OPT I-20 has been issued by International Student Advisor or your application may be denied
- Your requested start date can be no later than 60 days beyond your Program End Date (07/30/2012). **Note: most SFCM students request a start date of 07/01/2013.**
- You cannot change your start date once the OPT application and I-20 have been mailed to the USCIS.

- If you receive the EAD before your start date has arrived, you cannot work until the start date (noted on the EAD). You cannot start working until you have received the EAD and your start date is current.
- *If you leave the US during your 60-day grace period and you have not applied for OPT, you lose your opportunity to apply for OPT.*
- As long as you have applied for Post-completion OPT, your F-1 status remains valid while you are waiting for the EAD even if there is a gap between your Program End Date and the start date of OPT. During this “gap”, you can remain in the US or travel abroad and re-enter as an F-1.

How do I apply for OPT?

- Go to www.uscis.gov and download form I-765
- Complete form I-765.
 - Note: check the box that indicates that you are applying for “Permission to accept employment”.
 - In #16, indicate: (c) (3) (B)
 - Remember to sign the form
- Bring the completed I-765 form to Ruby Pleasure in Room 606 along with the following documents:
 - Copy of your most recent SFCM SEVIS I-20
 - Photocopy of the identification page in your passport
 - Photocopy of your visa
 - Photocopy of the front & back of your I-94 card
 - 2 Passport-style photographs (write your name & I-94 number on the back of each photo (place in a small envelope and attach the envelope to the I-765 form)
 - Photocopies of any previous EAD(s) if you have had previous OPT authorization at any school
 - If you have had CPT authorization at SFCM: photocopies of pages 1 & 3 of any I-20 form which shows CPT authorization
- A new OPT I-20 will be issued. This will have the OPT recommendation on the 3rd page.
 - Sign your new I-20 with a BLUE pen
 - Attach the **\$380 application fee** (check or money order made payable to: US Department of Homeland Security).
- Mail the application to USCIS at the following address:
 - Via US Postal Service “Certified Mail Return Receipt”:
 - USCIS
PO Box 21281
Phoenix, AZ 85036
 - Via FedEx or DHL:
 - USCIS
Attn: AOS
1820 E. Skyharbor Circle S
Suite 100
Phoenix, AZ 85034

What happens next?

In 2-4 weeks you will receive a “*Notice of Action*” from USCIS. This is a very important document. It is your OPT application receipt. You will need it to inquire about the status of your application and for travel outside the US. *If you lose the receipt, there is no way to replace it.*

You can check the status of your case online through the USCIS web site at www.uscis.gov under “Case Status Online”

What do I do if I get a “Request for Evidence (RFE)”?

Contact the International Student Advisor if you receive an RFE. If there is a problem with your application USCIS will send you an RFE notice by mail. This does not mean that your application has been rejected. It simply means that you need to send in additional documents before your EAD can be issued. *Please note the deadline to respond to the RFE. If you fail to meet this deadline, your application will be automatically canceled.*

Getting an RFE can delay the processing of your OPT application for about one month. It is important to complete the I-765 correctly and send all the proper documents to USCIS.

When will I receive my Employment Authorization Document (EAD card)?

It takes about 90 days for your application to be processed. The EAD will be mailed to you (at the address you gave on the I-765 form) after the application is approved (it will usually arrive about 2 weeks after approval). If USCIS indicates that the application is approved and you have not received the EAD within a reasonable time, there may be a problem. For instance: have you moved? Did you update your address?

Please note: You may not begin to start working until you receive your EAD (even though it was approved). Employers are required to verify that you are eligible to work before they can put you on payroll.

I lost my EAD. How can I get it replaced?

If you lose your EAD the only way to replace it is with a new EAD application. The process is the same as the initial application to USCIS and requires the same documentation (I-765, fee, photos, visa, passport, etc) and can take about three to five months. You will not be allowed an extension of time on your OPT eligibility. It is not possible to replace an EAD if you are outside the US.

How do I maintain my F-1 status while on OPT?

1. Report the following information to International Student Advisor within 10 days by emailing Ruby Pleasure at rap@sfcu.edu:
 - Any change of address
 - Any change of name (first, middle, last)
 - Any periods of unemployment while authorized for OPT
 - Employer information upon obtaining a job or changing jobs; including employer name, address and the date you began working.
 - A copy of the EAD

2. OPT is now dependent on Employment

- Students may not accrue a total of more than 90 days of unemployment under the 12-month period of OPT.
- Students must work at least 20 hours per week in a qualifying position to be considered employed. If you have a variable schedule, it should average out to at least 20 hours per week within a month. All jobs must be directly related to music.

3. Types of Employment:

- **Multiple employers.** Students may work for more than one employer, but all employment must be related to Music.
- **Short-term multiple employers (musicians and other performing artists).** Students may work for multiple short term employers (gigs). You should maintain a list of all gigs, the dates and duration. If requested by DHS, you must be prepared to provide evidence showing a list of all gigs.
- **Work for hire.** This is commonly referred to as 1099 employment where an individual performs a service based on a contractual relationship rather than employment relationship. If requested by DHS, you must be prepared to provide evidence showing the duration of the contract periods and the name and address of the contracting company.
- **Self-employed business owner.** Students on OPT may start a business and be self-employed. In this situation, the student must work full-time. The student must be able to prove that he has the proper business licenses and is actively engaged in a business related to his degree program.
- **Unpaid employment.** Students may work as volunteers or unpaid interns, where this does not violate any labor laws. The work must average 20 hours per week. Students must be able to provide evidence from the employer that the student worked 20 hours per week during the period of employment.

4. Days of Unemployment

To avoid violating F-1 status, prior to reaching the limit on authorized unemployment (90 days), a student must take one of the following actions:

- Apply to continue his or her education by a change of level or transferring to another SEVP-certified school.
- Depart the US
- Take action to otherwise maintain legal status

If one of those actions is not taken, a student who has exceeded the period of unemployment has violated his or her status. **There is no 60 day grace period** once the student has reached the 90-day unemployment limit.

Can I travel abroad on OPT?

Yes, you can travel abroad while you are on OPT. Follow these suggested guidelines

- Don't leave the US for long periods of time during the OPT year. A few weeks of vacation is reasonable, but if you are gone for several months, you may encounter difficulty in re-entering. Remember unemployment is limited to 90 days.
- Be careful about trying to re-enter the US close to the expiration date of your OPT. You may not be allowed to reenter as an F-1
- Students who need to apply for a new visa should consult with the International Student Advisor prior to travel to discuss the visa application process and possible risks
- Don't attempt to reenter the US in a status other than F-1 unless you are willing to forfeit your OPT permanently

- Be prepared to tell the immigration officer at the Port of Entry your plans for the OPT year. They may want to know:
 - What have you done to find a job?
 - What kind of job do you plan to look for?
 - What will you do after the OPT is expired?
 - How will you support yourself while you are job-seeking?

What documents do I need when I travel abroad?

- A valid passport
- A valid F-1 visa stamp
- Your OPT I-20 with a valid travel endorsement signed on page 3 by the DSO (the endorsement is valid for 6 months)
- The EAD (Note: if you have not yet received your EAD, you should have the “Notice of Action” receipt from USCIS)
- Evidence of financial support for the OPT period is strongly recommended
- If you have employment, a job offer letter is strongly recommended

My F-1 Visa will expire while I am on OPT. What do I need to do?

Your visa only needs to be valid to re-enter the US from abroad. If it expires while you are still in the US there is no problem. Your F-1 status remains valid as long as you have an EAD that has not expired and you are following F-1 regulations.

If you are traveling abroad and the F-1 visa in your passport has expired, you must obtain a new one before re-entering the US. To apply for a new visa during OPT, the basic documents you will need are:

- A valid passport
- A valid I-20 with travel endorsement from the DSO within the past 6 months
- The EAD
- A job offer in your field of study
- Evidence of sufficient funds (e.g. a bank statement a letter from a sponsor or a job offer letter)

Can I go to school while on OPT?

You cannot take classes while on OPT except for recreational or vocational classes. If you decide to go back to school full-time, you must get a new I-20 from the school and forfeit the remainder of your OPT time. See the International Student Advisor at SFCM or at your new school if you are considering this.

What happens to my SEVIS record while I am on OPT?

- During OPT you are still on the SFCM I-20
- If you continue your studies within 5 months of your OPT end date, you must contact the International Student Advisor and have your SEVIS record transferred to the new program
- If you change your immigration status, notify the International Student Advisor by e-mailing the proof of your new status so that your SEVIS record can be updated
- You are still eligible to purchase the SFCM student health insurance to cover your year of OPT
- You have a 60-day grace period after your EAD card expires to prepare to go home or have your SEVIS record transferred to a new academic program in the US

I still have questions. How can I contact you?

Contact: Ruby Pleasure, International Student Advisor and PDSO at:
SFCM - Room 606
50 Oak St
San Francisco, CA 94102
rap@sfcmm.edu
415-503-6228 (work)
650-278-0462 (cell)

Jason Smith, Associate Dean for Student Life & DSO
SFCM – Room 208
jsmith@sfcmm.edu
415-503-6265 (work)
585-317-7631 (cell)

Jonas Wright, Registrar & DSO
SFCM Room 408
jwright@sfcmm.edu
415-503-6297 (work)

Information adapted from NAFSA Advisor's Manual and San Francisco State University Office of International Programs

03/13/2013