

Optional Practical Training (OPT)

Frequently Asked Questions - for Approved Students

What set of rules governs OPT?

Section 8 of the Code of Federal Regulations (CFR). OPT is approved by USCIS (United States Citizen and Immigration Service)

Your OPT employment must be directly related to your degree!

Is OPT a work visa?

No. OPT is an extension of your F1 student visa. OPT allows you to gain “practical training”, which is related to your degree program. Such training is not required; hence the term “optional”.

How long does OPT last?

In most cases OPT is approved for 12 months. Students with STEM majors may be eligible to extent OPT 24 additional months.

Can I repeat OPT?

You can apply for OPT once per degree level. For Example: after AA, BA, MA and PhD.

What does STEM mean?

STEM refers to academic majors in Science, Technology, Engineering and Math

What is the 90 day rule?

During 12 months of OPT, you are entitled to 90 days total of unemployment. After 90 days of unemployment (no practical training), you are considered in violation of your OPT status, which could put your F1 or future immigration status at risk. Source: CRF 214.2(f)(10(ii)(E)

TRAVEL: Can I re-enter the US if I leave the country before my OPT is approved?

Yes, however we do not recommend travel before you have received your EAD card and have verified employment. Students should carry the OPT receipt (I-765) showing proof of pending OPT application in order to re-enter the US.

TRAVEL: Can I re-enter the US if I leave during OPT?

If your OPT has been approved and you depart before you get a job, your OPT automatically terminates, ends and you cannot reenter. If you have a job, you may reenter to resume work at the same job. Students should carry OPT card; employer letter of support, and have their I-20 signed by ISS. Although it is difficult to say exactly how much these interpretations will be enforced at the port of entry, a good rule of thumb is that a student who has an OPT card and who can document a job, or job offer, should not have difficulty reentering the US. If the student cannot document this status, the student will be taking a risk. An OPT card and valid I-20 do not guarantee re-entry.

Reporting “Employment” and “Unemployment”

During OPT, keep in mind:

Employment is general in meaning. It might be a paid or unpaid internship, volunteer or free lance work. It means you are actively engaged in practical training related to your degree. You are authorized to be paid for that experience if pay is offered. Employment can be understood to mean being “occupied” or “engaged” in a relevant activity, whether it’s paid or unpaid.

Unemployment, on the other hand, means periods of time when you are not doing anything. You are “unoccupied” or “unengaged” if you cannot document any relevant activity.

How should students report employment/unemployment information to ISS?

Email: ISS@clayton.edu . This provides both evidence of reporting and the date reported. You should also keep your own record of all e-mail correspondence regarding OPT sent to the ISS.

You will also receive a link to the SEVIS OPT portal once your OPT has been approved and this will allow you to update your personal and work information directly.

What should students report to protect their status due to excessive unemployment time?

Students are encouraged to report changes in employment to the ISS (ISS@clayton.edu) as soon as possible. SEVP recommends that students report changes within 10 business days of the change to avoid situations where a DHS official may determine the student is out of status.

The following table suggests the best way to report employment or a change in employment.

Situation	Report
New job	• Name of the employer • Start date of employment • Mailing address for the employer and Full or part-time status
Job Change	• Name of the previous employer • Ending date of previous employment • Name of the new employer • Start date of employment • Mailing address of new employer and Full or part-time status
Multiple short-term jobs in one period with less than 10 days between gigs	• Report at the beginning of the first gig and indicate “Multiple short term jobs” and Full or part-time status
Work for hire (start)	• Indicate “Self-employed work for hire” • Indicate the start date of the contract or agreement and Full or part-time status
Work for hire (more than 10 days between 2 work for hire jobs)	• Indicate “Self-employed work for hire” • Indicate you have no current contract • Ending date of the last contract worked

Situation	Report
More than 10 days of unemployment	<ul style="list-style-type: none"> • Indicate “unemployed” • Ending date of last job
Self-employed business owner (start)	<ul style="list-style-type: none"> • Indicate “Self-employed business owner” • Indicated date went into business
Self-employed business owner (end)	<ul style="list-style-type: none"> • Indicate “Self-employed business owner” • Indicate date business closed or student no longer worked for the business full time
Student decides to exit the United States and complete his or her F-1 status prior to the end date of OPT	<ul style="list-style-type: none"> • Indicate “Completing OPT and exiting the United States” • Date of exit

What is the effect on a student’s status if the student exceeds the maximum unemployment?

A student with excessive unemployment during post-OPT is in violation of his or her status unless he or she has taken one of the following actions:

- Applied to continue his or her education by a change of level or transfer to another SEVP-certified school
- Lawfully departed the United States before the end of the 60 day grace period
- Taken action to otherwise maintain legal status

Is the ISS responsible for determining if a student has exceeded the limit of unemployment time while on OPT?

No. ISS is only responsible for updating SEVIS with employment information provided by the student or the student’s employer. DHS will determine if the student has violated his or her status by exceeding the maximum unemployment period.

How will DHS enforce this provision?

Students may be denied future immigration benefits that rely on the student’s valid F-1 status if DHS determines that the student exceeded the limitations on unemployment. Additionally, ICE/SEVP may examine SEVIS data for an individual, a selected group, or all students on post-completion OPT and terminate a student’s record if it fails to show the student maintained the proper period of employment. In such cases, the student will be given an opportunity to show that he or she complied with all OPT requirements, including maintaining employment.

H1-B Visa

Students who apply for the H1-B work visa and whose OPT will end before the October 1st H1-B start date should contact the ISS for guidance. Some action may be needed to ensure students in this situation are granted the cap-gap OPT extension.

Abbreviations to Know:

DHS:	Department of Homeland Security
cap-gap:	H1-B visas are limited to a total of 65000 in 2011. This is the “cap” or maximum number available. You may apply for an H1-B beginning April 1, but employment begins October 1. If you OPT will end during this period, there is a “gap”. You can apply for a “cap-gap” extension.
ICE:	Immigration and Customs Enforcement (a division of “Homeland Security” and the Department of Defense)
ISS:	International Student Services
OPT:	Optional Practical Training
CPT:	Curricular Practical Training (for paid internships during school)
SEVP:	Student Exchange Visitor Program
SEVIS:	Student Exchange Visitor Information System (a federal database)
STEM:	Science, Technology, Engineering and Math
I-765:	Employment Authorization Form
I-94:	Port of entry travel document