

Optional Practical Training Follow-up Information

The Office of International Education-Immigration Services (OIE-IS) reserves a minimum processing time of at least two weeks after the date of receipt of the completed application. We mail the application for OPT to USCIS on your behalf. After about 15 days you should get a receipt notice from USCIS. The USCIS receipt will show the date your application was received, and it will list a receipt number (your case number) as well as a normal processing time (up to four months) for the application. Please note that USCIS can change the processing time without providing you any notice.

NEW: The 29 month OPT extension rule was published on April 8, 2008. This included changes to OPT for all F-1 students. Please read these pages closely to find out about new requirements and opportunities. Information pertaining to those STEM (Science, Technology, Engineering and Mathematics) students applying for the extension is at our Web site.

1. You should receive a receipt notice within one month of our mailing it to USCIS. When you receive your receipt notice, make sure all of your information (e.g., address, birthday, name spelling) is correct. If there are mistakes, you must correct them immediately by following the instructions at the bottom of the receipt notice.
2. You may view the status of your case [online](https://egov.uscis.gov/cris/jsps/index.jsp) at <https://egov.uscis.gov/cris/jsps/index.jsp> using the receipt number at the top of the receipt (format is EAC-xx-xxx-xxxxx).
3. If you have not received the receipt notice, and USCIS has cashed your check for the filing fee, or you have not received the work authorization card (I-766) within the estimated processing time that appears on your receipt notice, you may take the following steps, please contact OIE and we will look into it for you.
4. When you receive your I-766 card, verify that your personal information, especially your name and the employment dates, are correct. If the information is not correct, please contact the OIE-IS immediately.

VERY IMPORTANT POINTS to remember:

- A. You **may not continue working on campus** after the date your adviser gives for completing the requirements of the program. This is when you complete your studies and when you lose your benefit to work on-campus without work authorization.
- B. You also **may not begin working** until you receive an Employment Authorization Document (EAD) card and its starting date is current.
- C. The Post Office is not permitted to forward immigration documents. Instead they return the documents to USCIS marked “undeliverable,” and they are destroyed. Therefore when you choose your address, you must use one that will not change for several months. If you are moving, we recommend you have it sent in care of a reliable friend’s address — one who will not be moving.
- D. Student departure from the U.S. **before** OPT is approved does not abandon the application. In order to reenter before the OPT is approved the student will need:
 - A valid passport and F-1 visa stamp.
 - The I-20 endorsed for OPT and signed for travel.
 - An I-797 receipt notice indicating USCIS receipt of the OPT application.

NOTE: If your OPT is approved while you are outside the U.S., neither OIE nor USCIS will mail your card to you abroad. Also, you may have trouble with reentry without a written job offer (see below).

(OVER)

After you receive your employment authorization card please remember the following:

1. Fax or mail a copy of your OPT card to my attention at OIE-IS (fax: (804) 828-2552).

NEW Student reporting requirements. Please report all of the following information to my e-mail address:

iamercer@vcu.edu

Both while your OPT application is pending with the USCIS and after your OPT application is approved, your nonimmigrant status remains F-1. **As long as you are in the United States, and on OPT you are required to update the following to OIE-IS by e-mail within 10 days of any change:**

- your legal name
- your residential address
- employer name and address
- change of employment
- any loss of employment or unemployment

Please follow the table below when reporting changes in employment.

Situation	Student reports to DSO
New job	<ul style="list-style-type: none"> ▪ Name of the employer ▪ Start date of employment ▪ Mailing address for the employer
Change to a new job (less than 10 days between jobs)	<ul style="list-style-type: none"> ▪ Name of the previous employer ▪ Ending date of the employment with the previous employer ▪ Name of the employer ▪ Start date of employment ▪ Mailing address for the employer
Multiple short-term gigs in one period with less than 10 days between gigs	<ul style="list-style-type: none"> ▪ Report at the beginning of the first gig and indicate “Multiple short term gigs”
Work for hire (start)	<ul style="list-style-type: none"> ▪ Indicate “Self-employed work for hire” Indicate the start date of the contract
Work for hire (ending more than 10 days between the end of one contract and the beginning of another contract or new job)	<ul style="list-style-type: none"> ▪ Indicate “Self-employed work for hire.” ▪ Indicate you have no current contract ▪ Ending date of the last contract worked
Self-employed business owner (start)	<ul style="list-style-type: none"> ▪ Indicate “Self-employed business owner” ▪ <i>Indicate business address</i> ▪ Indicate date went into business

<p>Self-employed business owner (end)</p>	<ul style="list-style-type: none"> ▪ Indicate “Self-employed business owner” contd... ▪ Indicate date business closed or student no longer worked for the business full time
<p>Student decides to exit the U.S. and complete his or her F-1 status prior to the end date of OPT</p>	<ul style="list-style-type: none"> ▪ Indicate “Completing OPT and exiting the United States” ▪ Date of exit

2. **NEW limits to unemployment.** During post-completion OPT, F-1 status is dependent upon employment. Students **may not accrue an aggregate of more than 90 days of unemployment during any post-completion OPT carried out under the initial post-completion OPT authorization.**

Types of acceptable employment are:

- **Regular paid employment** for at least 20 hours per week in a position directly related to the student’s program of study. Students may work for multiple employers, as long as it is directly related to the student's program of study.
- **Payment by multiple short-term multiple employers.** SEVP says that “Students, such as musicians and other performing artists may work for multiple short term employers (gigs). The student should maintain a list of all gigs, the dates and duration. If requested by DHS, students must be prepared to provide evidence showing a list of all gigs.”
- **Work for hire.** SEVP says, “This is also commonly referred to as 1099 employment where an individual performs a service based on a contractual relationship rather than an employment relationship. If requested by DHS, students 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.** SEVP says, “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 or she has the proper business licenses and is actively engaged in a business related to the student's degree program.”
- **Employment through an agency.** SEVP says, “Students on post-completion OPT must be able to provide evidence showing they worked an average of at least 20 hours per week while employed by the agency.”
- **Volunteers or unpaid interns.** SEVP says, “Students may work as volunteers or unpaid interns, where this does not violate any labor laws. The work must be at least 20 hours per week for students on post-completion OPT. These students must be able to provide evidence from the employer that the student worked at least 20 hours per week during the period of employment.” NOTE that a volunteer position or unpaid internship would be a valid option for someone who otherwise might not meet the minimum employment requirement.
- **There is a 10-day exception** to the counting of days while someone is between jobs, saying that “periods of up to 10 days between the end of one job and the beginning of the next job will not be included in the calculation for time spent unemployed.”

Maintaining proof of allowable employment. SEVP recommends that students maintain evidence - for each job - of the position held, proof of the duration of that position, the job title, contact information for the student's supervisor or manager, and a description of the work.

If it is not clear from the job description that the work is related to the student’s degree, SEVP highly recommends that the student obtain a signed letter from the employer's hiring official, supervisor, or manager stating how the student's degree is related to the work performed.

What constitutes unemployment?

- Each day during the period when OPT authorization begins and ends that the student does not have qualifying employment (see above) counts as a day of unemployment.
- Time spent outside the United States while unemployed will count towards the 90/120 aggregate during the EAD validity period, i.e., a student cannot “stop the unemployment clock” simply by exiting the country. SEVP does clarify, however, that “If a student travels while employed either during a period of leave authorized by an employer or as part of their employment, the time spent outside the United States will not count as unemployment.”
- Time spent on US employment under 20 hours per week does NOT count as employment.

How does DHS enforce the unemployment rules?

“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.” -SEVP OPT policy guidance

3. **NEW “Cap-Gap” exceptions:** Duration of status and work authorization will be extended for a student on OPT, who is the beneficiary of a timely-filed H-1B petition requesting an employment start date of October 1 of the following fiscal year. The extension of duration of status and work authorization vary in length depending on the below situations and would automatically terminate upon the rejection, denial, or revocation of the H-1B petition filed on the student's behalf.
- A student who is the beneficiary of a properly filed H-1B petition will have his or her OPT extended to June 2, 2008, and F-1 status extended to August 2, 2008
 - A student who is the beneficiary of wait listed H-1B petition will have his or her OPT extended to July 28, 2008, and F-1 status extended to September 27, 2008
 - A student who is the beneficiary of a receipted H-1B petition will have his or her OPT and F-1 status extended to September 30, 2008
 - A student whose H-1B petition is withdrawn or denied will have his or her OPT extension terminate 10 days after the date of the withdrawal or denial and their F-1 status extension will end 30 days after that. Termination of the automatic extension will not prematurely terminate a student's period of approved OPT, as shown on the student's employment authorization document or the student's original period of F-1 status. **It is the student’s responsibility to maintain contact with the petitioning employer to find out whether the cap extension has been terminated before September 30.**

Requesting the Cap-Gap extension: Schools are not responsible for initiating any actions in connection with the cap gap extensions. **Students must check with their schools to determine if the cap-gap has been granted automatically or if a data fix to SEVIS is required.** To support a data fix, the student must provide the DSO with the following evidence:

- For a properly filed H-1B petition: A statement from the employer that the student is the beneficiary listed on a properly filed H-1B petition and proof of delivery to a USCIS Service Center showing the date of receipt.
- For a wait-listed H-1B petition: A copy of the wait list letter from USCIS to the employer
- For a receipted or approved H-1B petition: A copy of the Form I-797 and/or the I-797 receipt number.

Reporting requirements during the cap-gap extension:

The limits on unemployment continue to apply to students with employment authorization while on a cap-gap extension.

Students on cap-gap extensions must continue to report all changes of name and address, and interruptions of employment, just like other students on OPT.

4. **Travel outside the U.S. once OPT has been approved.** Port of entry (POE) guards have been instructed to ask for proof of employment from all F-1 student returning using an OPT card. If you plan to travel and have a job, you will need to take:
- a letter from your supervisor indicating that you are still working, a summary of what you are doing and that he or she expects you to return to continue working
 - two of your most recent pay stubs
 - your signed I-20 (signature cannot be older than six months regardless of text above signature line stating that signatures are good for one year)
 - a valid passport
 - a valid F-1 visa

If you plan to travel during OPT **and you have not found a job yet**, be sure to take clear documentation of your job search as proof to border guards that you are looking for work and will continue to do so if allowed back into the U.S. Please remember that you travel at your own risk. It is very possible the OIE will not be able to help you return if you are stopped at the POE.

Be aware that, if you need a new visa stamp, the burden is yours to convince a U.S. consular officer that you intend to return to your home country after completing your OPT. If the officer believes that you intend to remain in the U.S. beyond the ending date of your OPT, s/he normally will deny your visa request and you will be unable to return.

5. Your employer will need your Social Security number to put you on payroll. If you already do not have a Social Security card, you may obtain one by applying in person at any Social Security Administration office. Take your OPT card, passport, I-94 and I-20 with you.
6. If you think you are eligible for the 17 month extension for STEM students, please check our website for more information.

We wish you every success. Remember, however, that after you leave VCU and finish the time on your OPT, VCU no longer will be your visa sponsor. Best wishes for a great future.

I, _____ have read and understand the above reporting requirements and regulations and agree to comply with them for the duration of my Optional Practical Training under VCU's SEVIS sponsorship.

Student signature

Date

Updated 2008

V I R G I N I A C O M M O N W E A L T H U N I V E R S I T Y
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