## PEPPERDINE UNIVERSITY

**OFFICE OF INTERNATIONAL STUDENT SERVICES** 

# **OPT** Manual

Revised Fall 2019

## **ATTENTION!**

You are responsible for carefully reading each section of this manual in order to successfully obtain your OPT employment authorization card (EAD). If you wish to have your application checked for errors, sign up for the OPT workshop.



oiss@pepperdine.edu



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OISS Portal (oiss.pepperdine.edu)

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Section A

## What is Optional Practical Training (OPT)?

#### 8 C.F.R. § 214.2(f)(10)

**Practical training.** Practical training may be authorized to an F-1 student who has been lawfully enrolled on a full time basis, in a Service-approved college, university, conservatory, or seminary for one full academic year. This provision also includes students who, during their course of study, were enrolled in a study abroad program, if the student had spent at least one full academic term enrolled in a full course of study in the United States prior to studying abroad. A student may be authorized **12 months** of practical training, and becomes eligible for another 12 months of practical training when he or she changes to a higher educational level. Students in English language training programs are ineligible for practical training. An eligible student may request employment authorization for practical training in a position that is directly related to his or her major area of study.

OPT allows F-1 students to get work experience directly related to their field of study, either before or after completion of their program. A job offer is not required in order to apply. There are 3 types of OPT:

- 1. Pre- completion OPT (see note below)
- 2. Post- completion OPT (total of 12 months)
- 3. STEM extension OPT (additional 24 months)

Note: <u>Part-time</u> (not more than 20 hours a week) pre-completion OPT will be deducted from the 12 months of OPT at the 50% rate. For example, 6 months will use up 3 months of OPT.

## Why you should apply EARLY!

Warning: if you apply too early, however, your application will be denied. See next page for filing deadlines!

- It can take up to 5 months for the United States Citizenship & Immigration Services (USCIS) to process your application! Be aware that if your application is approved after the OPT date you requested, USCIS may push your OPT start date to a later date!
- You are <u>not</u> allowed to work or even volunteer until you receive your employment authorization document (EAD)!
- If USCIS sends your application back to you with a "rejection notice" because of errors in the application, you must contact the OISS and request a new I-20 before you refile your application, to avoid having your application denied!
- If your application is denied, you will be able to apply again before the deadline as long as you have not departed the US.
- You may receive a "request for further evidence" from USCIS by a certain deadline.
- Your EAD may be lost or returned to the USCIS as "undeliverable."
- In order to renew your driver license, you will need to present your EAD.

## **Important filing deadlines!**

#### 8 C.F.R. § 214.2(f)(11)(i)(B)

Filing deadlines for pre-completion OPT and post-completion OPT.

(1) Students may file a Form I-765 for **pre-completion** OPT **up to 90 days** before being enrolled for one full academic year, provided that the period of employment will not start prior to the completion of the full academic year.

(2) For **post-completion** OPT, the student must properly file his or her Form I-765 **up to 90 days** prior to his or her program end date and **no later than 60 days** after his or her program end date. The student must also file the Form I-765 with USCIS **within 30 days** of the date the DSO enters the recommendation of OPT into his or her SEVIS record.

### USCIS will <u>deny</u> your application if it is "filed" (<u>received</u>):

- 1. <u>Too early</u> (more than 90 days prior to the program end date)
- 2. <u>Too late</u> (more than 60 days after the program end date)
- 3. More than 30 days after the date your OPT I-20 was issued

Attention! If you receive a "rejection" notice instead of a "receipt" notice, IMMEDIATELY notify the OISS. You will need a new Form I-20 in order to avoid denial of your application!

## When should you not apply for OPT?

#### Are you planning to pursue another degree at the same education level?

Be aware that you can apply for OPT only once for each education level. To apply for OPT again, you must complete a program at a <u>higher</u> level than the last program. For example, if you are planning to complete two master's degree programs, you may wish to apply for part of your 12 months of OPT after the first program or save all of the 12 months for the second program.

### Are you planning to go back to your country?

Be aware that if you apply for OPT before departing, you can come back to work in the US if you change your mind, as long as you don't exceed the limit on days you are allowed to be unemployed during the OPT period.

### Are you unsure if you will finish your program on time?

You may wish to apply for OPT after you are certain you will pass all of your courses. If you find out you will not finish your program AFTER applying for OPT, immediately contact the OISS (see next page for more information).

### How to withdraw your OPT application

#### **SEVP Policy Guidance 1004-03**

What happens if a student (excluding those students who have completed all program requirements aside from thesis or equivalent) applied for post-completion OPT before his or her program end date and subsequently fails to complete the requirements for his or her program?

- The student should contact his or her DSO immediately for guidance.
- If the employment authorization application has not been adjudicated by USCIS, the student may withdraw the application by notifying the Service Center where the application was filed. The DSO should also withdraw the recommendation for OPT in SEVIS.
- If the employment authorization application has already been approved, the DSO should extend the student's program end date to the appropriate date. The student may work <u>part time</u> while enrolled in courses to complete the requirements for his or her program and full time during breaks and vacations. After successful completion of all the program requirements, the student may work full time.
- However, even though the student's program end date was extended, because the OPT was granted as post-completion OPT, the student is subject to the 90-day limitation on unemployment.

Source: <u>http://www.ice.gov/doclib/sevis/pdf/opt\_policy\_guidance\_042010.pdf</u>

You may withdraw your application If you decide you do <u>not</u> want your OPT to be approved for any of these reasons:

- you plan to apply for OPT in the future after completing another program at the <u>same</u>education level (see page 7 for more information)
- you will return to your country
- you will not complete your program on time

Contact the OISS <u>immediately</u> to request a sample withdrawal request letter. Be aware that there is no guarantee that your request will be processed by the USCIS.

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### Submit your OPT Request e-form to the OISS

#### 8 C.F.R. § 214.2(f)(11)(i)

**Student responsibilities.** A student must initiate the OPT application process by requesting a recommendation for OPT from his or her DSO. Upon making the recommendation, the DSO will provide the student a signed Form I-20 indicating that recommendation.

**Start of employment.** A student may not begin employment prior to the approved starting date on his or her employment authorization except as noted in paragraph (f)(11)(i)(C) of this section. A student may not request a start date that is more than 60 days after the student's program end date. Employment authorization will begin on the date requested or the date the employment authorization is adjudicated, whichever is later.

- If you are not sure that you will complete your program on time, talk to your DSO before you apply for OPT regarding your concerns.
- Submit the <u>OPT Request</u> e-form to the OISS about <u>four months</u> before your expected <u>program end date</u> (this is the date you complete studies, NOT the date of graduation).
- You may select any OPT start date <u>within 60 days</u> after your program end date.
- Enter the name of the academic adviser who will verify the date you are expected to complete all of your degree requirements. \**ATTENTION SEAVER COLLEGE STUDENTS:* Your academic adviser is the Academic Advising Associate in OneStop.
- You will receive a new Form I-20 indicating that you have requested OPT. This Form I-20 will expire if you do not file your application on time (see page 6)!
- You may not change the requested OPT start date after you have mailed your application!

### **OPT checklist**

- 1. Form G-1145, "E-Notification of Application/Petition Acceptance" (go to https://www.uscis.gov/)
- 2. Form I-765, "Application for Employment Authorization" (go to <u>https://www.uscis.gov/</u>)

<u>ATTENTION:</u> Do not file the Form I-765 electronically!

- 3. A personal check or money order made payable to "US Department of Homeland Security." The current fee is \$410 but may be subject to change; check I-765 instructions at <u>https://www.uscis.gov/</u>. Print clearly your name, date of birth and I-94 number on the check. Be sure the check can be tracked for payment.
- 4. Two (2) U.S.—style passport photos taken <u>within 30 days prior</u> to filing the application(see page 13). Gently write your name and I-94 number on the back of each photo with a pencil or a pen with fast-drying ink.
- 5. Copy of your new Form I-20 requesting OPT (before filing your application make sure the I-20 has not expired; see page 8)
- 6. Copy of previously issued Form I-20's
- 7. Copy of previously issued employment authorization cards or approval notices from USCIS
- 8. Copy of your passport, visa, and most recent Form I-94 (go to <u>www.cbp.gov/I94</u> to print your Form I-94)
- 9. (For STEM OPT extension only) Copy of your transcript or diploma

### How to complete the Form I-765

- Download the current Form I-765 at <u>https://www.uscis.gov/</u>. Type or neatly print in black ink. USCIS may make errors if your handwriting is not clear! If the question does not apply to you, type or print "N/A." If the question requires a numeric response, type or print "none."
- <u>Part 1</u> Check the "initial permission to accept employment" box. If you are applying for the **STEM** OPT extension, check "renewal of my permission to accept employment."
- <u>U.S. Mailing address</u> If you move while your OPT application is pending, immediately report your new address to USCIS (see page 18), as well as to the OISS. You may use a U.S. post office address (PO box). If your mail is sent to someone else's address, write that person's name in the "in care of name" space provided.
- <u>Item #8 Alien Registration Number (A-Number)</u> If you are applying for the **STEM OPT extension**, this number may be listed as the USCIS number on the front of your EAD card.
- <u>Item #27 Eligibility Category:</u>

<u>post</u>-completion OPT: (c) (3) (B) STEM OPT extension: (c) (3) (C) <u>pre</u>-completion OPT: (c) (3) (A) (students who want to work <u>before</u> graduation)

- On page 6 provide all previously used SEVIS numbers and dates of any previously authorized CPT or OPT and the academic level at which it was authorized.
- <u>Item #28.a. Degree</u> (for STEM OPT extension ONLY) Write the name of your degree as it appears on your diploma (for example, "master of science in applied finance"). Use Part 6 to enter the name of your major as it appears on your I-20: my degree is associated with the STEM major "financial mathematics, CIP code 27.0305."

## **Photo requirements**

You must enclose two (2) US –style passport photos. You may be asked to resubmit your photos if they do not meet these specifications. For more information on photo specifications go to: <a href="http://travel.state.gov/content/passports/english/passports/photos/photo-composition-template.html">http://travel.state.gov/content/passports/english/passports/photos/photo-composition-template.html</a>

#### **Photos must:**

- ✓ Be in color
- Be taken within 30 days before filing your application
- ✓ Show full face, frontal view on a white to off-white background
- ✓ Have no shadows
- Measure exactly 2 inches by 2 inches
- Be printed on thin photo-quality paper with a glossy finish, and be unmounted and un-retouched



- Photo must be 2 inches by 2 inches
- The height of the head (top of hair to bottom of chin) should measure 1 inch to 1 3/8 inches (25 mm - 35 mm)
- ✓ Make sure the eye height is between 1 1/8 inches to 1 3/8 inches (28 mm − 35 mm) from the bottom of the photo
- ✓ Using pencil or felt pen, lightly print your name and I-94 number (11 digits) on the back of the photos.

### Important!

<u>Attend the OPT Workshop!</u>

In case you need someone to check your application for any errors, the OISS highly recommends that you attend the OPT Workshop offered on Friday after add/drop week and before final exams, except on holidays. PLEASE NOTE THAT INDIVIDUAL APPOINTMENTS CANNOT BE SCHEDULED.

• <u>Check your I-20 and application carefully!</u>

Is the program end date printed on page 1 of your I-20 correct? Will your application be received less than 30 days after your I-20 requesting OPT was issued? Did you sign your I-765?

• Keep a copy of your application!

You may need it in order to prove that it was not your fault if your EAD contains an error or your EAD is delivered to the wrong address.

## Where to send your application

If the address on your Form I-765 is in one of the following states, use the address on the right: Alaska, Arizona, California, Colorado, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, North Dakota, Ohio, Oregon, South Dakota, Utah, Washington, Wisconsin, Wyoming, Guam, or the Commonwealth of Northern Mariana Islands	If you use UPS, FedEx, or DHL next-day delivery: USCIS Attn: NFB AOS 1820 E Skyharbor Circle S Suite 100 Phoenix AZ 85034 If you use U.S. Postal Service next-day delivery: USCIS P.O. Box 21281 Phoenix AZ 85036
If the address on your Form I-765 is in one of the following states, use the address on the right: Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, Oklahoma, Tennessee, Texas, Vermont, Virginia, US Virgin Islands, Or West Virginia	If you use UPS, FedEx, or DHL next-day delivery: USCIS Attn: NFB AOS 2501 S State Hwy 121 Business Suite 400 Lewisville TX 75067 If you use U.S. Postal Service next-day delivery: USCIS P.O. Box 660867 Dallas, TX 75266

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### How to keep track of your case (and avoid lost mail)

- You should receive an electronic receipt notice from USCIS, containing your receipt number and instructions on how to check your status. You should also expect an official paper receipt notice in the mail.
- We highly recommend that you go to <u>https://usps.com</u> and sign up for *Informed delivery*, a free service that allows you to digitally preview your mail and manage your packages that are scheduled to arrive soon.
- Use the USCIS online services to track your case, change your mailing address, check processing times, or send inquiries.

https://egov.uscis.gov/casestatus/ https://myaccount.uscis.dhs.gov/ https://egov.uscis.gov/e-Request https://www.uscis.gov/addresschange

• Call the National Customer Service Center (NCSC) at (800) 375-5283 if you cannot resolve your issue online, or to make sure that it has been resolved.

### What to do if you receive a "Request for Evidence (RFE)"

- If there is a problem with your application or additional information is requested, you will receive a "Request for Evidence (RFE)" from USCIS in the mail (you will not receive an electronic RFE). Immediately send a copy of the RFE to the OISS.
- If you are traveling, make sure someone checks your mail and opens the RFE immediately. If you fail to send the requested information to USCIS by the deadline indicated on the RFE, your application will be denied!

## Section $\mathbf{D}$

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## The OISS Portal

## https://oiss.pepperdine.edu

While on OPT, you will no longer log in with your NetworkID and password.

- **Step 1**: Access the OISS portal at oiss.pepperdine.edu and click "Limited Services."
- **Step 2:** Select "Email me my Limited Access PIN" at the bottom of the page.
- **Step 3:** Enter and submit your Campus-wide Identification (CWID) number.
- Step 4: After receiving the confirmation message, open a new browser window or tab and check your email to retrieve your PIN. Your PIN will be emailed to your alternate email, as provided to Pepperdine through your Wavenet account. Next, click on "OISS Home Page."
- Step 5: Fill in your CWID, Date of Birth, and PIN in the appropriate fields and click "Login."
- **Step 6** Select the appropriate e-form depending on what you are reporting or requesting.

If you have technical problems, clear your cache or try a different browser. Contact oisstech@pepperdine.edu for support.

### Submit the OPT Report e-form

#### 8 C.F.R. § 214.2(f)(12)(i)

*General*. An F-1 student who is authorized by USCIS to engage in optional practical training (OPT) employment is required to report any change of name or address, or interruption of such employment to the DSO for the duration of the optional practical training. A DSO who recommends a student for OPT is responsible for updating the student's record to reflect these reported changes for the duration of the time that training is authorized.

## Submit the OPT Report e-form as soon as you receive your EAD, and each time you change your employer information.

- 1. Upload a copy of both sides of your employment authorization document (EAD card)
- 2. Provide the following information for each employer
  - employer's name, address (your actual work site), and employer identification number (EIN)
  - → your job title and number of work hours (at least 20 required) per week
  - → description of job duties (must be directly related to your major)
  - → your supervisor's name, phone number and email address
  - → the last date you worked for your previous employer

#### For **STEM OPT** reporting requirements, go to Section E.

### Do not accrue 90 days of unemployment!

You are allowed <u>90</u> days of unemployment during the 12-month OPT period (and 60 additional days of unemployment if you are granted the 24-month STEM OPT extension, for a total of <u>150</u> days).

SEVIS will keep track of your number of days of unemployment. You will automatically be considered to be out of status when you accrue the maximum number of days allowed. Before this happens, you should prepare for departure or pursue another option to remain lawfully in the US.

Upon termination of your status, you will begin to accrue days of unlawful presence, which may result in a 3-year or 10-year bar from admission to the US (see page 33).

### **Types of OPT employment allowed**

#### **SEVP Policy Guidance 1004-33**

- Multiple employers. A student may work for more than one employer, but all employment must be related to the student's degree program and, for pre-completion OPT, can not exceed the allowed per week cumulative hours.
- Short-term multiple employers (performing artists). A student, such as a musician or other type of performing artists, may work for multiple short term employers (gigs). The student should maintain a list of all gigs, the dates and duration.
- Work for hire. 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, the student must be prepared to provide evidence showing the duration of the contract period and the name and address of the contracting company.
- Self-employed business owner. A student on OPT may start a business and be self-employed. The student must be able to prove that he or she has proper business licenses and is actively engaged in a business related to the student's degree program.
- Employment through an agency or consulting firm. A student on post-completion OPT must be able to provide evidence showing he or she worked on average of <u>at least 20 hours per week</u> while employed by the agency.
- **Paid employment.** A student may work part time (at least 20 hours per week when on post-completion OPT) or full time.
- Unpaid employment. A student may work as a volunteer or unpaid intern, where this practice does not violate any labor laws. The work must be at least 20 hours per week for a student on post-completion OPT. A student must be able to provide evidence acquired from the student's employer to verify that the student worked at least 20 hours per week during the period of employment.

### **Travel during OPT**

#### 8 C.F.R. § 214.2(f)(13)

#### Temporary absence from the United States of F-1 student granted employment authorization.

An F-1 student who has an unexpired EAD issued for post-completion practical training and who is otherwise admissible may return to the United States to resume employment after a period of temporary absence. The EAD must be used in combination with an I-20 ID endorsed for reentry by the DSO within the last six months.

You must fill out a <i>Travel Permission or</i> <i>I-20 Update Request</i> e-form before departure!		Warning! Avoid losing your F-1 status and OPT!	
The fi reent prese	rst four documents are <u>absolutely required f</u> or ry.  If your OPT has been approved, you must also nt the other documents.	1.	Do not depart the U.S. without applying for OPT! You can no longer apply for OPT if you depart after completing your program of study!
1.	I-20 signed less than 6 months before your reentry		
2.	Passport valid for 6 months beyond your reentry	<ol> <li>Do not use the B-1/B-2 visa or ESTA to react the U.S.! Temporary visitors for business pleasure are not allowed to work!</li> <li>You may not return to the U.S. to continif you have exceeded 90 days of unemployment during the 12-month OP or a total of 150 days including the 24-m STEM OPT extension!</li> </ol>	Do not use the B-1/B-2 visa or ESTA to return to
3.	Valid F-1 visa stamp in your passport		the U.S.! Temporary visitors for business or pleasure are not allowed to work!
4.	Form I-797C receipt notice		pleasure are not anowed to work:
5.	Form I-797 approval notice and/or employment authorization document (card)		You may not return to the U.S. to continue OPT if you have exceeded 90 days of
6.	Proof of employment (if you do not have a job offer		or a total of 150 days including the 24-month
	and have not exceeded the allowed number of days of		STEM OPT extension!
	unemployment, be prepared to present evidence that		
	you are actively seeking employment)		

### The SEVP Portal

The SEVP Portal was launched by the U.S. Department of Homeland Security on March 23, 2018 to give students on post-completion OPT access to their SEVIS record. For instructions on how to use the portal go to <u>https://studyinthestates.dhs.gov/</u>. IMPORTANT! Using the SEVP Portal is optional. You must report all of your information <u>directly to the OISS, even if you choose to use the SEVP Portal to update your information</u>. The SEVP Portal allows you to :

- Update your physical home address, mailing address, and telephone number
- Monitor and update your employer information (DO NOT DELETE PREVIOUS EMPLOYERS unless you never worked for them)

**STEM OPT** students are not able to add a new employer or change the start date with their employer, but can update other information about an employer already in the system.

#### LOCKED OUT OF YOUR ACCOUNT?

1. Click the "Reset Password" link on the SEVP Portal Login page (<u>https://sevp.ice.gov/opt/#/login</u>). The SEVP Portal will send you an email from do-not-reply.SEVP@ice.dhs.gov and provide a temporary password. Return to the SEVP Portal Login page, use the temporary password to log in, and follow each step to create a new password.

If you do not receive a notification email to create an SEVP Portal account, check your spam or junk mail folders. You should also contact the OISS to confirm that the correct email address is listed in your SEVIS record.

## If you decide to end your OPT

#### 8 C.F.R. § 214.2(f)(10)(ii)

**Duration of status while on post-completion OPT.** For a student with approved post-completion OPT, the duration of status is defined as the period beginning when the student's application for OPT was properly filed and pending approval, including the authorized period of post-completion OPT, and ending 60 days after the OPT employment authorization expires (allowing the student to prepare for departure, change educational levels at the same school, or transfer in accordance with paragraph (f)(8) of this section).

**Termination of practical training.** Authorization to engage in optional practical training employment is automatically terminated when the student transfers to another school or begins study at another educational level.

You must submit the *Exit or Transfer Request* e-form to the OISS if you intend to take any of the actions below. Note that any of these actions must happen BEFORE the expiration of your F-1 grace period. After your OPT expires, your F-1 status will remain active for 60 days, as long as you have not exceeded the allowed days of unemployment during the entire OPT or STEM OPT period (see page 22).

- Depart the US with no intention to return and continue OPT
- Begin a new program of study (you must stop working before the transfer release date that you request in order to obtain a new Form I-20 to begin another program at another school or at the same school
- Change your visa status

#### **IMPORTANT!** Keep all of your immigration and employment documents!

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## Is your degree a STEM major?

Students with a STEM degree may apply for an additional 24 months of OPT. The new STEM OPT rule was published at <u>81 Federal Register 13039 on March 11, 2016</u>. The following are STEM (science, technology, engineering, and mathematics) majors offered at Pepperdine:

BA/BS in Biology	BS in Chemistry
BS in Computer Science/Mathematics	<b>BS</b> in Mathematics
BA in Natural Science	<b>BS in Natural Science</b>
BS in Nutritional Science	BS in Physics
Nutritional Science Certificate Program	MS in Applied Analytics
	<b>MS in Applied Finance</b>

You may use a prior STEM degree to apply for a STEM OPT extension, even if your current 12-month period of OPT is based on a non-STEM major, if the prior degree was earned from a US institution of higher education not more than 10 years before the DSO recommends the extension.

You may apply for two STEM OPT extensions during your lifetime. The second STEM degree must be at a higher degree level.

### **Requirements for the STEM OPT employment**

- Your job must be a paid job, for at least 20 hours per week.
- The employer completing the Form I-983 must be enrolled in <u>E-Verify</u>, as evidenced by either a valid E-Verify Company Identification number or, if the employer is using an employer agent to create its E-Verify cases, a valid E-Verify Client Company Identification number, and the employer remains a participant in good standing with E-Verify, as determined by USCIS.
- Your employer must have an Employer ID Number (EIN), also known as the Federal Tax Identification Number.
- You may not be self-employed.
- If your STEM OPT extension is approved, an additional 60 days of unemployment will be added, allowing up to 150 days of unemployment.

To obtain a new I-20 requesting the STEM OPT extension, submit the following documents <u>at the same time</u> to the OISS:

- 1. A STEM Extension Request e-form
- A Form I-983 completed and signed by you and your employer, following the <u>Sample Form I-983</u> provided on the OISS website. A tutorial for the Form I-983 is also available at <u>https://studyinthestates.dhs.gov</u>.

Important: A temp or staffing agency cannot complete and sign the Form I-983. The "official with signatory authority" must be an employee of the E-verified employer that provides the actual training.

3. A letter signed by your employer, using the sample <u>STEM OPT Employer</u> <u>Letter</u> found on the OISS website.

# How to apply for the STEM OPT Extension (& report any changes while application is pending)

- Prepare your application materials to page 11 for the "OPT checklist."
- → Follow instructions on page 12, "How to complete the I-765"

**Important deadlines**! USCIS must receive your application:

- → Before the expiration date of your 12-month OPT
- → Not more than 90 days before the expiration date of your 12-month OPT
- → Not more than 60 days after the date your new Form I-20 was issued
- → If you file your application in a timely manner and your 12-month OPT period expires while your application is pending, you are authorized to continue employment for up to 180 days after the expiration of your 12-month OPT.
- → If you change your employer while your application is pending, immediately submit a STEM OPT Report to the OISS and request a new I-20. Be sure to upload the new I-983, STEM employer letter, and newly completed I-765.

### STEM OPT reporting schedule (required)

#### Submit the STEM OPT Report e-form to send the following reports:

- "Validation Reports"--Every six months, the following (even if there is no change): legal name, residential or mailing address, employer name and address, and status of current employment/practical training experience
- Within 10 days, any changes to the above information, as well as any loss of employment
- A new Form I-983 must be submitted within 10 days of beginning a new job with a new employer, or any time there is a material change in the terms and conditions of the original Form I-983.
- "Self-Evaluations"-Within 12 months of the STEM OPT start date (Evaluation of Student Progress), and at the end of his or her STEM OPT period (Final Assessment), a self-evaluation must be signed by the student and his or her immediate supervisor. If you have multiple jobs within the year, submit a self-evaluation for the period you worked **for each job**.

The purpose of the self-evaluation is:

- 1. Assess overall performance using the measures identified in the agreed upon training plan
- 2. Evaluate success in applying and acquiring the new knowledge, skills and competencies that were previously identified in the plan
- 3. Discuss accomplishments, successful projects, overall contributions, etc., that occurred during the specified review period
- 4. Address whether there are any modifications to the objectives and goals for projects or new areas for skill and competency development

#### **Employers must also report to the DSO:**

- Any material changes to the *Form I-983*, including but not limited to, any change of Employer Identification Number resulting from a corporate restructuring, any reduction in compensation from the amount previously submitted on the Form I-983 that is not tied to a reduction in hours worked, any significant decrease in hours per week that a student engages in a STEM training opportunity, any decrease in hours below the 20-hours-per-week minimum required under this rule, and any evidence that the student is not receiving appropriate training as delineated in the Form I-983.
- The termination or departure of the student, within five business days.

### Failure to Maintain Status, Arrests & Unlawful Presence

Arrests: Several cases were reported by other schools in which students with an alcohol-related arrest have had their applications for OPT denied. Currently, any type of arrest can trigger a cancelation of your visa by the Department of State. We strongly recommend that you consult experienced immigration counsel if you have an arrest record. Do not travel abroad until you have been fully counseled and are prepared to apply for a new visa.

Unlawful Presence: On May 10, 2018, United States Citizenship & Immigration Services issued a policy memorandum which changed the way nonimmigrants and their dependents in F,J or M status accrue unlawful presence in the U.S. If you are present unlawfully for more than 180 days but less than one (1) year, and you voluntarily depart the US prior to the initiation of removal proceedings, you will be rendered inadmissible for 3 years. If you are present unlawfully for one (1) year or more, you will be rendered inadmissible for ten (10) years.

F, J or M nonimmigrants who fail to maintain status on or after August 9, 2018 will begin to accrue unlawful presence starting the day after:

- they no longer pursue the course of study or the authorized activity
- they engage in unauthorized activity
- they complete the course of study or authorized activity plus any applicable grace period
- their I-94 expires (only for persons admitted until a specific date)
- an immigration judge or, in certain cases, the BIA (Board of Immigration Appeals) orders the alien excluded, deported, or removed (whether or not the decision is appealed)

Based on this policy, it is important that students on OPT maintain status by:

- NOT exceeding the allowed number of days of unemployment during OPT
- ALWAYS reporting information in a timely manner
- ALWAYS complying with all F-1 requirements

What if your OPT is denied? If a denial is based on the finding of a status violation, it may trigger the INA § 222(g) visa cancellation and INA 212(a)(9)(B) unlawful presence provisions. We strongly recommend that you consult experienced immigration counsel if you wish to apply for reinstatement to F-1 status (unlawful presence accrual will stop while reinstatement is pending) or file a motion to reopen or reconsider the denial on Form I-290B within 30 days from the date of the decision, accompanied by the proper fee, and contain the documentation and legal arguments that support the particular type of motion.

## H-1B cap-gap OPT extension

- Students who wish to continue working after OPT usually apply for the H-1B visa. Go to https://www.uscis.gov/working-united-states/temporary-nonimmigrant-workers.
- Each Fiscal Year (FY) the H-1B visa has a "cap," or limited supply. Each FY begins with the first day of filing on April 1, with the requested employment date to begin not earlier than October 1. When the demand for H-1B visas exceeds the cap, a lottery system is used to select the petitions to be processed. Petitions that are not selected are returned, and the employer must wait until April 1 of the following year to file a new petition.
- The following employers are exempt from the cap:
  - institutions of higher education
  - nonprofit entities related to or affiliated with an institution of higher education
  - nonprofit research organizations
  - governmental research organizations
- If your OPT is still valid at the time you file your H-1B petition, and you receive a notice of receipt from the USCIS, your OPT will be automatically extended to September 30, allowing you to continue working until your status changes to H-1B on October 1 (provided your H-1B petition is approved by that date). This is known as the "cap-gap" OPT extension. If your application is denied, you will immediately start to accrue unlawful presence, unless a grace period is provided by the USCIS. Careful consultation with an immigration attorney is recommended.
- ✓ To request a new Form I-20 with the cap-gap OPT extension, submit a *Travel Permission or I-20 Update Request e-*form and upload a copy of the H-1B notice of receipt to <u>oiss@pepperdine.edu</u>.