

OPT Manual

2021

Warning:

The information in this manual is subject to change. Therefore, read all emails from the OISS regarding OPT carefully!

Also, U.S. Immigration and Citizenship Services (USCIS) may change requirements for the OPT application. Therefore, before applying for OPT, be sure to go to <https://www.uscis.gov/> and read the Form I-765 page and verify that the edition date of the form, filing fee and filing address are current.



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OISS Portal (oiss.pepperdine.edu)

Section **A**

Read this before you apply

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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.

There are 3 types of OPT:

1. **Pre-** completion OPT (up to 12 months--see **note**)
2. **Post-** completion OPT (up to 12 months)
3. **STEM** extension OPT (additional 24 months)

Note: If you wish to seek OPT employment before completing your degree program, you may apply for pre-completion OPT after completing one full academic year. If you wish to divide your 12 months between pre-completion and post-completion OPT, you must two file separate applications for OPT. Part-time (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 of part-time pre-completion OPT equal 3 months of OPT, leaving 9 months for post-completion OPT.

Apply as early as possible!

We strongly recommend that you start preparing your application about **4 months** before completing your degree program. Your application may be filed not more than 90 days before your program end date. If you apply early, you will have time to resolve the following **issues and problems** before it's too late:

- It may take up to 5 months for United States Citizenship & Immigration Services (USCIS) to process your application!
- If your application is **rejected**, it will be returned to you, and this process may take a long time. USCIS will not notify you if your application has been returned.
- If you receive a “request for evidence” from USCIS, you must submit additional documents and wait longer for your approval.
- If your application is **denied**, you will be able to apply again, as long as the 60-day grace period after your program end date has not expired, and you have not left the US.
- You will not be able to renew your driver license or start working (even if you are not getting paid) until you receive your employment authorization document (EAD)!
- If your EAD gets lost or returned to USCIS as “undeliverable,” you must apply for a replacement or request it to be sent again.

Very 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 **deny** your application if it is not "filed" (this means "received by USCIS") within these periods:

1. Up to 90 days before your program end date (for the **STEM OPT** deadline see page 29)
2. Within 60 days after your program end date (for the **STEM OPT** deadline see page 29)
3. More than 30 days after your date your *Form I-20* requesting OPT was issued (for the **STEM OPT** deadline see page 29)

Questions you should ask before applying

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

You can obtain OPT more than once, after completing a new program at a higher education level. For example, if you obtain OPT after a bachelor's degree, you may apply for OPT after a master's degree. If you are planning to obtain a second degree at the same education level, you may split the 12 months of OPT between the two programs.

What if you do not finish your program due to a GPA deficiency?

It may be too late to cancel or withdraw your OPT. Therefore, if you are not confident that you will complete your program on time, wait until you are sure, and remember to also apply for a program extension before your *Form I-20* expires. If you find out you will not finish your program after your OPT has been approved, you may work part time until you complete your program.

Are you planning to go home but applying for OPT as a back-up plan?

If you plan to travel outside the US after completing your program, you may return in F-1 status as long as you have filed your OPT application before departing the US. If you exceed the limit on days of unemployment, you will not be able to return in F-1 status to engage in OPT. If you decide not to return to the US, submit an *Exit or Transfer Request* e-form.

Can you cancel or withdraw your OPT?

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 **part time** 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: http://www.ice.gov/doclib/sevis/pdf/opt_policy_guidance_042010.pdf

If you have not mailed your OPT application to USCIS, you may ask the OISS to cancel your OPT request.

If you have already mailed your application, you may submit a letter to USCIS requesting withdrawal of your application. Immediately contact the OISS to receive a sample withdrawal request letter. You must act quickly, since there is no guarantee that your request will be received and processed by USCIS on time.

Section **B**

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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 sure you will complete your program on time, submit the *OPT Request* e-form to the OISS about four months before your expected program end date (this is the date you will complete studies, NOT the date of the graduation ceremony).
- You may request an OPT start date within 60 days after your program end date. For example, if your program end date is May 1, you can select any start date from May 2 through June 30.
- 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 your "Academic Advising Associate" in OneStop.
- You will receive a new *Form I-20* indicating that you have requested OPT. **WARNING:** Your OPT will be denied if you do not file your OPT application within 30 days of the date this Form I-20 was issued (**see deadlines on page 6**)!
- You may not change the OPT start date you requested 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 <https://www.uscis.gov/>)

ATTENTION: Do not file the *Form I-765* electronically! If you do, you will receive an appointment for fingerprinting.

3. A personal check or money order made payable to "US Department of Homeland Security. To make sure the amount is correct, go to the *Form I-765* page on the USCIS website and click on "filing fee." Do not pay the biometric services fee. Print your name, date of birth and I-94 number on the check. If you do not have a personal checking account ask the institution issuing the money order if it can be tracked for payment.
4. Two (2) U.S.–style passport photos taken within 30 days prior 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 *Form I-20* has not expired; see "very important filing deadlines" on page 6)
6. Copy of previously issued *Form I-20*'s (if you do not have them, include a brief letter explaining which *Form I-20*'s you are enclosing, and which ones are missing)
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 www.cbp.gov/I94 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 <https://www.uscis.gov/i-765>.

Read the announcements and information on the *Form I-765* webpage. In particular, click on:

- edition date
- where to file (in the “filing locations” link, search for “foreign students”)
- filing fee (do not include the biometrics services fee!)

- ★ Go to the OISS website <https://www.pepperdine.edu/international-students/> and carefully follow the steps outlined in the *Form I-765 instructions for OPT*.

- ★ After completing the *Form I-765*, we recommend that you send it to the OISS for review, in case there are errors.

Before sending your *Form I-765* to oiss.pepperdine.edu, please be sure that you have carefully followed the *Form I-765 instructions for OPT*.

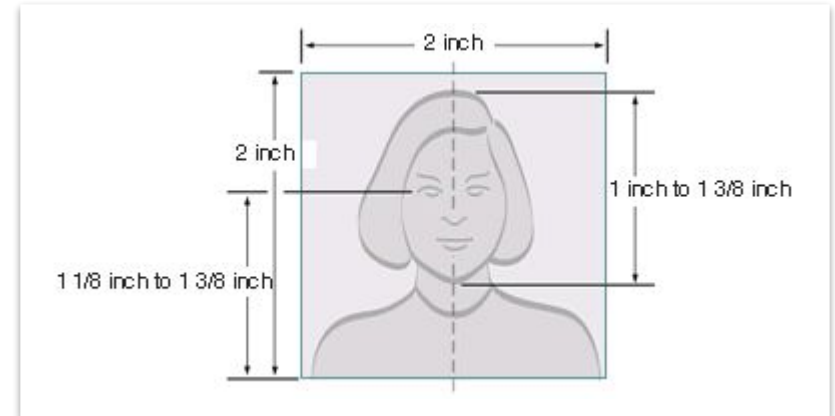
Photo requirements

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:

<http://travel.state.gov/content/passports/english/passports/photos/photo-composition-template.html>

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.

Final check before mailing your application!

Check your documents carefully before mailing

- Is the program end date printed on your *Form I-20* accurate?
- Did you check your *Form I-20* issue date? Are you sure your application will be received by USCIS within 30 days after your *Form I-20* requesting OPT was issued?
- Did you answer all of the required questions and sign your *Form I-765* by hand?
- Are you sending your application to the correct address?

Tip: We recommend that you put your photos and check in a clear plastic bag so they do not get lost. Attach the bag on top of the application forms and documents.

Keep a copy of your application

If USCIS makes an error (wrong spelling of your name, EAD sent to the wrong mailing address, someone else's photo on your EAD (yes, it has happened), etc.), you will need to prove that it was not your mistake. Otherwise, you will need to file a new application.

Section **C** **While OPT is pending**

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You will receive a receipt from USCIS

- If you do not receive an electronic receipt notice and/or an official paper receipt notice from USCIS within 1-2 weeks, your application may have been **rejected**. Check your mailbox every day so that you do not miss the deadline to submit your application again.
- Check your receipt notice carefully for any spelling errors or typographic errors in your name or address.
- We highly recommend that you go to <https://usps.com> 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.

Track your case and report problems immediately

Go to the USCIS website at <https://egov.uscis.gov/casestatus/landing.do> to:

- track the status of and send inquiries about your case
- report typographic errors
- report a change in your mailing address if you are moving
- check processing times for the I-765
- report your case pending longer than the normal processing time
- report undelivered or lost mail

Call the National Customer Service Center (NCSC) at (800) 375-5283 and record the time/date of the call and the name/number of the customer service representative. Explain your problem and ask for a “service request.” You should receive a response to your service request within a week.

If your case cannot be resolved by contacting USCIS, ask for help from the USCIS Ombudsman’s Office and provide the details of your efforts.

<https://www.dhs.gov/topic/cis-ombudsman/forms/7001>

Respond to a “*Request for Evidence (RFE)*” on time

- Check your mailbox daily in case you receive a *Request for Evidence (RFE)* letter (you will not receive an email or text message) from USCIS requesting additional evidence by a certain deadline.
- If you receive a *Request for Evidence (RFE)*, immediately send a copy of it to the OISS so we can make sure that you respond to it properly and on time.
- If you are traveling, ask someone to open the *Request for Evidence (RFE)* immediately. If you fail to send the requested evidence to USCIS by the deadline indicated on the *Request for Evidence (RFE)*, your application will be denied!

Section **D** After OPT has been approved

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Submit the *OPT Report* e-form to the OISS

As soon as you receive your OPT approval, you must report to the OISS by submitting the *OPT Report* e-form.

Step One: Go to <https://oiss.pepperdine.edu/istart/controllers/start/StartEngine.cfm> and click on “New Student/Scholar Login”

Step Two: Select “Email me my Limited Access PIN” at the bottom of the page.

Step Three: Enter and submit your University Identification Number (CWID).

Step Four: 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. Then, go back to the OISS Home Page.

Step Five: Fill in your CWID, Date of Birth, and PIN in the appropriate fields and click “Login.”

Step Six: On the left column, click on “F-1 Practical Training” and complete the *OPT Report*, making sure that all required fields are correctly filled in. Click “Submit” to submit your form.

If you have technical issues, clear your cache or try a different browser.

The SEVP Portal

As soon as your OPT start date is effective, you will receive an email message from SEVP with a link to create an account in the SEVP Portal, which is a tool launched by the U.S. Department of Homeland Security for students on OPT. For more information go to <https://studyinthestates.dhs.gov/>. Using the SEVP Portal is optional. **IMPORTANT!** You must ALSO report all changes to your data directly to the OISS, even if you have updated your information in the SEVP Portal! 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 (<https://sevp.ice.gov/opt/#/login>). 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.

How long can you be unemployed?

You are allowed 90 days of unemployment during the 12-month OPT period. Add 60 additional days of unemployment if you are granted the 24-month STEM OPT extension, for a total of 150 days.

If you exceed the number of allowed unemployment days, you will be considered out of status. SEVIS tracks your number of unemployment days and may automatically terminate your status when you exceed the limit. Before you lose your status, prepare for departure or pursue other options 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 32](#)).

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 at least 20 hours per week 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.

Before departure, fill out a *Travel Permission or I-20 Update Request!*

Documents required for reentry to the US to engage in OPT:

1. Pepperdine University *Form I-20* signed less than 6 months before your reentry
2. Passport valid for 6 months beyond your reentry
3. Valid F-1 visa stamp in your passport
4. *Form I-797C* receipt notice
5. *Form I-797* approval notice and/or employment authorization document (EAD card)
6. Proof of employment (if you do not have a job offer, be prepared to present evidence that you are actively seeking employment)

Warning! You will not be able to return to the US to engage in OPT...

1. if you completed your program of study and departed before applying for OPT. You may no longer apply for OPT if you depart during your F-1 grace period.
2. if you used the B-1/B-2 visa or ESTA to return to the US! Visitors for business or pleasure are not allowed to work, and your OPT benefit will be lost!
3. if you have exceeded the number of days you are allowed to be unemployed (see page 22).

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 promptly submit the ***Exit or Transfer Request*** e-form to the OISS if you intend to take any of the actions below.

- Depart the US before or after your OPT expires with the intent to complete your F-1 status
- Transfer to another school or start at new program at Pepperdine (your OPT work authorization will be terminated on the date your SEVIS record is transferred to the new school or program. **Deadline:** if your OPT has expired, your record must be transferred within the 60-day grace period following the OPT expiration date. **Warning:** if you exceed the allowed number of days of unemployment - see page 22 - during OPT, you will lose your 60-day grace period)
- Report the approval of a change of status from F-1 to a different visa classification

Section **E** STEM OPT & H-1B cap-gap extension

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Is your degree a STEM major?

Students with a STEM (science, technology, engineering, and mathematics) degree may apply for an additional 24 months of OPT. If you do not see your major listed below, we **recommend** that you check the “STEM Designated Degree Program List,” which you will find in <https://studyinthestates.dhs.gov/>. Look for your CIP code, which is printed next to your major on your *Form I-20*. For example, the CIP code for the MS in Applied Finance is 27.0305.

- BA/BS in Biology
- BA/BS in Chemistry
- BS in Computer Science/Mathematics
- BS in Mathematics
- BA in Natural Science
- BS in Nutritional Science
- BS in physics
- Nutritional Science Certificate Program
- MS in Applied Analytics
- MS in Applied Finance
- Doctor of Education in Learning Technologies

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 STEM OPT extension.

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

STEM OPT eligibility requirements

- You must be paid, and you must work **at least 20 hours** per week with each employer, if you have more than one employer
- The employer completing the *Form I-983* cannot be a staffing/placement agency unless the staffing/placement agency is the employer that provides and oversees the training. If employment is obtained with or through consulting firm arrangements that provide labor for hire, make sure the employer that signs the *Form I-983* is the entity that directly provides and supervises your training experience.
- Your employer must have an *Employer ID Number (EIN)*, also known as the Federal Tax Identification Number. Your employer must also have 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.
- The training experience must take place **onsite** at the employer's place of business or worksites to which the US Department of Homeland Security has authority to conduct site visits.
- 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**.

File your application before your current OPT expires!

- Prepare your application materials according to the “OPT checklist” on page 11.
- Follow instructions on page 12, “How to complete the Form 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 notify the OISS. You will need to submit a *STEM OPT Report* to request a new *Form I-20*. Be sure to upload the new *Form I-983*, STEM employer letter, and fill out a new *Form I-765*.

STEM OPT reporting requirements

Failure to report to the OISS in accordance to the following schedule will result in termination of your status! Submit the *STEM OPT Report* e-form on time!

- **Validation Report:** Due every six months during the STEM OPT period. The purpose of this report is to confirm that your information is still correct. Therefore, submit the *STEM OPT Report* even if the information has not changed.
- **Self-Evaluation Report on page 5 of the *Form I-983*:** The purpose of this report is to verify that you have received adequate training and new skills in your job. Submit a complete *Form I-983 (all pages)* within the **first year** of the STEM OPT period, and again at the conclusion of the **second year**, as well as at any time you stop working for an employer, regardless of how long you worked, within 10 days of the last day you worked for that employer.
- **Any new information:** a *STEM OPT Report* or *Address Update form* must be submitted within 10 days of obtaining a new employer or changing the details of your job and your contact information.

Employers must 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.

Submit your *STEM OPT Request* e-form

To obtain a new *Form I-20* requesting the STEM OPT extension, submit the following documents at the same time to the OISS:

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

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 *STEM OPT Employer Letter* provided on the OISS website.

Arrests & unlawful presence

Arrests

Several cases were reported by other schools in which OPT was denied if students had a DUI, substance-related (including marijuana), or other type of arrest. Furthermore, an arrest can trigger a cancellation 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

An OPT denial may trigger the INA § 222(g) visa cancellation and INA 212(a)(9)(B) unlawful presence provisions. 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.

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 OPT denial on Form I-290B within 30 days from the date of the denial.

H-1B cap-gap OPT Extension

- ✓ Students who wish to continue working after OPT usually apply for the H-1B visa. Go to the USCIS website for more information on the H-1B and other temporary work visas.
- ✓ 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. Due to the high demand for H-1B visas, a random selection process has been used to limit the number of cases that will be accepted for processing.
- ✓ 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 you are selected for H-1B processing, and your OPT is still valid at the time you file your H-1B petition, 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 start to accrue unlawful presence. 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* to the OISS.