PEPPERDINE UNIVERSITY

OFFICE OF INTERNATIONAL STUDENT SERVICES

OPT Manual

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This manual contains instructions on how to apply for the 12-month OPT. If you are applying for the 24-month STEM OPT extension, go to the "STEM OPT Manual."

Warning:
The information in this manual is subject to change. Therefore, discard any copies you have googled, downloaded, or bookmarked!

Section A — Read this before you apply

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** below)
2. **Post-** completion OPT (up to 12 months)
3. **STEM** extension OPT (additional 24 months)

Note: If you wish to seek OPT employment <u>before</u> 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 file two separate applications for OPT.** <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 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 the OPT application process about 4 months before completing your degree program.

- It may take up to 5 months or more for United States Citizenship & Immigration Services (USCIS) to process your application!

- 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.

Benefits of filing online

Filing a form online is better than mailing a paper form because you can:

- Enter your information using a phone, tablet, or computer
- Avoid common mistakes (for example, you won't be able to submit without signing)
- Save your draft application and finish it at your own pace
- Easily and securely pay your filing fee
- Receive immediate confirmation of receipt and a receipt number

After you file, you can use your account to:

- Get your current case status and the history of your case
- View appointment notices
- Respond to "Requests for Evidence (RFE's)"
- Access every notice sent to you
- Send USCIS secure messages and get answers
- Verify your identity and receive details on any decisions USCIS makes on your case
- Update your address with USCIS to ensure you receive all correspondence and benefits from USCIS in a timely manner and avoid possible delays related to your case

Extremely 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.

The date you "file" your application is the date you submit your application online and receive the receipt number. Your application will be denied if it is not filed within these periods:

1. Up to 90 days before your program end date
2. Within 60 days after your program end date
3. More than 30 days after your date your *Form I-20* requesting OPT was issued

Important questions to ask before applying

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

You can receive OPT more than once, as long as you complete another program at a <u>higher </u>education level. Therefore, if you are planning to obtain a second degree at the <u>same</u> education level, you should consider whether you want to use up your OPT now or wait until you complete the second degree. Or, you may split the 12 months of OPT between the two programs.

- **What if you think you may not finish, or you fail to finish, your program on time?**

If you are not sure if you will finish your program on time, and you are taking less than the required number of units in your last term, be sure to submit a *Reduced Course Load for Last Term* to the OISS! If your OPT has been approved, you may work part time until you complete your program.   If you wish to withdraw the application before it is approved, contact the OISS as soon as possible. You must also submit a Program Extension Request to the OISS <u>before your *Form I-20* expires</u>, to avoid losing your F-1 status!

- **Are you 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 number of allowed days of unemployment (90 days), you will no longer 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* to the OISS.

How to 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

- **As long as you have not filed your application, you may ask the OISS to cancel your OPT request or change the requested OPT start date.**

- **If you have already filed your application, you should immediately submit a letter to USCIS requesting a <u>withdrawal</u> of your application. 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 — Steps to apply

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.

- Submit the <u>*OPT Request*</u> e-form to the OISS about <u>four months</u> before your expected <u>program end date</u> (Note: this is the date you will complete studies, NOT the date of the graduation ceremony).

- You may request any OPT start date <u>within 60 days</u> after your program end date. For example, if your program end date is May 1, you can select any OPT start date from May 2 through June 30.

- You may not change the OPT start date you requested after you have filed your application!

- 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* which you must sign, date and submit with your OPT application.

Create an online account

1. Go to https://www.uscis.gov/file-online

2. Click on "sign in" (on the top right corner of the page)

3. Click on "create account" (do not use your Pepperdine email address)

4. Select "File a Form Online"

5. Select "Application for Employment Authorization (I-765)"

6. Before filling out the I-765, read carefully the information about:

       eligibility
       filing deadlines
       fee
       documents you may need
       biometric services appointment
       what you should do after submitting your application

"Getting started"

Basis of eligibility:
- Select c(3)(A) Student Pre-completion OPT if you are applying for permission to work <u>before</u> completing your program
- Select c(3)(B) Student Post-completion OPT if you are applying for permission to work <u>after</u> completing your program
- If you are applying for the STEM OPT extension, please go to the *STEM OPT Manual*

Reason for applying:
- Select "initial permission to accept employment"
- If you are applying for a replacement employment authorization document (EAD), contact the OISS
- If you are applying for the STEM OPT extension, please refer to the *STEM OPT Manual*

Preparer and Interpreter information:
- If someone is assisting you with your application, contact the OISS. Otherwise, answer "no."

"About you"

Answer <u>all</u> questions that apply to you.

For your "mailing address," enter the name of the person <u>other than yourself</u> in the "in care of" field <u>only </u>if you are using that person's address.

What is your A-Number?

The *Alien Registration Number (A-Number)* is a number typically issued to individuals who apply for immigration (permanent residence) benefits.

What is your USCIS Online Account Number?
You may already have an OAN if you previously filed certain paper forms and received an Account Access Notice in the mail. You may locate this notice by logging in to your account. You can find the OAN at the top of the notice.

Social Security Card
Whether you already have or don't have a Social Security Number (SSN), carefully answer each question appropriately. If you are applying for a SSN, a social security card will be mailed to you from the Social Security Administration. Keep the card in a safe place and do not freely share your SSN with anyone unless it is required by law.

"Evidence"

- **2 x 2 photo of you (follow specifications provided)**

- **Form I-94**
  --**Find your most recent I-94 at https://i94.cbp.dhs.gov/I94/#/home**

- **Previous Employment Authorization Document (EAD)**
  --**If you do not have an EAD, provide a copy of your passport**

- **Proof of enrollment**
  --**For pre-completion OPT only--provide an unofficial transcript**

- **Previously authorized CPT or OPT**
  --**Provide previous I-20 forms authorizing CPT or requesting OPT**

- **Form I-20**
  --**Provide your new I-20 requesting OPT after you have signed and dated it. Make sure the DSO signature date has not expired (see deadline information on page 7)!**

"Additional information"

This section allows you to provide any explanation or information that may be helpful to USCIS. Be sure to include the following information:

If you have had more than one SEVIS number, provide all of the numbers you used before your current one:
1. For "section," select "about you"
2. For "page," select "your immigration information"
3. For "question," select "what is your Student and Exchange Visitor Information System (SEVIS) Number (if any)?
4. In the text box, enter the SEVIS number(s) you previously used

If you were previously authorized CPT of OPT, provide information about the CPT or OPT:
1. For "section," select "evidence"
2. For "page," select "previously authorized CPT or OPT"
3. For "question," select "previously authorized CPT or OPT"
4. In the text box, enter the information about the CPT or OPT (see samples below)

Additional information (the following are just samples!)

--Post-completion OPT 06/15/2017 - 05/14/2018 Bachelor's degree, Disney College
--Part-time CPT 01/09/2019 - 04/26/2-2019   Master's degree, Pepperdine University
--Full-time CPT 05/01/2020 - 07/30/2020   Juris Doctor degree, Pepperdine University

"Review and submit"

- After completing the *Form I-765*, we recommend that you send a copy of your draft I-765 to oiss.pepperdine.edu for review, in case of any errors.

- You will be directed to pay.gov to submit your fee payment by credit/debit card or withdrawal from a checking/savings account.

- Your receipt notice will be generated as soon as you submit your application. You should also expect an official paper receipt notice to be sent to you by mail.

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

- Check the "documents" tab in your online account <u>frequently</u> in case you have been issued a *Request for Evidence (RFE).* You should expect the *RFE* to be mailed to your mailing address.

- 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 correctly. If you fail to provide the requested evidence to USCIS by the deadline indicated on the *Request for Evidence (RFE)*, your application will be denied!

- You may also receive a notice to appear for a biometric services appointment to provide fingerprints, photograph, and/or signature. If you fail to show up at your appointment, your OPT will be denied!

- If you are traveling or using someone else's mailing address, it is important to have your mail checked often to make sure mail from USCIS is opened immediately.

While your application is pending

Track your case frequently by signing in to your account and monitoring the "documents" page.

If your mailing address changes, <u>immediately </u>update your address through your USCIS online account:

1. Log in to your USCIS online account
2. Select the Profile tab
3. Select Edit next to Mailing Address to update the address where you receive your mail
4. Select Edit next to Physical Address to update where you currently live
5. Select Save (during certain periods of the adjudication process, you may not be able to update your address information)

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.

Section C   After OPT has been approved

Submit the *OPT Report* 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 <u>all</u> 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 becomes 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. Use of the SEVP Portal is optional.

IMPORTANT! You must report all changes <u>directly</u> to the OISS, <u>even if you have updated your information in the SEVP Portal!</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)

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.

For more information go to https://studyinthestates.dhs.gov/.

How long can you be unemployed?

- You are allowed **90 days** of unemployment during the 12-month OPT period.

- Do not exceed 90 days of unemployment! If you do, you will automatically be considered out of status! Therefore, before exceeding 90 days of unemployment, prepare for departure or pursue other options, such as transferring to another school, in order to remain in the US lawfully.

- SEVIS tracks your number of unemployment days and may automatically terminate your status when you exceed the limit.

What if your OPT is denied?

Unlawful Presence

An OPT denial will 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.

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 cancelation of your visa by the Department of State. We strongly recommend that you consult with an experienced immigration attorney 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.

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 (self-employment is not allowed for STEM OPT).

✓ **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 (for STEM OPT, the I-983 must be signed by the employer that provides and oversees the training).

✓ **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 (for STEM OPT, employment must be paid)

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*!	Warning! You will <u>not</u> be able to return to the US to engage in OPT...
Documents required for reentry to the US to engage in OPT: 1. Pepperdine University *Form I-20* signed on page 2 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. If OPT is pending, *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)	1. ...if you complete your program of study and depart the US before applying for OPT. 2. ...if you enter the US in "visitor" status (B-1/B-2 visa or ESTA). You will not be allowed to work, and your OPT authorization will be lost. 3. ...if you exceed 90 days of unemployment.

H-1B cap-gap OPT Extension

✓ Students who wish to continue working after OPT usually apply for the H-1B visa (students in STEM majors should apply for the STEM OPT extension even if they plan to apply for the H-1B). Go to the USCIS website for more information on the H-1B and other temporary work visas.

✓ Each Fiscal Year (FY) a limited number (or "cap") of H-1B visas may be approved. Each filing period begins in early spring, 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. This is known as the "cap-gap" OPT extension. If your H-1B petition is still pending, you must stop working after September 30 and wait until your H-1B has been approved. If your application is denied, you will start to accrue unlawful presence (see page 24 for more information on unlawful presence).

✓ 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.

If you terminate or complete 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 and 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 new program).
- Report the approval of a change of status from F-1 to another visa classification

Important deadline: These actions must be taken within the 60-day grace period following your OPT expiration date. If you exceed the allowed number of days of unemployment during OPT, however, you will lose your 60-day grace period and must depart the US immediately or apply for reinstatement in order to remain in the US in lawful F-1 status.