OPTIONAL PRACTICAL TRAINING – Post-completion
Employment authorization following graduation

DEFINITION:
Optional practical training (OPT) is defined in the F-1 regulations as "temporary employment for practical training directly related to the student's major area of study."

F-1 undergraduate students may apply for post-completion OPT, which is authorized to begin after program completion (the last day of final exams on a given semester).

During OPT, you remain in F-1 student status and must follow reporting requirements.

ELIGIBILITY REQUIREMENTS:
As an F-1 student you must have been enrolled on a full-time basis in a SEVIS-approved college or university for at least one full academic year to be eligible for OPT. You must be in-status.

OPT is available for a maximum of 12 months per educational level. You become eligible for another 12 months of OPT when you change to a higher educational level. You are only eligible for OPT for your current degree.

No offer of employment is required to apply for OPT, but you are required to be employed during the OPT validity period. Students on OPT are limited to a maximum of 90 days of unemployment.

Authorization of full-time Curricular Practical Training (CPT) for one year or more eliminates eligibility for OPT. Part-time CPT does not affect OPT eligibility.

WHEN TO APPLY:
An application for OPT can be filed up to 90 days before the official end of the semester you are graduating or up to 60 days after. Apply as soon as possible because it often takes 3-5 months to receive OPT authorization from the Department of Homeland Security/United States Citizenship and Immigration Services. If you think there is a chance you may not graduate, discuss this with your International Student Adviser.

For example:

Hoon's program ends May 10th. He can apply for OPT and have his OPT work permission according to the diagram below:
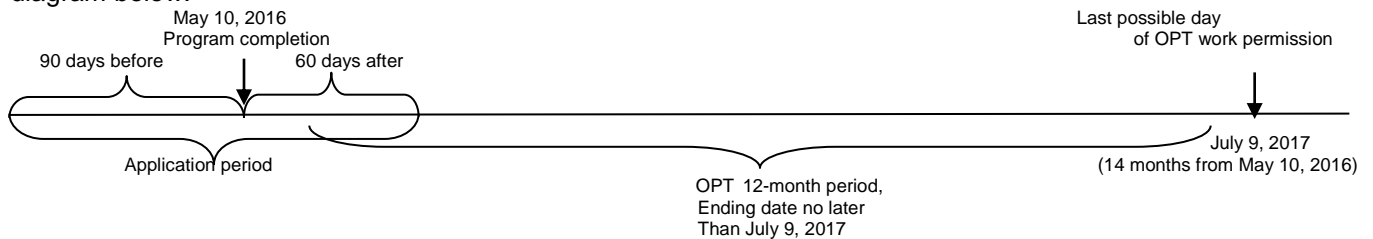
So, depending on Hoon's plans, he should select a start date that will allow him to begin his OPT as soon as possible after his program completion, and allow him to work the full 12 months.

RULES AND REGULATIONS:
Work can begin only after receiving the Employment Authorization Card (EAD) issued by the United States Citizenship and Immigration Services (USCIS) and only on or after the start date on the EAD.

During OPT, F-1 status depends on employment and you may not be unemployed for a total of more than 90 days. Each day during the period when OPT authorization begins and ends that the student does not have qualifying employment (even time outside the U.S.) counts as a day of unemployment. If you travel while employed either during a period of leave authorized by your employer or as part of your employment, the time spent outside the United States will not count as unemployment.

Consequences of over 90 days of unemployment: You may be denied future immigration benefits that rely on your valid F-1 status if the Department of Homeland Security determines that you exceeded the limitations on

unemployment. Additionally, Immigration and Customs Enforcement may examine SEVIS data and terminate your SEVIS record if it fails to show that you maintained the proper period of employment. In such cases, you will be given an opportunity to show that you complied with all OPT requirements, including maintaining employment.

Students on OPT can study only part-time, and non-degree. To enter a new degree program student needs to receive a new I-20 for that program and that will terminate OPT. If you wish to take a class or two on OPT discuss this with your International Student Adviser in advance.

REPORTING REQUIREMENTS:

Reporting Requirements while on OPT for ALL students (these include both the Homeland Security requirements and those needed by the ISSS International Student Adviser):

1. Your legal name
2. Your residential and mailing address, if different
3. Your phone number/s
4. Your Email address
5. Employer/Company/Business name
6. Employer/Company/Business address
7. Start and end dates of employment
8. Dates of times unemployed
9. Supervisor's name and contact information

You must report changes (by email, from your NKU email address) to your International Student Adviser within 10 business days of the change to avoid situations where a Department of Homeland Security official may determine you are out of status.

You must respond to any request for current information from your adviser, and check your NKU email account daily for such requests.

ALLOWABLE EMPLOYMENT:

- **Regular paid employment** for at least 20 hours per week in a position directly related to your major. You may work for multiple employers, as long as it is directly related to your major and commensurate with your educational level.
- **Payment by multiple short-term multiple employers.** If you are a musician or performing artist you may work for multiple short term employers (gigs). You should maintain a list of all gigs, the dates and duration. You must be prepared to provide evidence showing a list of all gigs, in case it is requested by the Department of Homeland Security.
- **Work for hire.** This is employment where an individual performs a service based on a contractual relationship rather than an employment relationship. If requested by the Department of Homeland Security, you must be prepared to provide evidence showing the duration of the contract periods and the name and address of the contracting company.
- **Self-employed business owner.** Students on OPT may start a business and be self-employed. In this situation, you must work full time. You must be able to prove that you have the proper business licenses and are actively engaged in a business related to your major.
- **Employment through an agency.** You must be able to provide evidence showing you worked an average of at least 20 hours per week while employed by the agency.
- **Volunteers or unpaid interns.** You may work as a volunteer or unpaid intern, where this does not violate any labor laws. The work must be at least 20 hours per week and you must be able to provide evidence from the employer that you worked at least 20 hours per week during the period of employment.

DOCUMENTING YOUR EMPLOYMENT:

It is recommended that you keep documentation of all your employment. In the future, you may be asked to provide proof that your employment during OPT was in your field of study. Specifically, you should maintain evidence — for each job — of the position held, proof of the duration of that position, the job title, contact information for your supervisor or manager, and description of the work. If it is not clear from the job description that the work is related to your degree, we highly recommend that you obtain a signed letter from the employer's hiring official, supervisor, or manager stating how your degree is related to the work you performed. Keep this in your personal records.

OPT REQUEST, APPLICATION, AND FILING:

An application for OPT consists of four steps:

> 1) The student makes a request for OPT to the International Student Adviser and submits all required items (see the checklist, below). Call 859-572-6517 to request one-hour appointment only when you have all items;
> 2) After determining eligibility, the International Student Adviser submits an OPT recommendation in SEVIS and prepares a Form I-20 with the OPT recommendation;
> 3) The student files a Form I-765 (with fee), the OPT Form I-20 (copy), and supporting documents to the USCIS Service Center.
> 4) If the application is approved, USCIS will issue an EAD card, which is your proof of employment eligibility.

Request Checklist – you must prepare all items, including required photocopies, before making your OPT appointment with your International Student Adviser. DO NOT MAKE YOUR OPT APPOINTMENT UNTIL THIS LIST IS COMPLETE:

1. Memo from academic adviser or department chair (sample letter is attached) verifying your expected graduation at the end of the current term.

2. Go to www.uscis.gov and click on "immigration forms" at the top of the page. Scroll down and click on **Form I-765** "Application for Employment Authorization". Complete the form by typing in your information, save the form to a USB drive and bring to your appointment with International Student Adviser. If the form is not savable, type and print your form (do not hand-write the form).

   WARNING: Do NOT complete and submit the application online!!

   I-765 Tips: Use ISSS address: C/O ISSS, UC 305 Nunn Drive, Highland Heights, KY 41099
   The code for #16 is: (c) (3) (B)
   When you sign your name, make sure it doesn't cross the upper or lower lines.

3. Photocopies of:
   - passport page/s showing number, name, birth-date, picture, and expiration date (must be valid for at least 6 months)
   - Your current or most recent F-1 visa;
   - Your I-94 card (front and back) if you still have the small white card stapled in your passport
   - Your current and previous I-20s (from all schools)

4. Check or money order for the I-765 filing fee or $410 made out to 'U.S. Department of Homeland Security'

5. 2 passport type photos taken within 30 days of the filing of this application. Using a felt pen, lightly print your name and I-94 number (11 digits) on the back of each photo at the bottom.

Once you have all the paperwork listed above contact the ISSS front desk (859)572-6517 to make a 1-hour appointment with your International Student Adviser. Your International Student Adviser will review your paperwork and, if everything is acceptable, will recommend OPT in SEVIS and print you a new I-20. Your International Student Adviser will photocopy page 1 and 2 of your OPT I-20 which you will mail, along with the paperwork listed above to the USCIS service center which has jurisdiction over your place of residence. It is highly recommended that you use certified mail, so you receive a receipt proving your application was delivered. Keep that receipt for your records.

Where to mail your application if you are living in Kentucky or Ohio:

For KY express mail and courier deliveries:
> USCIS Dallas Lockbox
> PO Box 660867
> Dallas, TX 75266

For OH express mail and courier deliveries:
> USCIS Phoenix Lockbox
> PO Box 21281
> Phoenix, AZ 85036

USCIS PROCESSING TIMES:

> USCIS generally takes 3-5 months to adjudicate an OPT application, but in some cases may take longer. To find out what current USCIS processing times are, or check the status of a pending application for which you have a receipt number, use the USCIS website: https://egov.uscis.gov/cris/jsps/index.jsp

CANCELLING YOUR OPT APPLICATION:

Contact your International Student Adviser if you decide to cancel or withdraw your OPT application or quit earlier than the employment end date indicated on your EAD. Recovering all or part of a period of optional practical training that has already been granted by USCIS may be difficult.

SOCIAL SECURITY NUMBER:

If you do not currently have a Social Security Number, you will need to obtain one in order to begin working in the U.S. There is now an option on the I-765 form itself to request a Social Security Number. Speak to your International Student Adviser for more details.

HEALTH INSURANCE:

If you are not enrolled at NKU, the health insurance policy will not be available to you. If your employer does not offer a health insurance plan or you do not yet have employment, you should plan purchase one on your own. Ask your International Student Adviser if you have further questions about health insurance while on OPT.

TRAVEL AND REENTRY DURING OPT:

During OPT, you can travel outside the United States and be readmitted to begin or resume employment for the remainder of the period authorized on your EAD card, as long as:

- You present an I-20 signed by your International Student Adviser within the preceding 6 months, and
- You present an unexpired EAD, and
- You are returning to begin or resume employment (you should have an employment letter)
- You present a passport valid at least 6 months into the future
- You present a valid visa (unexpired)

DISCLAIMER:

International Student and Scholar Services staff are able to provide you with general guidance. However, advice provided to you by this office, as well as the information in this packet, is not legal advice. While we provide you with current guidance to the best of our knowledge, each case is fact-specific. You are advised to contact an experienced immigration attorney regarding your specific situation.

REMEMBER!
While on OPT you are still in F-1 student status and must report to your International Student Adviser to maintain your F-1 status.

SAMPLE LETTER FROM ACADEMIC ADVISOR OR DEPARTMENT CHAIR

DEPARTMENT LETTERHEAD

To: NKU International Student Advisor

From: Name of academic advisor or department chair

Date:

_____ is currently an undergraduate student with a major in
official name of student

_____ and is expected to graduate on
_____.

(official end of the semester: MM/DD/YYYY)

Signature (must be original): _____

Email: _____

Phone: _____

OPT I-20 Request

Name: _____   NKU ID: _____

Your OPT request will be considered using the following information. Your international student advisor may ask for further information during your OPT appointment.

1. Are you 100% certain that you will graduate on schedule? _____

2. Have you had any previous OPT (at NKU or other school)? _____
   If yes, give the dates of OPT and type (full or part-time)

3. Have you had any previous CPT (at NKU or other school)?_____
   If yes, give the dates of CPT and type (full or part-time)

4. Are you planning to travel outside after the U.S. during your OPT? _____
   If yes, discuss with your advisor)

5. Do you have a job offer already? _____

6. Do you have more than one major? _____
   If yes, is the major that appears on your I-20 the major that you intend to use OPT for?

7. Are you planning to apply for graduate school or another academic program (at NKU or any other school) during your OPT? _____

8. Are you planning to take classes during your OPT? _____

9. What is your intended OPT employment start date? _____

- I agree to the reporting requirements as outlined on page 2 of the OPT information packet. _____ (initial)

- I understand that during OPT I cannot be unemployed more than 90 days or I may have future negative immigration consequences. _____

- I understand that during OPT I cannot work until I have my employment authorization card AND the dates of employment are active. _____

- I agree to check my NKU email address regularly, and to respond immediately to my advisor's requests for information needed to maintain my F-1 status. _____

- I also understand that I can study only part-time during OPT, 6 for UG and 3 for GR or fewer credits (or equivalent) per semester, and cannot enter a new degree program of any kind. _____

- I understand that failure to follow the OPT regulations will result in the termination of my OPT and my F-1 status. _____

- I understand that I must submit my OPT packet within 30 days of the issuance of the OPT I-20, or the application will be denied. _____

- I understand and agree that I absolutely cannot begin working until my employment authorization has been approved, the beginning date has arrived, and I have my EAD card in hand. _____

Signed: _____   Date: _____