

Optional Practical Training (OPT) Work Authorization Basics

Application process:

1. Attend the OPT Information Session. Sessions will be announced via e-mail and the application packet is downloadable from http://www.wm.edu/offices/revescenter/issp/documents/opt_packet.pdf.
Bring the application packet to the session.
2. Complete all forms, collect copies of all current and previous I-20's, make necessary photocopies, obtain photos and then call the Reves Center (757-221-3594) for an "OPT Intake" appointment. An advisor will review your application, issue a new OPT I-20, and then you will send your application to USCIS (Immigration).
3. About 2-3 weeks after USCIS receives your application, they will mail you a Receipt Notice, which has a Receipt Number (like a tracking number). With it, you can check your case status online at <http://www.uscis.gov>.
4. Your card should arrive about 3 months after you receive the Receipt Notice. You may begin working once you receive the card *and* reach the start date on the card (see exception for 17 month extension).

Timing:

- You may apply as early as 90 days before your degree completion date or up to 60 days afterwards (USCIS must receive your application *no later than* 60 days after the degree completion date).
- Your OPT start date *must* fall within 60 days after the date of completion of degree requirements (graduation, in most cases). Example: If you graduate on 5/13/2012, you can select a start date between 5/14/12 and 7/12/12. Master's and PhD students who have complete their coursework and are working on their thesis/dissertation can contact the Reves Center about the possibility of OPT prior to the completion of their degree.
- If you wish to obtain a 17 month STEM (for the fields of Science, Technology, Engineering, and Math) Extension, you must apply for it before your current EAD (OPT card) expires. You may then continue working for 180 days while the application is still pending, and then the remainder of the 17 months, assuming it is approved.

Employment while on OPT:

- You must wait until you receive your EAD (OPT card) *and* reach the start date on the card to begin work. Between the time you graduate and the start date on the card you *cannot* work – this includes on-campus work!
- Work may be paid or unpaid, must be 20+ hours per week, and *must* be in your "field of study," which is your major (e.g., for Accounting: work in an accounting office, do investigative accounting, teach accounting, etc).
- You may work for multiple employers while on OPT. Your employer does not need to sponsor you, as you already have the work authorization. If an employer does not understand OPT, s/he may contact the Reves Center. For your security and privacy, please let the Reves Center know if an employer will be contacting us.
- You can only work on OPT until the end date listed on your EAD unless you have applied for a 17 month STEM extension, or your employer has filed for H-1B for you and the application was accepted by USCIS.
- **Unemployment:** Students on the first 12 month post-completion OPT authorization may not be unemployed more than 90 days total; students authorized for an additional 17 month extension may not be unemployed more than 120 days during the total 29 month OPT period.

SEVIS:

While you are on OPT, we are responsible for your SEVIS record. Therefore, while on OPT, federal regulations require that you update our office within 10 days of the change for the following information: Changes to your name or U.S. address, the name and address of your employer, and/or termination or end of employment. You can make these updates using our online form: <https://forms.wm.edu/151>

17 month Extension of OPT for STEM (Science, Technology, Engineering, Mathematics) students:

Students who have OPT based on a degree in a STEM field (Science, Technology, Engineering, Mathematics) whose employer is registered with E-Verify, may apply for a 17 month extension of their OPT provided they are working in their field of study and the CIP code for their degree program matches one on the Dept. of Homeland Security STEM CIP List.

Optional Practical Training Application Form

Optional Practical Training (OPT) is a work authorization granted to F-1 students to be used for employment in their field of study. Students generally use it for post-graduation employment.

The **student fills out Parts I and III**; the **academic advisor fills out Part II**. An international student advisor will initial that the student attended the required OPT session (bottom of page 2). **Incomplete forms cannot be accepted for OPT.**

Part I: To be completed by student:

Name _____ Student ID # _____

Local Address _____ Non-WM e-mail _____

I request OPT for these dates: _____ to _____.
Month/ Day/ Year Month/ Day/ Year

Previous dates of authorization for CPT & OPT:

Dates of authorization

_____ to _____
_____ to _____
_____ to _____

Select Applicable

OPT	CPT
OPT	CPT
OPT	CPT

Select Applicable

Full-Time	Part-Time
Full-Time	Part-Time
Full-Time	Part-Time

Is this application for a 17 month STEM extension? ☐ Yes ☐ No

Part II: Applicable section to be completed and signed by academic advisor.

_____ is expected to complete all degree requirements for a
(Name of student)

(select one) BA/BS/BBA/MA/MBA/MAcc/MPP/MS/JD/LLM/Ed.D/Ph.D

in _____ on _____.
major or program of study mm / dd / yyyy

OR

_____ has completed or will complete all course work for a
(Name of student)

(select one)

in _____ on _____ and is now in the thesis research or writing phase of
program of study mm / dd / yyyy
his/her program.

Academic advisor signature

Date

Part III: To be read and signed by *student*.

Staying in status while on OPT

I understand that OPT is a benefit of F-1 status authorized by U.S. Immigration law. In applying for OPT, I agree to abide by these regulations:

- Work only in my field of study (as listed on my I-20) and in a position commensurate with my level of education. Work may be full or part time, paid or unpaid, but *all* work must be in my field of study (major or program).
- Work only during the period authorized on the EAD (OPT Card). To work outside of those dates listed on the EAD, I need another type of work authorization.
- Report any address changes and notify Reves Center of any new employment (position and name of employer) or termination of employment within 10 days. This is done via an online form.
- Obtain a travel signature every 6 months if I will travel outside the US. It is also a good idea to carry a letter confirming employment. A valid F-1 visa is also required to reenter the US.
- Taking a few classes is ok; enrolling in a new degree program may end my OPT.
- I must keep my passport and I-94 valid.
- If I change my status (e.g. to H-1B), wish to transfer or start a new degree program, I need to contact the Reves Center (globe@wm.edu).

Student name

Student signature

Date

A checklist for your OPT intake appointment

- ____ Completed OPT Application Form (this form)
- ____ Check or money order in the amount of \$380, made payable to Dept. of Homeland Security
- ____ 2 color photos, made according to the specifications on the Photo Guidelines
- ____ Completed Form I-765
- ____ Copy of the your I-94 card, **front** and **back** (this card is usually stapled inside your passport)
- ____ Copies of **all** of your previous I-20s, both SEVIS and pre-SEVIS (only copies of pages 1 & 3 of the I-20 is needed)
- ____ Copy of your passport identity page and page showing passport expiration
- ____ If applicable: A copy of any previous EAD(s) (work authorization card)
- ____ If applicable: A copy of the notice showing your change of status to F-1
- ____ If applicable: A copy of the transcript for the degree (for 17 month STEM extensions only)
- ____ Form G-1145 E-Notification of Application Acceptance

The student has attended an OPT Information session. **Reves Center Advisor initial and date** _____

W&M INTERNATIONAL STUDIES

THE COLLEGE OF WILLIAM & MARY

For US Postal Service deliveries:

USCIS Dallas Lockbox
PO Box 660867
Dallas, TX 75266

For Express mail and courier deliveries:

USCIS
Attn: AOS
2501 S. State Hwy. 121 Business
Suite 400
Lewisville, TX 75067

Applicant: _____ N _____

Last Name,

First Name

SEVIS ID Number

For the I-765 application for Optional Practical Training for the above listed applicant, the following documents have been enclosed:

- _____ Check or money order in the amount of \$380, made payable to Dept. of Homeland Security
- _____ Two 2"x2" color photos, with a full face, front view
- _____ Form I-765
- _____ A copy of the I-20 issued recommending OPT
- _____ A copy of the applicant's I-94 card, front and back
- _____ A copy of all previous I-20s issued to the student
- _____ A copy of the bio page of the applicant's passport
- _____ If applicable: A copy of any previous EADs
- _____ If applicable: A copy of the change of status approval notice
- _____ If applicable: A copy of the transcript for the degree (for 17 month STEM extensions only)
- _____ Form G-1145 E-Notification of Application Acceptance

The PDSO for the College of William and Mary is Stephen Sechrist. E-mail sjsech@wm.edu; Tel. (757) 221-3437.
Thank you.

Instructions for Completing the Employment Authorization Application Form (I-765) for OPT

It is strongly recommended that you fill out the PDF version of the form, then print and sign it. USCIS prefers the information typed in, not handwritten. A fillable I-765 form is located on our website.

I am applying for: Check “Permission to accept employment”

1. **Name:** As it appears in your passport. First enter your family name in capital letters, then your given names.
2. **Other names used:** If you changed your legal name (e.g., for marriage) or if when you renewed your passport, the English spelling of your name changed, indicate that previous name here.
3. **Address:** Use our address (recommended because the post office cannot forward immigration mail)

Address in the United States: Reves Ctr. W&M PO BOX 8795

Town or City: Williamsburg **State:** VA **ZIP Code:** 23187-8795

Questions 4,5,6,7,8. **Citizenship, Place of Birth, etc.:** These are self-explanatory.

9. **Social security Number:** If you don't have a Social security Number, leave this blank.
10. **Alien Registration Number (A-Number) or I-94 number (if any):** Your I-94 number is the 11 digit number printed on your I-94 card.
11. **Have you ever before applied for employment authorization from USCIS?** Answer YES only if you have applied directly to USCIS for employment authorization before. This does not refer to on-campus employment or Curricular Practical Training (CPT). If you did apply to USCIS for employment authorization before, enter the details (which USCIS office, etc.).
12. **Date of last entry:** This is the date on which you last entered the U.S. Most likely it is the date stamped on your I-94 card.
13. **Place of Last Entry into the U.S.:** This is the airport or land border at which you entered the U.S. and where the immigration officer stamped your I-94 card.
14. **Manner of Last Entry:** If you entered the U.S. in another status (e.g., F-2), then applied to change your status to F-1, enter the previous status here. Otherwise, enter F-1.
15. **Current Immigration Status:** F-1 Student
16. **Eligibility under 8CFR 274a.12:** Enter (c) (3) (B) for post-graduate employment.
17. Leave blank.

Signature: Remember to sign and date the form. Your signature has to be in the middle of the space provided—it should not cross the line above or below.

**I-765, Application For
Employment Authorization**Department of Homeland Security
U.S. Citizenship and Immigration Services**Do not write in this block.**

Remarks	Action Block	Fee Stamp
A#		
Applicant is filing under §274a.12 _____		

☐ Application Approved. Employment Authorized / Extended (*Circle One*) until _____ (Date).
 Subject to the following conditions: _____ (Date).
 Application Denied.
☐ Failed to establish eligibility under 8 CFR 274a.12 (a) or (c).
☐ Failed to establish economic necessity as required in 8 CFR 274a.12(c)(14), (18) and 8 CFR 214.2(f)

I am applying for: ☐ Permission to accept employment.
☐ Replacement (*of lost employment authorization document*).
☐ Renewal of my permission to accept employment (*attach previous employment authorization document*).

1. Name (Family Name in CAPS) (First) _____ (Middle) _____	Which USCIS Office? _____	Date(s) _____
2. Other Names Used (include Maiden Name) _____	Results (Granted or Denied - attach all documentation) _____	
3. Address in the United States (Number and Street) _____ (Apt. Number) _____	12. Date of Last Entry into the U.S. (mm/dd/yyyy) _____	
(Town or City) _____ (State/Country) _____ (ZIP Code) _____	13. Place of Last Entry into the U.S. _____	
4. Country of Citizenship/Nationality _____	14. Manner of Last Entry (Visitor, Student, etc.) _____	
5. Place of Birth (Town or City) _____ (State/Province) _____ (Country) _____	15. Current Immigration Status (Visitor, Student, etc.) _____	
6. Date of Birth (mm/dd/yyyy) _____ 7. Gender <input type="checkbox"/> Male <input type="checkbox"/> Female	16. Go to Part 2 of the Instructions, Eligibility Categories. In the space below, place the letter and number of the category you selected from the instructions (For example, (a)(8), (c)(17)(iii), etc.). Eligibility under 8 CFR 274a.12 () () ()	
8. Marital Status <input type="checkbox"/> Married <input type="checkbox"/> Single <input type="checkbox"/> Widowed <input type="checkbox"/> Divorced	17. If you entered the Eligibility Category, (c)(3)(C), in item 16 above, list your degree, your employer's name as listed in E-Verify, and your employer's E-Verify Company Identification Number or a valid E-Verify Client Company Identification Number in the space below. Degree: _____ Employer's Name as listed in E-Verify: _____ Employer's E-Verify Company Identification Number or a valid E-Verify Client Company Identification Number _____	
9. Social Security Number (include all numbers you have ever used) (if any) _____		
10. Alien Registration Number (A-Number) or I-94 Number (if any) _____		
11. Have you ever before applied for employment authorization from USCIS? <input type="checkbox"/> Yes (If "Yes," complete below) <input type="checkbox"/> No		

Certification

Your Certification: I certify, under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct. Furthermore, I authorize the release of any information that U.S. Citizenship and Immigration Services needs to determine eligibility for the benefit I am seeking. I have read the Instructions in **Part 2** and have identified the appropriate eligibility category in **Block 16**.

Signature _____ Telephone Number _____ Date _____

Signature of Person Preparing Form, If Other Than Above: I declare that this document was prepared by me at the request of the applicant and is based on all information of which I have any knowledge.

Print Name _____	Address _____	Signature _____	Date _____
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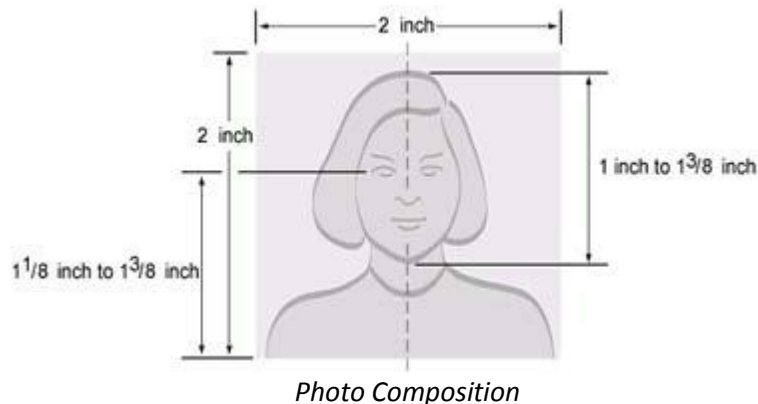
Remarks	Initial Receipt	Resubmitted	Relocated		Completed		
			Rec'd	Sent	Approved	Denied	Returned



Composition Checklist: 7 Steps to Successful Photos

You can provide this checklist to the person taking your photos to help ensure successful photos meeting the needed specifications.

1. Make sure photo presents **full head** from top of hair to bottom of chin; height of head should measure 1 inch to 1-3/8 inches (25 mm to 35 mm)
2. **Center head** within frame (see *Photo Composition* example below)
3. Make sure **eye height** is between 1-1/8 inches to 1-3/8 inches (28 mm and 35 mm) from bottom of photo
4. Photograph subject against a **plain white or off-white background**
5. **Position subject** and **lighting** so that there are no distracting shadows on the face or background
6. Frame subject with **full face, front view, eyes open**
7. Encourage subject to have a **natural expression**



Well- Composed Photos

Where can I get photos taken?

Many students have photos taken at local pharmacies, such as CVS or Walgreens. Massey's Camera Shop (near Aroma's) is another popular option, charging \$7.95 for 2 photos (phone: 757-229-3181). The Reves Center does not recommend the W&M ID Office in the Campus Center at this time, as their photos often have a blue tinge and are sometimes rejected by Immigration.

**Form G-1145, E-Notification of
Application/Petition Acceptance****Who Can Receive E-Mails and/or Text Messages?**

When you file an immigration form at one of the three U.S. Citizenship and Immigration Services (USCIS) Lockbox facilities, you will have the option to receive an e-mail and/or text message informing you that USCIS has accepted your application or petition. If you provide an e-mail address and a mobile phone number, you will receive both types of electronic notification (e-Notification) messages.

The three USCIS Lockbox facilities are located in Chicago, IL, Phoenix, AZ, and Lewisville, TX.

You should verify where to file by reviewing the filing instructions related to your immigration form(s). Please note that some immigration forms will continue to be filed with USCIS Service Centers or Field Offices. USCIS Service Centers or Field Offices will not provide e-mail and text message notifications at this time. USCIS will continue to expand its e-Notification messaging capabilities to include these filings.

When Will I Be Notified?

USCIS will notify you within 24 hours of accepting your immigration form(s).

What Will the E-Mail or Text Message Include?

The message will provide a receipt number as information but will not constitute official notice of acceptance. The e-mail notice will also provide a brief statement on how to get additional information about the status of your case.

USCIS will then send the official receipt notice, Form I-797C, Notice of Action, to the person seeking the benefit or the person's representative, as appropriate, via the U.S. Postal Service. There will be no e-Notification for acceptance of Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative. E-mail or text messages that cannot be delivered will not be retransmitted.

What If I Want to Submit Multiple Applications?

If you are submitting multiple immigration forms for one applicant, please clip this entire form with the e-mail address and/or mobile phone number (see below) to the front of the first immigration form of the package. You will receive a separate e-mail and/or text message for each accepted immigration form.

For representatives who file multiple unrelated immigration forms in one envelope, and who want their clients to receive e-Notification(s), this form, with the notification information provided below, must be clipped to the front of each related package of immigration forms. The e-Notification message will provide a receipt number for each immigration form but will not include the applicant's name because the message cannot be sent over a secure network. One e-mail and/or text message will be sent per accepted immigration form; e-Notification will only be sent to the person requesting the benefit(s).

Does the E-Notification Grant Any Type of Status or Benefit?

No. The e-mail or text message does not grant any immigration status or benefit. You may not present a copy of the e-mail or text message as evidence that USCIS has granted you any immigration status or benefit. Receipt of the transmission cannot be used as supporting evidence for other benefits.

Will USCIS Cover My Costs to Receive E-Mails and Text Messages?

No. USCIS assumes no legal responsibility for your costs to receive e-mail and/or text messages. USCIS will not reimburse you for any costs related to e-Notification.

How Can I Request E-Mails or Text Messages?

If you submit your immigration form(s) to a USCIS lockbox facility and include your e-mail and/or mobile phone number in the appropriate box below, USCIS will use this information as permission to send an e-Notification to you.

Paperwork Reduction Act

An agency may not conduct or sponsor an information collection and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The public reporting burden for this collection of information is estimated at three minutes per response, including the time for reviewing instructions and completing and submitting the form. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: U.S. Citizenship and Immigration Services, Regulatory Products Division, 111 Massachusetts Avenue, N.W., 3rd Floor, Suite 3008, Washington, DC 20529-2210. OMB No. 1615-0109. **Do not mail your application to this address.**

Complete this form and clip it on top of the first page of your immigration form(s).

Applicant/Petitioner Full Last Name

Applicant/Petitioner Full First Name

Applicant/Petitioner Full Middle Name

E-Mail Address

Mobile Phone Number (Text Message)



Frequently Asked Questions about OPT

When I'm on OPT, what status am I in?

OPT is part of F-1 status. Even though you are no longer studying, you are still in F-1 status.

Am I required to have health insurance while an OPT?

No, but it's a good idea. If you wish, you can pay to extend your current W&M policy for 6 months (If you graduate in December, your policy expires in mid-January, and you can extend it until mid-July; if you graduate in May, your policy expires in August, and you can extend it until February). You must contact the Student Health Center 1 month before your policy expires to request a "Continuation Policy."

Can I travel while on OPT or before my OPT?

Yes, *but* you must have the documents necessary to reenter the US. The necessary documents are your **passport, F-1 visa, OPT I-20 signed within the last 6 months, and EAD (OPT card)**. We also advise you to carry documents showing you have or are pursuing employment, such as: **a letter confirming your employment, or invitation to an interview**, etc., as the law says you may only reenter to resume employment. Keep in mind that if your visa is expired, or will expire, you will need to obtain a new one before reentering. *Remember*, any time you leave the US there is never a guarantee that Immigration will allow you to reenter. You can speak to someone at the Reves Center if you have questions.

Do I have to pay taxes while working on OPT?

Yes, you must pay federal and state income taxes. Taxes are due on April 15. Most large cities will have VITA (Volunteer Income Tax Assistance) services. Make sure the tax consultant knows if you are a resident or nonresident for tax purposes (this is different from immigration status). NOTE: If you have been in the US for less than 5 years, you *may* be exempt from Social Security taxes. See <http://www.irs.gov/businesses/small/international/article/0,,id=129427,00.html>

Do I need a new Social Security card to work on OPT?

You only need a new Social Security card if your current one says "NOT VALID FOR EMPLOYMENT." To get a new card that says "VALID FOR EMPLOYMENT WITH DHS WORK AUTHORIZATION", go to any Social Security office with your passport and I-94 card, OPT I-20, and EAD (OPT card).

Can I take a class while on OPT?

You may take a class or two (even for credit), but if you *begin a new degree program*, you will end your OPT. OPT is intended for students to get practical experience in their field of study.

What if I never find a job or never work while on OPT, am I "illegal"?

Students on the first 12 month of post-completion OPT authorization may not be unemployed more than 90 days total; students authorized for an additional 17 month extension may not be unemployed more than 120 days during the total 29 month OPT period. For the first 12 month post-completion OPT authorization, your employment may be either *paid* or *unpaid*, as long as it is in your field of study and at least 20 hours per week; for the 17 month extension, your employment must be *paid*. Immigration has not yet clarified the consequences of exceeding the unemployment limits, but it may include loss of immigration status or ineligibility for future immigration benefits.

What if USCIS takes a really long time to process my application?

For the initial 12 month post-completion OPT authorization, you may remain in the U.S. while they are processing the application, but you can't begin work until it is approved and you receive the card. If more than 3 months pass after your application, and it is still not issued, and you have a job offer, we can request an expedite, but it is not guaranteed.

For the 17 month STEM extension, as long as you apply for the extension before the current OPT period expires, you may continue working until it is approved or for 180 days, whichever comes first.

If my employer wants to sponsor me for an H1B, when should s/he start the process?

Generally we tell students to start as soon as possible. A good resource for H1B information is:

<http://www.millermayer.com/content/view/h-1b-specialty-occupation.html>

Renewing your VA Driver's License/ID Card after Graduation

If you have a VA driver's license or ID card, chances are it will expire when your I-20 expires (i.e., when you graduate). If you plan to stay in VA and drive, you will need to extend it. You can apply to extend your VA driver's license or ID Card at the Department of Motor Vehicles (DMV). See the end of the email for the address, hours, and directions. It is a long email so you might want to print it out.

As per the Legal Presence Division of the VA DMV, below is a list of documents required for an extension. **All documents must be originals.**

Students with OPT authorization:

Valid passport with F-1 visa (even if it's expired)
I-94 card
I-20 (even if it's expired)
Employment Authorization Document (EAD) (aka OPT card)
Proof of VA residency (see * below)
Proof of SSN (If you have been issued one)
I-797 Approval Notice (e.g., OPT approval)

Dependent (must be accompanied by the F-1 student with OPT authorization):

Valid passport with F-2 visa (even if it's expired)
I-94 card
Dependent I-20 (even if it's expired)
F-1 student will need to present their EAD (OPT card)
Proof of VA residency*
Proof of SSN (If they have been issued one)
Student's I-797 Approval Notice (e.g., OPT approval)

a) Students who did not apply for OPT and b) Students who have applied for OPT but have not received approval

- If a student has applied for OPT but the application has not been approved, the student will need to make a request for the 60-day extension. After obtaining the approval and EAD card, the student can then request an extension of his/her license/ID card until the expiration date of the EAD.

Documents required by the Student

Valid passport with F-1 visa (even if it's expired)
I-94 card
I-20 (even if it's expired)

Proof of having filed for graduation or successful completion of studies (letter from the registrar's office)

Proof of VA residency (see * below)
Proof of SSN (If you have been issued one)

Regarding the **Proof of having filed for graduation or successful completion of studies (letter from the registrar's office)**, please read carefully:

- If you are applying for an extension of your license **before you graduate**, you can request a letter from the Registrar's office that states you are **"scheduled to graduate on [date]"**. The Legal Presence Division confirmed that this is acceptable.
 - To request the letter, write a letter to Wendy Urbano at the Registrar's office. It should state this exactly "Dear Ms. Urbano, I am writing to you to request a letter from the Registrar's Office that states that I am expected to graduate on 5/13/2012. I need this to apply for an extension of my driver's license. Please

address it to the Virginia department of Motor Vehicles.” This cannot be emailed to her, you must print it out, sign it and give it to the Registrar’s Office in person.

- It will take 2 business days to process the letter.
- If you are applying for an extension of your license **after you graduate**, you can request a letter from the Registrar’s office that states you have graduated. For this, complete an [Enrollment Verification Request](#)

BBA/MBA/MACc students must request these letters from the Mason School Registrar.

Dependent (must be accompanied by the F-1 student):

Valid passport with F-2 visa (even if it's expired)

I-94 card

Dependent I-20 (even if it's expired)

F-1 student will need to present proof of having filed for graduation or successful completion of studies (letter from the registrar's office)

Proof of VA residency*

Proof of SSN (If they have been issued one)

*** Proof of Virginia residency must show your legal name and local address.** Accepted documents includes a certified copy of school record/transcript from the College of William & Mary; current automobile or life insurance bill; payroll check stub issued by an employer within the last two months; US Internal Revenue Service tax reporting W-2 form or 1099 form (not older than 18th months); US or VA tax return from the previous year; original monthly bank statement not more than two months old issued by a bank; utility bill, not more than two months old issued to applicant (such as gas, electric, sewer, water, cable or phone – *cellular phone bills are not accepted*).

Optional Practical Training

Information for Employers

What is OPT?

Optional Practical Training is a work authorization granted by United States Citizenship and Immigration Services (USCIS) to students in F-1 visa status. It is designed to enable students to work in their field of study. While OPT may be used prior to graduation, most students save it for post-graduation work. It is an “open work authorization” meaning that the person may work in his/her field of study for any employer, full or part time, in the U.S. The employer does not have to file any application with the Department of Labor or US Citizenship and Immigration Services to employ the person if the person has a valid EAD (OPT work authorization).

How do I know if a person has OPT work authorization?

He/she will have an EAD (Employment Authorization Document). It comes in the form of a small plastic card issued by USCIS. The person may work during the period listed on the card.

What does the employer have to do?

The employer need only to extend the job offer as they would with any other applicant, keeping in mind that the student may only begin working once their OPT work authorization card (a.k.a. EAD Card) has arrived and the start date on the card has been reached. It is the responsibility of the student to find employment that is in his/her field of study and commensurate with his/her level of education.

How long is the work authorization valid?

Optional practical training is granted for a maximum of 12 months. Students with degrees in STEM fields (Science, Technology, Engineering, Mathematics), whose employer is registered with E-Verify, may be eligible for an additional 17 months of OPT (i.e., total of 29 months).

What if I want to employ the student after his/her OPT work authorization expires?

If you wish to continue the employment after the OPT ends, you have several options to consider including H-1B status (a work visa that allows professional foreign nationals to work in the United States in specialty occupations for a period of up to six years), among others. A new regulation that took effect on April 08, 2008, now allows those on OPT who have an application for H-1B filed on their behalf to continue working until the H-1B begins provided that USCIS has accepted the application and the H-1B requested start date is October 1 of that year. (For example, Lee's OPT period expires July 10, 2012, his employer filed for H-1B visa status for him to begin Oct 1, 2012, USCIS has accepted the application, his OPT work authorization is automatically extended until October 1, 2012. If his H-1B application is rejected, the OPT extension ends on the date of rejection.)

The human resources department of your company should have information on this or you may contact an immigration attorney. It's not nearly as difficult as one might think and the benefits of an international employee are well worth it!

Can I have a legal citation from the law for more information on OPT?

Sure, take a look at 8 CFR 214.2 (f) (10) (ii)

The faculty and staff of the College of William & Mary take pride in the quality of our students. If you have any questions or concerns regarding the employment of international students, please do not hesitate to contact Stephen Sechrist (sjsech@wm.edu) or Eva Wong (ywong@wm.edu).

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