

## **Tulsa Community College ISS Office**



# **Q&A On OPT Regulations**

**Answers to Common Questions  
Related to Optional Practical Training**



International Student Services

3727 E. Apache

Tulsa, OK 74115-3151

(918) 595-7478

Dear F-1 Visa Students,

The Office of International Student Services is supportive of your decision to pursue employment options through Optional Practical Training. As we discussed in New Student Orientation, OPT requires USCIS permission.

Without a doubt, the application process, combined with an abundance of detailed regulations, can become confusing. We hope this booklet is a helpful resource for you when you have questions about OPT and the reporting requirements.



### **What is optional practical training (OPT)?**

OPT is training that is directly related to an F-1 academic student's major area of study. It is intended to provide students with practical experience in their field of study during or upon completion of a degree program.

### **Who is eligible for OPT?**

An F-1 academic student who has been in-status for at least one academic year may be authorized up to 12 months of OPT per program level. However, F-1 students who have one year or more of full-time curricular practical training are not eligible for OPT for that degree.

**What is pre-completion OPT?**

Pre-completion OPT is OPT authorized to be worked before the student's program end date. Students with approved pre-completion OPT may work up to 20 hours per week while school is in session. Students who are eligible to register for the next term, and who plan to do so, may have approval to work full time when school is not in session.

**What is post-completion OPT?**

Post-completion OPT is OPT that begins after the student's program end date.

**What is the deadline for applying for post-completion OPT?**

F-1 students may apply for post-completion OPT up to 90 days before their program end date and up to 60 days after their program end date.

**Can a student file for combined pre-completion OPT and post-completion OPT?**

No. The new regulatory provisions differentiate between pre-and post-completion OPT in the application process and in the requirements for maintaining employment.

**What are the restrictions on the requested start date for post-completion OPT?**

A student cannot have a requested start date that is more than 60 days past the student's program end date.

**What are the restrictions on the requested end date for post-completion OPT?**

The requested end date cannot be more than 12 months after the requested start date. The end date may be sooner if the student has less than 12 months of OPT left at the current education level or the student wishes to retain a period of OPT for pre-or post-completion OPT for another degree at the same academic level.

**What happens if a student applies for post-completion OPT before his or her program end date and subsequently fails to complete the requirements for his or her degree?**

The student should contact the International Student Services Office 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 International Student Services Office (ISS) will also withdraw the recommendation for OPT in SEVIS.

(Answer continued on page 4)

If the employment authorization application has already been approved, the ISS Office will 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.***

### **How does a transfer impact the period of OPT?**

Any OPT authorization ends on the transfer release date for a student who requests a transfer to another college or university.

### **What are the limits on periods of unemployment?**

Students on post-completion OPT may accrue up to 90 days of unemployment.

### **How many hours does a student need to work per week during post-completion OPT to be considered employed?**

A student must work at least 20 hours per week in a qualifying position to be considered employed. If a student has a variable schedule, within a month, it should average out to at least 20 hours per week.

### **What counts as time unemployed?**

Each day (including weekends) during the period when OPT authorization begins and ends that the student does not have qualifying employment counts as a day of unemployment. OPT authorization begins on the employment start date shown on the student's EAD. The only exception is that periods of up to 10 days between the end of one job and the beginning of the next job are not included in the calculation of time spent unemployed. This 10 day exception also applies to the first 10 days from the start date on the student's EAD.

### **How does travel outside the United States impact the period of unemployment?**

Time spent outside the United States during an approved period of post-completion OPT counts as unemployment against the 90/120-day limits, unless the student is either:

- Employed during a period of leave authorized by an employer; or
- Traveling as part of his or her employment.

## **What types of employment are allowed for regular pre- and post-completion OPT?**

All OPT employment is required to be in a job that is related to the student's degree program. The employment options are:

Paid employment. Students may work part time (at least 20 hours per week when on post-completion OPT) or full time.

Multiple employers. Students may work for more than one employer, but all employment must be related to each individual student's degree program and for pre-completion OPT cannot exceed the allowed per week cumulative hours.

Short-term multiple employers (performing artists). Students, such as musicians and other 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, students should 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. The student should be able to prove that he or she has the proper business licenses and is actively engaged in a business related to his or her degree program. Employment through an agency or consulting firm. Students on post-completion OPT should be able to provide evidence showing they worked an average of at least 20 hours per week while employed by the agency.

Unpaid employment. Students may work as volunteers or unpaid interns, where this practice does not violate any labor laws. The work should be at least 20 hours per week for students on post-completion OPT. A student should be able to provide evidence, acquired from the student's employer, to verify that he or she worked at least 20 hours per week during the period of employment.

## **How do students show that employment is directly related to their degree programs?**

Students must maintain evidence — for each job — of the position held, proof of the duration of that position, the job title, contact information for the student's supervisor or manager and a description of the work.

(Answer continued on page 6)

If it is not clear from the job description that the work is related to the student's degree, the student should obtain a signed letter from the student's supervisor or the employer's hiring official stating how the student's degree is related to the work performed.

**What should students report to ensure that their status does not expire due to excessive unemployment time?**

Students must report changes in employment to the ISS Office as soon as possible. We recommend that students report changes within 10 business days of the change to avoid situations where a DHS/ICE official may determine the student is out of status.

**The following table suggests the best way to report employment or a change in employment.**

Situation	Report
New job	<ul style="list-style-type: none"><li>• Name of the employer</li><li>• Start date of employment</li><li>• Mailing address for the employer</li></ul>
Change to a new job	<ul style="list-style-type: none"><li>• Name of the previous employer</li><li>• Ending date of the employment with the previous employer</li><li>• Name of the new employer</li><li>• Start date of employment</li><li>• Mailing address for the new employer</li></ul>
Multiple short-term gigs in one period with less than 10 days between gigs	<ul style="list-style-type: none"><li>• Report at the beginning of the first gig and indicate "Multiple short term gigs"</li></ul>

(Chart continued on page 7)

Work for hire (start)	<ul style="list-style-type: none"> <li>• Indicate “Self-employed work for hire”</li> <li>• Indicate the start date of the contract</li> </ul>
Work for hire (with more than 10 days between the end of one contract and the beginning of another contract or a new job)	<ul style="list-style-type: none"> <li>• Indicate “Self-employed work for hire”</li> <li>• Indicate you have no current contract</li> <li>• Ending date of the last contract worked</li> </ul>
More than 10 days of unemployment	<ul style="list-style-type: none"> <li>• Indicate “unemployed”</li> <li>• Ending date of last job</li> </ul>
Self-employed business owner (start)	<ul style="list-style-type: none"> <li>• Indicate “Self-employed business owner”</li> <li>• Indicate date went into business</li> </ul>
Self-employed business owner (end)	<ul style="list-style-type: none"> <li>• Indicate “Self-employed business owner”</li> <li>• Indicate date business closed or student no longer worked for the business full time</li> </ul>
Student decides to exit the United States and complete his or her F-1 status prior to the end date of OPT	<ul style="list-style-type: none"> <li>• Indicate “Completing OPT and exiting the United States”</li> <li>• Date of exit</li> </ul>
Work for hire (with more than 10 days between the end of one contract and the beginning of another contract or a new job)	<ul style="list-style-type: none"> <li>• Indicate “Self-employed work for hire”</li> <li>• Indicate you have no current contract</li> <li>• Ending date of the last contract worked</li> </ul>

(Chart continued on page 8)

More than 10 days of unemployment	<ul style="list-style-type: none"> <li>• Indicate “unemployed”</li> <li>• Ending date of last job</li> </ul>
Self-employed business owner (start)	<ul style="list-style-type: none"> <li>• Indicate “Self-employed business owner”</li> <li>• Indicate date went into business</li> </ul>
Self-employed business owner (end)	<ul style="list-style-type: none"> <li>• Indicate “Self-employed business owner”</li> <li>• Indicate date business closed or student no longer worked for the business full time</li> </ul>
Student decides to exit the United States and complete his or her F-1 status prior to the end date of OPT	<ul style="list-style-type: none"> <li>• Indicate “Completing OPT and exiting the United States”</li> <li>• Date of exit</li> </ul>

### **How should students report employment/unemployment information to the ISS Office?**

The International Student Service Offices recommends using e-mail as it provides both evidence of reporting and the date reported.

### **What is the impact on a student’s status if the student exceeds the limit on authorized unemployment?**

A student who has exceeded the period of unemployment while on post-completion OPT has violated status unless he or she has taken one of the following actions:

- Applied to continue his or her education by transferring to another college or university
- Departed the United States
- Taken action to otherwise maintain legal status

### **Is the International Student Services office responsible for determining if a student has exceeded the limit on authorized unemployment?**

No, they are not responsible for calculating unemployment time or taking action in SEVIS based on unemployment time.

### **How will DHS/ICE enforce this provision?**

A student may be denied future immigration benefits, terminate a student’s SEVIS (I-20) record if it fails to show the student maintained the proper period of employment. In such cases, the student will be given an opportunity to show that he or she complied with all OPT requirements, including maintaining employment.