

Information for students applying for OPT



Your last name must be on your mailbox to ensure delivery of your EAD card.

The Postal Service WILL NOT FORWARD EAD cards. Students with pending applications should report their change of address to USCIS Customer Service at 1 (800) 375-5283. (Students have been telling me, however, that they're simply told to complete the AR-11.) Follow immigration forms/change of address links at <http://www.uscis.gov/portal/site/uscis>.

If you do not change your address with USCIS (because a friend will forward your card, for instance), do NOT request that the Post Office forward your mail. Do NOT remove your name from the mailbox until the card is received.

This is extremely important. Failure to report an address change may result in serious delays in your receipt of your EAD.

In General

- You should receive a receipt within 2 weeks of mailing your application. You can track your application status with that receipt number at this website: <https://egov.uscis.gov/cris/jsps/index.jsp> ('Case Status Search' Link on the left)
- It takes 2-3 months to get your EAD card; let IPS know if you have not received it in that time.
- You may begin work only on or after date on your EAD card. This may be different than the date you requested on your I-765.
- When your EAD is received, report the receipt DATE directly to me. Bring your EAD to the IPS office or fax a copy to 906.487.1891 so we can have copy for files.

Expediting Your OPT Application

- Submitting an offer letter with your application allows me to request that it be expedited.
- I have recently been told that if you receive an offer letter after submitting the application, I may submit a request to expedite your application if:
- Your offer letter gives an employment start date which is to within 4 weeks
- You have received a receipt for your OPT application and I have the number

Travel after filing an OPT application

A. While your application for OPT is PENDING, you *may* travel outside the US.

However, if you do not have a job offer in hand, be certain you return before your EAD card is issued or you will forfeit your OPT. (Tricky since you don't know when it will be approved.) If you travel while your OPT application is pending, take these things with you:

- the receipt issued by USCIS for the OPT application
- your job offer letter if you have one
- all the standard travel documents:
http://www.ips.mtu.edu/Forms/Immigration/Travel_Authorization_Request.pdf

NOTE: IF YOUR OPT HAS BEEN APPROVED and you depart the US before getting a job, your OPT ends and you cannot reenter.

B. Once your OPT has been approved (whether you've received the card or not)

Students engaged in OPT who wish to travel outside the United States are subject to the same travel requirements as an F-1 student.

Do not travel outside the US without:

1. a current I-20 endorsed for travel within the preceding 6 months
2. a valid F-1 visa
3. an unexpired EAD card or the receipt issued by USCIS for your OPT application
4. an offer letter indicating you are/will be employed including dates of employment
5. **IF YOU HAVE BEGUN WORKING**, a travel letter from your employer (not IPS) stating that you will be returning to resume work with them.

C. If your F-1 visa expires after you have applied for, or during your OPT

Do not plan to travel except as required by employer! Renewing an F-1 visa (a visa intended for study only) in order to work (even on OPT) is, according to my sources, "virtually impossible."

However, if your employer requires that you travel outside the US, they can provide a letter explaining the need for visa renewal. Be sure their letter explains that you will be returning to RESUME EMPLOYMENT with them.

Another possibility might be to see if your OPT employer will submit an H-1B petition "with consular notification" which would allow you to go home and then apply for the H1-B visa to reenter the U.S. For those of you seeking an H1-B Visa:

Cap-Exempt Petitions: USCIS notes that petitions for new H-1B employment are exempt from the annual cap if the aliens will be employed at institutions of higher education or a related or affiliated nonprofit entities, or at nonprofit research organizations or governmental research organizations.

OPT Extensions and Reporting Requirements – Interim Rule issued 8 April 2008

As I'm sure you've heard, a rule has been issued allowing for an extension to OPT. The extension is only one part of the rule – other parts may be of more importance to you. I will summarize what I know and provide a couple of links for further information.

The whole text of the rule (47 pages) is on the web if you and/or your employer is interested:
http://www.dhs.gov/xlibrary/assets/press_opt_ifr.pdf

RULE CHANGES

1. Automatic extension of OPT / legal stay in US if H-1B has been filed for ANYONE on OPT.
The new rule extends the authorized period of stay, as well as work authorization, of any F-1 student (not only STEM) for whom an employer has timely-filed H-1B petition that has been granted by, or remains pending with, USCIS. **It is NOT AUTOMATIC. You must apply through IPS** for an extended OPT authorization. Proof that your employer has sent/filed a petition in your behalf must be submitted with your request for OPT extension.

The extension of status and work authorization terminate on October 1 of the fiscal year for which the H-1B visa has been requested. If USCIS denies a pending H-1B petition, the student will have the standard 60-day grace period, beginning on the date of notification of the denial or rejection of the petition (pages 14, 39 of the document above).

2. Extended un-employment will put your status in jeopardy.
Students who have an aggregate unemployment of greater than 90 days (120 days for students who have been granted a 17-month extension) “put their status in jeopardy” (page 22 of the document above).

3. Extensive new reporting requirements.

- a. Failure to report is a basis for terminating the student’s status and can impact the future visa and OPT eligibility of the student.
- b. MTU is required to report all changes to your name, address, employer, interruption of employment, change of visa status, ad infinitum the ENTIRE time you are authorized for OPT – including the 17-month extension. There is a form on the web for updating this information when a change takes place:
http://www.ips.mtu.edu/Forms/Immigration/Employer_Change_Web.htm PLEASE BE VERY CONSCIENTIOUS ABOUT KEEPING US UP-TO-DATE ON CHANGES.
- c. In addition, students who are granted an extension must verify their employment information every 6 months even if there are no changes. I'll work on a form for this. (pages 15, 28-29, 45 of the document above)

4. Application time line is changed:

You may apply for your initial post-completion OPT no sooner than 90 days (it used to be 120) before your program completion but no later than 60 days following completion of your program (page 42 of the document above).

Since your OPT start date must be within the 60 days following completion, you will lose employment time if you wait until too long after your completion date to apply. It is also a much more complicated process, so please, if at all possible, apply prior to the completion date on your I-20.

5. 17-month extension of OPT

If you are on OPT, and if your employer is registered with E-verify, and if you are in a listed STEM field, and if you need this extension (that is, you don't have an H-1B approved BEFORE your OPT expires), you may apply for this extension. Please contact me by email if you intend to do this and I will prepare the necessary I-20:

<http://www.uscis.gov/portal/site/uscis/menuitem.5af9bb95919f35e66f614176543f6d1a/?vgnnextoid=7>

3ddd59cb7a5d010VgnVCM10000048f3d6a1RCRD&vgnnextchannel=db029c7755cb9010VgnVCM10000045f3d6a1RCRD This is the USCIS immigration forms page for Employment Authorization.

http://www.uscis.gov/files/form/I-765_form.pdf (revised I-765 for filing for an extension)

<http://www.uscis.gov/files/form/I-765instr.pdf> (instructions for the new I-765 form)

Because of new reporting requirements, you MUST read MTU email and maintain contact with IPS through the entire period of your OPT in order to maintain your status. If you have trouble retrieving email addressed to you at <userid>@mtu.edu, contact email@mtu.edu immediately and copy me (mjvogler@mtu.edu) on your email to them.

Your MTU email will remain active as long as you continue to check it regularly.

If you have any questions, please don't hesitate to contact me. We remain your immigration advisors as long as you are an F-1 student. We're here to help as well as update your records.

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This document is available electronically at http://www.ips.mtu.edu/FAQs/OPT_Handout.pdf