

Rules while on OPT

Employment Authorization Card (EAD)

The EAD is proof that Immigration has approved your work permission under OPT. Keep the card with your passport, I-20 and other important documents. You will need the EAD only when entering the U.S. after travel abroad and when beginning any new employment. Pay careful attention to the employment start and end dates as listed on the EAD! If the card is lost, you will need to pay the fee to have it replaced.

No Employment Without Permission

You may NOT work in the U.S. before the start date listed on the card itself. You must have the card in your possession. The work must be in your field of study.

Reporting Requirements

Once your OPT is approved, you will receive an e-mail from Do-Not-Reply.SEVP@ice.dhs.gov with instructions to create a portal to update certain information in your SEVIS record. Updates must be made in the SEVIS system and to IPO within 10 days of any change. If you get locked out of the portal, contact IPO.

*a. Address Reporting Requirement: **Address updates needed!*** IMMIGRATION requires that, while you are on OPT, you report your home address and telephone number through the SEVIS Portal and to IPO within 10 days of a change.

*b. Employment Reporting Requirement: **Employment updates needed!*** IMMIGRATION requires that, while you are on OPT, you report your employment through the SEVIS Portal and to IPO within 10 days of a change. Do not delete old employment information ~ just add new information!

- Employer Name (this is the company name, not the supervisor)
- Employer Address (the company address where you work)
- Job position and how it relates to your major
- Start date of new employment

Penalty for Unemployment

An F-1 student with OPT who is unemployed for a significant period similarly puts F-1 status in jeopardy. The rule permits an aggregate maximum allowed period of unemployment of **90 days** for students on 12-month OPT. This period allows students time for job searches or a break when switching employers. Unpaid internships in your field of study count as employment.

International Programs

Travel

YES - You may travel while on OPT! But, after graduation, you must be prepared to show an official employment letter or letter of request for an interview to an Immigration officer upon reentry, if asked to do so. Beware of travel restrictions and US visa processing issues!

Documents for Travel While on OPT:

- I-20 *
- valid passport
- valid F-1 visa (Canadian citizens are exempt from this requirement)
- EAD **
- employment letter ***

* You must travel with the I-20 that shows the requested OPT dates. Students on OPT must have a new signature on the I-20 **every 6 months**.

** The EAD includes a notation that says, "Not valid for reentry." This means that the EAD alone is not enough documentation for your reentry to the U.S. If you travel, you must have the following documentation with you: I-20, valid passport, valid F-1 visa stamp, EAD, employment letter.

*** Letter of Employment / Letter of Request for Interview:

There are no guidelines for this letter other than it should be on business letterhead paper (recommended). And, although Immigration officials have been instructed to request a letter of employment from F-1 visa holders entering the U.S. while on OPT, there is no guarantee that you will be asked to present a letter. As your International Advisor, I recommend that you have a letter ready, just in case. Keep the letter simple; include your name, the client (if freelance/contract work) or employer name, the start date of the employment (be sure the start date is AFTER the start date of your authorized OPT period), and a one- or two-sentence description of the work to be done.

Caution: Beware of any travel restrictions into the US. Additionally, visa processing at US consulates may be suspended.

Visa Renewal While on OPT

Remember that, while you are on OPT, you are in F-1 status. OPT is not a “status.” OPT is work authorization granted to you as a benefit of your F-1 status.

If you plan to travel outside of the U.S., be sure to check your F-1 visa stamp expiration date. If your F-1 visa stamp has expired, you must plan to visit a U.S. consulate abroad to apply for a new F-1 visa. You will also need your official school transcript and the other travel documents listed above as part of the “Travel” section.

CAUTION: If your F-1 visa stamp has expired and you plan to travel outside of the U.S. AFTER being approved for H1b (employee visa status) but BEFORE H1B status actually begins, please talk to an immigration attorney before leaving the U.S.! Travel during this time is generally not recommended. Why? Because if the U.S. Consulate gives you an F-1 visa stamp, you risk the possibility that they will cancel your H1B approval. Or, if the U.S. Consulate gives you an H1b visa stamp, you might need to wait outside of the U.S. until the appropriate time to return in H1b status.

H-1B “Cap-Gap” Relief

USCIS is authorized to extend the status of F-1 students caught in a “cap gap” between the end of the student’s OPT and the start date of an approved H-1B petition. The rule automatically extends the status and employment authorization of an F-1 student who is the beneficiary of a timely-filed H-1B petition that has been granted by, or remains pending with USCIS. This means that if the H-1B petition filed on behalf of the student is selected as a “cap case,” the F-1 student may remain in the United States and continue working until the October 1 start date indicated on the H-1B petition.

If USCIS denies a pending H-1B petition, the F-1 student has the standard 60-day grace period (from notification of the denial or rejection of the petition) before they have to leave the United States. Unlike the extension of post-completion OPT which is limited to F-1 students who have obtained STEM degrees, the extension of status for F-1 students in a cap-gap applies to all F-1 students with pending H-1B petitions.

U.S. Graduate School after OPT

If you apply to and are accepted by a graduate school after completing OPT, please send a scan of the acceptance letter and request your SEVIS record be transferred to ipo@oxy.edu. Your SEVIS record will need to be transferred to the new institution. You must begin the new program within 5 months of completing OPT. Once your record is transferred to another institution, your OPT is no longer valid.

International Programs