

F-1 Optional Practical Training Obligations

F-1 Students who have applied for post-completion Optional Practical Training (OPT) are obligated per regulatory guidelines [8 CFR 214.2] to submit information to the Office of International Affairs (OIA) in a timely manner to ensure maintenance of their F-1 student status. Your obligations as an F1 student will include but not limited to the following:

USCIS Notice of Action – Form I-79C Receipt Notice

After the Optional Practical Training (OPT) Application (Form I-765, Application for Employment Authorization) is filed with USCIS, the F-1 student will receive the Form I-797 C, Notice of Action. USCIS will send the I-797 Receipt Notice to the address provided on the I-765 application confirming receipt of OPT application. As soon as the I-797 receipt notice is received, please provide a legible copy to your International Visitor Advisor (IVA.)

NOTE: The I-797 Receipt Notice will contain a unique receipt number/file number and receipt date. Please review carefully the I-797 Receipt Notice to make sure that the information such as the name, date of birth, and mailing address is spelled correctly.

If the information on the I-797 Receipt Notice is incorrect, it is essential that you immediately notify the USCIS National Customer Service Center of the typographic error. You may notify the USCIS National Customer Service Center of the typographic error by submitting a request on-line at **E-Request Typographic Error** (<https://egov.uscis.gov/e-request/displayTypoForm.do?entryPoint=init&srcPageType=typoError>) or by calling 1-800-375-5283. You must also email your IVA on what corrections were needed and reported to the USCIS National Customer Service Center.

F-1 Students may use the receipt number or file number on the I-797 Receipt Notice to check the status of the OPT application (<https://egov.uscis.gov/casestatus/landing.do>);

Please note that the I-797 Receipt Notice is not an approval notice, nor does it grant any work authorization immigration benefits. It is merely a receipt notice stating that the application has been received and is in process.

Graduation

OIA must be notified immediately if there is any possibility that the F-1 student will not graduate on the expected graduation date. This is essential since **no program extensions may be processed after the program end date on the Form I-20.**

The Student Exchange Visitor Program (SEVP) strongly recommends that the F-1 student who may not be able to successfully complete all program requirements on time should defer applying for post-completion OPT until after his or her program ends.

Any questions regarding this matter should be discussed with his/her IVA at the time of OPT application or prior to the expected program end date.

Change of Address

OIA must always have the F-1 student's most current U.S. residential address on file. F-1 students including the F-2 dependents are required to report any changes of residential address to both the OIA and U.S. Citizenship & Immigration Services (USCIS) within 10 calendar days of the change.

- To report a change of residential address to OIA, the F-1 student must complete and submit the **Change of Address Form** (<https://www.uth.edu/international-affairs/document/general-documents/oia-change-of-address-form-fillable.pdf>) to OIA within 10 calendar days of the physical move.
- To report a change of residential address to the U.S. Department of Homeland Security, the F-1 student must submit a change of address on-line at <http://www.uscis.gov/addresschange> within 10 calendar days of the physical move.

If the F-1 student's OPT application is pending with USCIS, he/she must also report residential address change by calling the USCIS National Customer Service Center at 1-800-375-5283.

F-1 students should file the change of address as soon as possible. Failure to notify USCIS will result in having the OPT/STEM OPT Employment Authorization Document (EAD) Card mailed to the wrong address. In addition, USCIS will not forward the OPT/STEM OPT EAD Card. This will delay your employment start date.

NOTE: Every individual who is a non-U.S. citizen is required by U.S. law (Sec. 256 of the Immigration and Naturalization Act (8 USC 13505)) to report a change of U.S. residential address and phone number with the U.S. Department of Homeland Security within 10 calendar days of each move. **This means that spouse and unmarried children under the age of 21 years who are not U.S. Citizens must each report their change of address to USCIS.** Failure to report timely residential address change to the U.S. Citizenship & Immigration Services is a violation of U.S. Immigration regulations.

OPT / STEM EAD OPT Granted



Once the OPT EAD Card has been approved and delivered to the F-1 student, the F-1 student must provide a legible copy of the front and back of the OPT EAD Card to the IVA. Failure to comply will be a violation of the student status and may disrupt employment.

F-1 OPT regulations require students to be engaged in employment that is directly related to the student's major field of study.

To verify this employment, the F-1 student is required to report his/her employment to the IVA by returning and completing the **F-1 OPT Student Reporting Requirement Form** (<https://www.uth.edu/international-affairs/document/students-f/oia-opt-student-reporting-requirement-form-fillable.pdf>)

The F-1 student may send the completed form via:

- Email at utoiahouston@uth.tmc.edu
- Regular mail at:
 - The University of Texas Health Science Center at Houston
Office of International Affairs
Houston, TX 77030

NOTE: If the F-1 student is currently or will be employed with UTHealth, the F-1 student is required to present the original OPT EAD Card to OIA in order to determine employment eligibility and comply with I-9 regulations.

The F-1 student may begin employment once he/she has received the original OPT EAD Card and the begin date on the OPT EAD Card has been reached. An F-1 student who works without having met both these requirements will be considered to have engaged in unauthorized employment. This also includes volunteer appointments without pay.

During post-completion F1 OPT, F-1 status is dependent upon employment. An F-1 student on post-completion OPT may not accumulate more than 90 days of unemployment. In addition, an F-1 student who has OPT extended due to the H-1B cap gap provisions continue to accrue unemployment time and are subject to the 90-day limitation on unemployment.

The F-1 student must notify OIA of employment information on or before the 80 days after the OPT EAD Card was issued. In addition, the F-1 student must contact OIA immediately to report unemployment within 60 days of the issuance of the OPT EAD Card.

A job offer is not a required element to apply for OPT or for USCIS to grant the OPT EAD Card. However, if unemployed at the time that OPT starts, the F-1 student must be able to show evidence to USCIS that he/she has been actively seeking employment for the duration of the time that training is authorized. Such documentation could include a list of employers contacted, résumés sent, time spent researching companies, and/or interviews conducted. OIA recommends that F-1 student maintains this evidence as it is part of his/her immigration history.

Travel



Travel instructions will vary for F-1 students based on whether the OPT application is pending with USCIS or if the OPT application has been granted. The F-1 student must consult with his/her IVA first before making any plans for travel abroad.

In order to re-enter the U.S., the F-1 student will need to present the following documents at the U.S. port of entry:

1. F-1 students with pending OPT Application (12 month only, not STEM):

Students who wish or need to travel while the OPT application is pending are highly discouraged from leaving the U.S until the application has been received by USCIS and the I-797 receipt notice has been issued. Students should bring the receipt notice with them as proof that an application has been submitted. Although the receipt notice is a good substitution, admission into the U.S. is up to the discretion of the CBP officer, and there have been reports of students without their EAD work permit having problems at the port of entry.

According to Student Exchange Visitor Program's guidance, students participating in post-completion OPT may travel abroad while the OPT application is pending. However, travel during this period of time should be undertaken with caution for the following reasons:

- If a request for more evidence (RFE) is issued by USCIS: An RFE requires immediate attention by the student. Student who receives an RFE must contact OIA immediately for assistance and/or guidance.
- If the OPT application is approved while the student is abroad, the student will be required to present the following upon return:
 - Original EAD Card
 - Valid passport for at least 6 months into the future with an unexpired F1 visa stamp
 - Original Form I-20 endorsed by IVA prior to travel:
 - Travel endorsement must be dated within the preceding 6 months
 - I-797 C Notice of Action Receipt from USCIS
 - Letter of Employment Offer

2. F-1 Students granted OPT:

In general, an F-1 student who has been granted and received the OPT EAD Card may travel outside the U.S. temporarily and be readmitted to resume F-1 status and employment for the remainder of the period authorized on his/her EAD Card.

Travel is permitted if the F1 student has not exceeded the maximum OPT 90 days of unemployment period along with the documents below:

- Valid passport for at least 6 months into the future with an unexpired F1 visa stamp
- Original Form I-20 endorsed by IVA prior to travel:
 - Travel endorsement must be dated within the preceding 6 months
- Unexpired EAD Card
- Proof of employment or Letter of Employment Offer. The employment offer letter should include the E-verify number for the STEM OPT EAD Card holder.

If the F-1 student's visa has expired and wishes to travel outside of the U.S., a new F-1 visa stamp must be obtained from the U.S. Embassy or U.S. Consulate before re-entering the U.S. in F-1 visa status. F-1 student who need to apply for a new visa stamp should consult OIA prior to travel to discuss the visa application process and possible risks.

Prior to traveling abroad, the F-1 student is required to inform OIA of international travel plans by completing a Travel Request Form (<https://www.uth.edu/international-affairs/document/Travel-request-form.pdf>) at least two weeks prior to scheduled departing date. In addition, the F-1 student must follow the procedure detailed in the **Travel Guidance** form.

It is important that the F-1 student must fully understand the visa requirements to travel to the country he/she will be visiting. Any information about visa requirements to travel into a country other than the U.S. must be obtained from his/her travel agent or by contacting the Embassy or Consulate of the country he/she will be traveling to. Note: The U.S. Embassy or Consulate abroad has the ultimate decision to grant the appropriate U.S. visa stamp used for re-entry.

Student OPT Employment Types



An F-1 student is expected to be employed in his/her field of study during OPT, and is required to submit employment information to OIA within 60 days to be reported to SEVIS.

For students who are on post-completion OPT, the acceptable employment may include the following:

•Paid employment

Students authorized for post-completion OPT may work part time (at least 20 hours per week) or full time.

•Multiple employers

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

•Work for hire

Work for hire means that an individual performs a service based on a contractual relationship rather than an employment relationship. It is sometimes called "1099 employment" because people who "work for hire" receive Internal Revenue Service Form 1099-MISC – which shows how much money was earned for a particular year – from the contracting company. If requested by DHS, students 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, the student must work full time. The student must be able to prove that he or she has the proper business licenses and is actively engaged in a business related to the student's degree program.

•Employment through an agency

Students on post-completion OPT must 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 does not violate any labor laws. The work must be at least 20 hours per week for students on post-completion OPT. These students must be able to provide evidence from the employer that the student worked at least 20 hours per week during the period of employment.

Please note that while the above-mentioned employment arrangements are available for OPT, they may not necessarily be eligible for the OPT STEM Extension (see section below – "STEM Extension.")

It is recommended that the F-1 student keep documentation of all employment. The F-1 student should maintain evidence for each job of the position held, proof of the duration of that position, the job title, contact information of his/her supervisor or manager, and description of the work.

Student OPT Reporting Requirements

OIA is responsible for maintaining the SEVIS record of all students recommended for OPT for the duration of the time that practical training is authorized. The Student and Exchange Visitor Program (SEVP), within DHS, has requested that schools ensure the accuracy of certain information in SEVIS for all students currently completing OPT. In order for the institution to comply with U.S. immigration regulations, it is the responsibility of the student to inform his/her IVA of any:

- Legal changes to his/her name within 10 calendar days of the change;
- [Change of address](#) within 10 calendar days of the change;
- New employment to include the employer's name, address, begin date of employment, employer EIN (highly recommended) and whether the employment is full time or part time;
- Change of employer with start and end dates and/or address of employment;
- Duration of time not employed; and,
- Changes in immigration status

If any of the changes above occur during the time that the F-1 student has been approved for OPT, he/she is obligated to report these changes by completing and signing the **OPT Student Reporting Requirement** form and returning it to your IVA to ensure timely and accurate reporting and maintenance of SEVIS data integrity.

Note:

- Students on H-1B cap-gap extensions must continue to report all changes to OIA.

Unemployment

Between the start and end date of the F-1 student's post-completion OPT authorization (the dates on the EAD Card), the F-1 student cannot be unemployed for more than 90 accumulated days. Each day (including weekends) that the F-1 student does not have qualifying employment counts as a day of unemployment. An F-1 student must be able to show evidence to USCIS that he/she has been actively seeking employment for the duration of the time that training is authorized. Such documentation could include a list of employers contacted, résumés sent, time spent researching companies, and/or interviews conducted. It is recommended that students maintain this evidence as it is part of his/her immigration history.

If an F-1 student travels outside of the U.S. while unemployed during the approved period of OPT, the time spent outside the U.S. will count as unemployment against the 90 day limit.

An F-1 student who has exceeded the periods of unemployment while on post-completion OPT has violated his or her status and may be denied for future immigration benefits unless he or she has taken one of the following actions:

- Applied to continue his or her education by a change in education level or transferring to another SEVP certified school;
- Departed the U.S.
- Taken action to otherwise maintain legal status (e.g. apply for a change of status)

STEM Extension

F-1 students with degrees in the field of Science, Technology, Engineering, or Mathematics (STEM) may be eligible for a 24 month extension of their post-completion Optional Practical Training (OPT) work permission. The 24 month extension has replaced the 17 month STEM OPT extension previously available to STEM students.

The amended regulations added Form [I-983 Training Plan for STEM OPT Students](#). This form clearly articulates the STEM OPT student's learning objectives and affirms the employer's commitment to helping the student achieve those objectives. DHS now reserves the right to conduct employer site visits to ensure that the F1 STEM OPT student and employer are following the conditions laid out in the Form I-983. F1 students participating in the STEM OPT extension must still regularly report to their IVA every 6 months and must now complete 2 self-evaluations throughout the duration of the extension.

Please note that the F-1 students with qualifying degrees are now eligible to participate in the STEM OPT extension twice throughout their academic career. However, in order to apply for the STEM OPT extension for a second time, the F-1 student must complete a qualifying STEM degree at a higher education level and complete an initial period of regular post-completion OPT.

F-1 students interested in participating in the STEM OPT extension must still find employers who are in good standing with the USCIS E-Verify system and must train with the employer for a minimum of 20 hours per week.

In addition, the types of employment arrangements under OPT STEM are more limited than those available under OPT. Under the F-1 OPT STEM Extension regulations, a student must be considered a "bona fide employee." This means that a student may not use volunteer /unpaid work to apply for an OPT STEM Extension, nor may a student change from paid work to unpaid work after the OPT STEM Extension has been approved. This will also limit the ability of students to be self-employed or employed as a contractor, because there must be an employer willing to sign off on the I-983 training plan.

F-1 students may apply for the OPT STEM extension 90 days prior to the OPT end date, and are encouraged to do so as soon as possible. For more information regarding the 24-month STEM OPT extension and to determine eligibility, please discuss the STEM OPT Extension Information handout with your IVA.

Return to Studies

OIA must be notified immediately if there is any possibility that the F-1 student will return to studies after completing the OPT. The F-1 student must obtain a new Form I-20 for the next program of studies within 60 days of OPT expiration. This will require the student to complete the USCIS procedure for moving to a new level of studies (if the F-1 student resumes studies at UHealth) or the procedure for a school transfer (if the F-1 student goes to a different school). The F-1 student must contact his/her IVA to discuss the immigration regulations and/or processes.

H-1B Cap Gap Extension

The term cap gap refers to the period of time between the date that an F-1 student's period of authorized stay (including authorized periods of post-completion OPT and grace period) has expired and October 1. A cap gap occurs when an F-1

student is the beneficiary of a successful H-1B petition, but his/her F-1 status ends before his/her H-1B status begins. The *cap gap extension* refers to the period of time which an eligible F-1 student's status is automatically extended to bridge the gap between the end of the student's F-1 status and the start of his/her H-1B status. If the student is in a period of authorized post-completion OPT on or after the date the student becomes eligible for the extension, the student's post-completion OPT is automatically extended. Your IVA is not responsible for initiating any actions in connection with a cap gap extension; however, students may request that their IVA issues them a new Form I-20 which shows the dates of the cap gap extension.

Return to the U.S. in different visa status / Change in Immigration Status

If the F-1 student decides to abandon his/her OPT before the end date of his/her OPT EAD Card by departing the U.S. and re-entering the U.S. on a different immigration status (e.g. J-1, H-1, etc.), the F-1 student must notify his/her IVA by sending an email utoiahouston@uth.tmc.edu informing his/her IVA of decision to abandon the OPT EAD Card by travel and re-entry. Upon the F1 student's re-entry into the U.S. on a new immigration status, the F-1 student must provide his/her IVA with a copy of new I-94 record and must complete the **OIA Check-Out Form** (<https://www.uth.edu/international-affairs/document/general-documents/oia-check-out-form-fillable.pdf>)

If the F-1 student has changed his/her immigration status in the United States (e.g. from F1 to H-1B, F-2, or J1) during the period of OPT, the OPT EAD card on the effective date of the USCIS action notice and any unused OPT time is lost. Please send evidence of the new visa status, complete the **OIA Check-Out Form** (<https://www.uth.edu/international-affairs/document/general-documents/oia-check-out-form-fillable.pdf>.) and send it to utoiahouston@uth.tmc.edu.

Please note that the F-1 student is obligated to notify OIA of any changes in the immigration status and/or if a new immigration status is granted, the IVA will complete or terminate the F-1 SEVIS record based on the new visa status. Failure to notify the IVA of any changes in immigration status could result in immigration challenges including but not limited to travel and/or employment.

Please note that once your F-1 status has ended your F-1 OPT and/or F-1 OPT STEM employment authorization document is no longer valid for any purposes; however, this does not mean that you should disregard the document. The EAD is an immigration document that you must retain indefinitely.

Retention of Documents

It is critical that the F-1 student must retain all immigration documents issued during any period of stay in the U.S. After the F-1 student returns to his/her country of legal residence, it is strongly recommended that he/she keeps these documents in a safe place in the event that he/she is required to present them in the future. OIA will not retain copies once the F-1 student leaves the institution.

The F-1 student is encouraged to keep all of the important documents in a waterproof and fireproof container that is easily accessible should he/she needs to evacuate in an emergency situation. The F-1 student is also encouraged to keep a legible photocopy of all immigration documents in a separate location from the originals for future reference.

Changes to OPT

A change in the OPT start and end dates could occur if the student was not able to complete his/her academic program by the program end date on his/her Form I-20, but only if the OPT application has not been approved by USCIS. This is a difficult process and not highly advised. *Students must meet with his/her IVA if their anticipated OPT start and end dates will change.* A student who has been issued an EAD by USCIS for optional practical training following the completion of a course of study or graduation but fails to complete the degree, continues in lawful status provided an extension of stay is authorized in SEVIS prior to the program end date and the student does not begin full-time employment until he/she completes his/her course of study or graduates. It is important to note that even if a student's program end date is extended, because the OPT was granted as post-completion OPT; the student is still subject to the 90 day limitation on unemployment.

ACKNOWLEDGMENT

I have read the above information and have been advised of the benefits and restrictions of the OPT/STEM OPT. I understand my obligations and must follow the rules to remain in legal status in the United States.

Name (Print)

Signature

Date