

Stages of OPT

This presentation is intended for students who have an OPT application that is:

Pending: You have an OPT receipt notice (Form I-797) from USCIS and are waiting for your OPT application to be processed by USCIS.

Approved: You have received notice from USCIS that your OPT has been approved and may have received your EAD card in the mail as well.

Note: If your application is in **Requested** status and you do not have a receipt number, then please contact ISSS. Your Post-completion OPT recommendation is only valid for 30 days and applying with an expired recommendation will result in a denial.



Note: What if you no longer want to apply for OPT...

If you have not submitted your OPT application to USCIS:

- ISSS can **cancel** the OPT recommendation in your SEVIS record.
- If ISSS cancels the OPT recommendation in your SEVIS record, you will be able to preserve the OPT benefit for this degree level.

If you have submitted your OPT application to USCIS:

- It is *not* possible for ISSS to cancel the OPT recommendation in your SEVIS record.
- You can request that USCIS **withdraw** your OPT application.
- Please note, your OPT application fee will not be refunded by USCIS.
- It is possible that your OPT application will be approved before it is withdrawn.



If Your Graduation Plan Changes....

- ISSS shortened your I-20 program end date.
- If you do not complete your degree, coursework, or your plans otherwise change, please let ISSS know immediately.
- You potentially may face loss of status if you do not address this change in plans in a timely manner.
- You **may** be able to finish your degree while approved for OPT, but in most cases, you will be limited to working 20 hours per week until you finish your coursework.





Review

Please consult an ISSS advisor immediately if:

- You do not complete your coursework prior to the end date on your OPT I-20.
- You want to cancel an OPT request *prior* to submitting the application to USCIS.
- You want to withdraw your OPT application *after* submitting it to USCIS.



What to Keep
In Mind If
Your OPT
Application is
Pending...



Pending OPT - What You Can Do

- Pay attention to **receipt notices, mail, and notifications** from USCIS.
- When you receive the OPT **receipt notice**, review it carefully. If your name or address is incorrect on the receipt notice, you should contact USCIS immediately.
- If you do not receive a paper receipt notice, please **verify your address** in the [MyUSCIS Portal](#).
 - **Sign up for USPS Informed Delivery**.
 - Please note: Your name (or the name of the "In Care Of" recipient) should be physically listed on the mailbox.
- Contact ISSS if your OPT application is **rejected, denied**, or if you receive a **Request for Evidence (RFE)**



Pending OPT - You Can Check Your Case Status Online

In addition to the USCIS Contact Center phone line, **800-375-5283**, USCIS offers several online tools.

- Check your case status online.
- Get automatic updates about your case.
- Submit an online case inquiry or service request.
- Get a tracking number and register for Informed Delivery through USPS to get previews of the mail in transit.

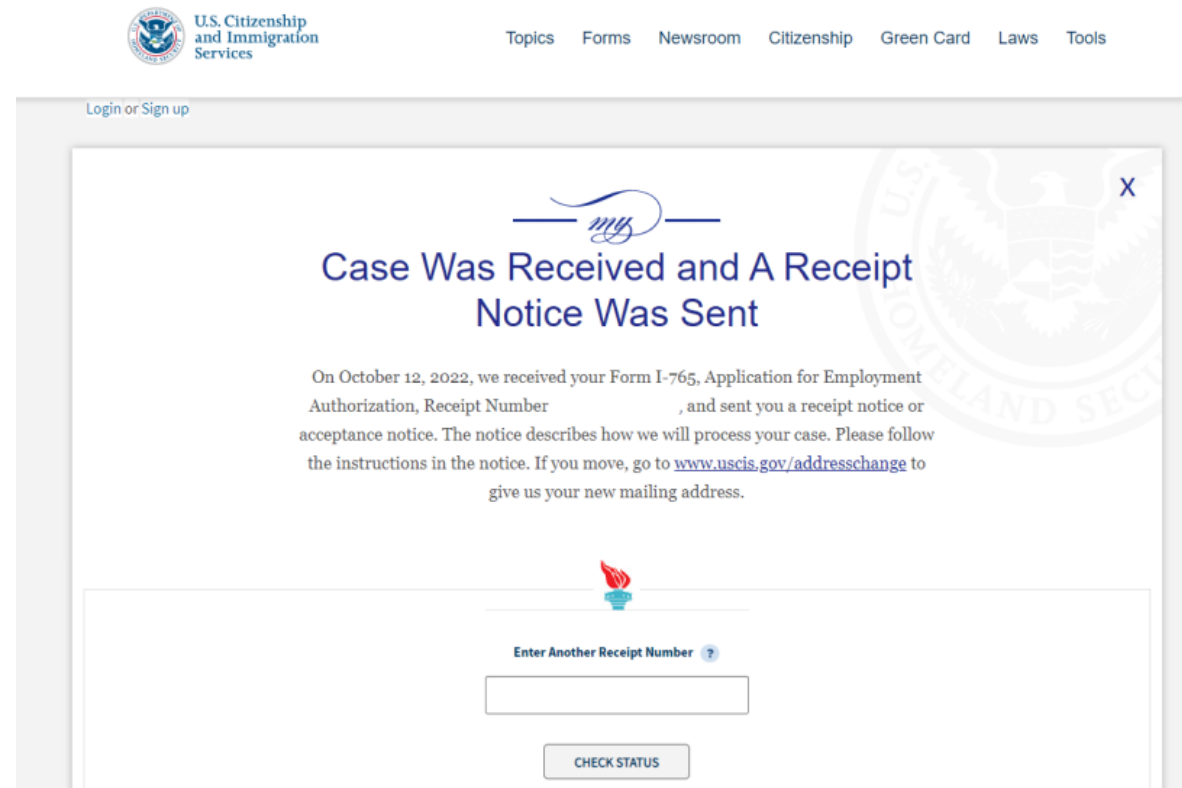
Case Inquiry

 Case outside normal processing time <i>Think a case is taking longer than expected?</i>	 Did not receive notice by mail <i>Think a notice is lost or missing?</i>	 Did not receive card by mail <i>Think a card is lost or missing?</i>	 Did not receive document by mail <i>Think a document is lost or missing?</i>
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Service Request

 Appointment Accommodations <i>Request accommodations for an interview appointment</i>	 Typographic Error <i>Make typographic corrections for a case</i>	
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Your USCIS case status will likely remain in initial review up until approval and card production, unless a Request for Evidence is issued.



The screenshot shows the USCIS My Case Status page. At the top left is the USCIS logo and the text "U.S. Citizenship and Immigration Services". To the right is a navigation menu with links for "Topics", "Forms", "Newsroom", "Citizenship", "Green Card", "Laws", and "Tools". Below the navigation is a "Login or Sign up" link. The main content area features a "my" logo and the heading "Case Was Received and A Receipt Notice Was Sent". The text below reads: "On October 12, 2022, we received your Form I-765, Application for Employment Authorization, Receipt Number [redacted], and sent you a receipt notice or acceptance notice. The notice describes how we will process your case. Please follow the instructions in the notice. If you move, go to www.uscis.gov/addresschange to give us your new mailing address." Below this text is a "my" logo and a form with the label "Enter Another Receipt Number" and a question mark icon. The form contains a text input field and a "CHECK STATUS" button.

Pending OPT - Potential Issues

If your I-765 is pending outside of USCIS's posted processing time and no Request for Evidence has been issued, it is possible to contact USCIS.

- Call USCIS Contact Center at 1-800-375-5283 to ask that they create a service request.
- Have your receipt notice number ready.
- Note the day and time of the call, the representative's name, and the referral ID number.



What to
Expect
When Your
OPT Is
Approved...



When Can I Start Working?

You can only work in the U.S. after your I-20 program end date **if**:

- You have received your EAD card.
- You are within the OPT employment authorization period noted on the EAD card.
- You are working in a job *directly* related to your major field of study.



Lost EADs

1. Check the mailing address accuracy on the form I-765.
2. Check with neighbors to see if the EAD was misdelivered.
3. Use the USPS tracking number that USCIS provided; check with [USPS](#) to see if they have confirmation of delivery.

Option 1: Open an inquiry with the USCIS Contact Center using the [USCIS Self Service Online Tool](#).

- Use this option if there was a USCIS error.
- No work is permitted during this time without the physical EAD.

Option 2: File a new I-765 application for a replacement EAD. Use this option if there is no explainable USCIS/USPS error.

- File a new [Form I-765](#) for a replacement card.
- What is your reason for applying? Please select “Replacement of lost, stolen, or damaged employment authorization document.” Indicate that yes, you have previously filed a Form I-765.
- Pay filing fee again.
- Upload copies of I-797 approval notice and the I-20 showing the original OPT recommendation.
- Receive receipt for replacement card filing. Verify with your employer/I-9 office: You may work up to 90 days with the I-797 receipt while awaiting your replacement card. (See USCIS Handbook for Employers M-274, Section 4.0 Completing Section 2 of Form I-9 and [Section 4.3 Acceptable Receipts](#).)



**How Do I Make
Sure I Comply
with the F-1
Regulations
While On
OPT?**



F-1 Status and OPT

- When you are authorized for OPT, you are still in F-1 status. Your F-1 status is maintained through *employment* that is **directly** related to your major field of study.
- Because you are still in F-1 status, you still need to comply with the F-1 immigration regulations for the duration of the OPT authorization period.
- While authorized for OPT, ISSS at CU Boulder is available to answer questions, advise you on OPT related issues, and help assist you with SEVIS OPT reporting requirements. We also may contact you via email. Please continue checking your email.



Unemployment Days

The F-1 OPT regulations allow students using the OPT benefit to accumulate up to 90 days of unemployment during the 12-month Post-Completion OPT authorization period.

- Unemployment starts to accrue from the start date indicated on the EAD.
- If you accrue more than 90 days of unemployment, you are considered out of status. Your F-1 status could be auto-terminated once you accrue more than 90 days of unemployment.



Nearing 90 Unemployment Days?

Options:

1. Leave the United States *before* you reach your 90th day of unemployment.
 - **Let ISSS know so that we can complete your SEVIS record.** If you do not let ISSS know of your departure, you will continue to accrue days of unemployment.
2. Apply for a SEVIS transfer or change of level.
3. Talk to an [Immigration Attorney](#) to seek a change of status to another visa type.



Employment on Post-completion OPT

Training/employment on post-completion OPT can be:

- Paid or unpaid
- Full-time or part-time (you must work at least 20 hours/week)

You may have multiple jobs and are also able to change jobs if:

- 1) Training is within the authorization period indicated on the EAD;
- 2) Every job must be *directly* related to your major field of study;
- 3) You are working at least 20 hours/week in your major field of study; AND
- 4) You report all new employment and changes **within 10 days** via the SEVP Portal.



Acceptable Training During Post-Completion OPT

Payment by Multiple Short-Term Employers

Obtain offer letter and maintain a list of all short-term employment including the employer's contact information and the dates and duration of employment.

Work for Hire (1099 employment)

An individual performs a service based on a contractual relationship rather than an employment relationship.

Self-Employed Business Owner

You may start a business and be self-employed. Should be able to prove you have proper business licenses.

Employment through an Agency

Must be able to provide evidence showing you worked an average of at least 20 hours per week while employed by the agency.



Volunteers and Unpaid Interns

- SEVP Post-Completion OPT Policy Guidance states that, "Students *may* work as volunteers or unpaid interns, where this practice does not violate any labor laws."
- Should the volunteer activity be seen as a violation of [U.S. labor law](#), then the activity **will not stop the accrual of unemployment days** and the activity could result in loss of status.
- If you would like to participate in volunteer work, then the opportunity needs to be a **formally established volunteer activity**.
- If a CU Boulder department wishes to create a formal volunteer position, then ISSS recommends the CU Boulder department consult [University Risk Management](#). Questions can be directed to: urmucbdirs@cu.edu



Work in Marijuana (Cannabis) Related Industries is Prohibited

International students in F-1 status should avoid marijuana use or anything associated with it as it may have negative immigration consequences. This includes working in industries associated with marijuana and cannabidiol (CBD) (e.g. working in a lab extracting CBD oils for medical purposes).

Please review these articles and videos:

- [Legal Colorado Marijuana Workers Denied Citizenship Over Work](#)
- [Colorado's 9News: Marijuana can disqualify you for citizenship](#)
- [Unless You're a Citizen, Legal Marijuana Isn't for You](#)



OPT authorization comes to an end if...

1. An international student in F-1 status completes a **SEVIS transfer** to another school. OPT ends on the day the SEVIS record is released to the new school.
2. An international student in F-1 status begins study at another **educational level**. OPT ends on the day the new academic level is registered in SEVIS.

Consult with ISSS to plan the timing of a future SEVIS transfer and/or beginning a new level of study.





Ok...What Do I
Need to
Report?









The SEVP Portal

You should receive an email from do-not-reply.SEVP@ice.dhs.gov with information about creating a [SEVP Portal account](#).

- If you do not receive the SEVP email and are in an approved period of OPT, fill out the SEVP Portal Account Help form in the [MyISSS Portal](#):

Training/Employment-Related Forms

Tasks

 Cap-Gap I-20 Request	 Curricular Practical Training (CPT) Request
 OPT Receipt Notice Submission	 Post-Completion OPT Information Update and Relevance Statement
 Request for SSN Letter for Approved CPT	 Request for SSN Letter for Fellowship/Assistantship
 SEVP Portal Account Help: Email Address Update/Account Reset	 STEM OPT Validation Reporting

Relevance Statement

- When you enter a new job in the SEVP Portal, you will be asked to explain how your employment is directly related to your major.
- ISSS recommends writing at least 3-5 complete sentences. Explain the relation between your job and major as if the person reading it is not familiar with your major.



Example of a Weak OPT Relevance Statement

Major Field of Study: Computer Science

How is employment directly related to major field of study?

I work as a computer scientist. It is related to computer science.



Example of a Strong OPT Relevance Statement

Major field of study: Computer Science

How is employment directly related to major field of study?

I am employed as a Computer and Information Research Scientist at ABC Research Institute. I work as part of a team of scientists and engineers that designs experiments to test the operation of various software systems. My work builds on research in complex algorithms and machine learning which I studied as part of my dissertation.



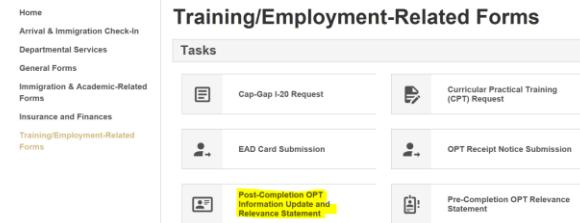
Sample Explanations of a Direct Relationship

- *Bachelor's degree in Electrical Engineering:* I work full time as an Electrical Engineer at ABC Corp., a government contractor. In my job, I analyze client requirements for electrical systems and provide them with cost estimates of such systems. My work requires understanding of electrical circuit theory, which I studied in-depth at the University of ABC.
- *Bachelor's degree in Business:* I work full time as a Loan Officer at a mortgage company, Happy Homes, where I meet with clients and evaluate, authorize and recommend approval of loan applications. On a daily basis, I use the knowledge I gained in my credit analysis, sales and marketing classes that I took as part of my major program of study.
- *Master's degree in Music:* I am working at a hospital playing the harp in patient rooms. I also conduct hands-on harp beginner workshops for long-term patients. On average, I work at the hospital 35 hours a week. My duties directly utilize the skills and knowledge I acquired from my coursework and degree in music therapy.
- *PhD in Computer Science:* I am employed as a Computer and Information Research Scientist at ABC Research Institute. I work as part of a team of scientists and engineers that designs experiments to test the operation of various software systems. My work builds on research in complex algorithms and machine learning. which I studied as part of my dissertation.
- *Master's degree in Kinesiology:* I am working 25 hours a week in a health food store as a consultant for Self-Made Inc., designing and teaching exercise classes that are incorporated into a customer's overall nutrition and exercise plan. My designs and customer instruction draw upon my studies and classwork in exercise therapy and physical reconditioning.



Reporting is your responsibility!

1. Enter every job you have into the [SEVP Portal](#).
 - If you fail to report your employment in the SEVP Portal within 10 days of the employment start date, an ISSS advisor will need to assist you with report employment. See **step 2 below**.
 - **Failure to update within the 10-day reporting period could be seen as a failure to maintain status!**
2. Fill out the [Post-completion OPT Information Update and Relevance Statement](#) in the [MyISSS Portal](#) for every job you have and request a new I-20 through that form.



Address Updates:

Update your address and telephone number in the [SEVP Portal](#) and [MyUSCIS Portal](#).

For alumni purposes, you can update your address in the [Buff Portal](#) and with the [Alumni Association](#)

Document Your OPT Employment!

Offer letters and agreements/contracts:

- job title and duties
- start/end dates
- pay rate
- number of weekly work hours
- Location
- supervisor's contact information.
- If you worked for an agency or consultancy, keep evidence of the projects you worked on.

Financial documentation:

- pay vouchers/pay stubs
- bank statements with direct or corresponding deposits
- W-2 tax forms

What Happens If I Don't Report My OPT Employment?

- If you try to enter your OPT employment in the SEVP Portal more than 10 days after your employment start date, you will be **prevented by the SEVIS system** from doing so. You will need to ask ISSS for assistance.
- You will **accrue unemployment days** starting on your OPT authorization start date. If you reach more than 90 days, you are considered out of status and your SEVIS record could be auto-terminated.
- Failure to report OPT details in a timely manner could be reflected on your SEVIS record and may **negatively impact your ability to apply for immigration benefits later** - such as an H-1B or an STEM OPT Extension.



A photograph of an airplane wing against a sunset sky. The wing is dark and extends from the left side of the frame towards the right. The sky is a mix of orange, yellow, and blue, with some clouds. The text "Traveling While On OPT" is overlaid in white, centered horizontally and slightly below the middle vertically. A white underline is positioned below the text.

Traveling While On OPT

Travel with OPT Pending

Travel while your OPT application is **pending** *after your I-20 end date* is not recommended.

- If your OPT is denied while you are outside of the United States, then you cannot re-enter the United States in F-1 status or reapply for OPT.
- If you are outside of the U.S., you may miss a Request for Evidence (RFE), should USCIS issue one.
- Your OPT could be approved during your absence, in which case, you would need the EAD and proof of pending employment to re-enter the U.S.
- If you must travel while your OPT is pending, travel with your OPT receipt notice from USCIS as proof of having filed for the OPT benefit. See [ICE Travel FAQ](#) for additional information.



Travel When OPT is Approved

If you do not have a job, travel outside of the U.S. is **not recommended** as the regulations allow re-entry to the U.S. to *resume* training.

A temporary absence from the U.S. should be less than 5 months

- Even with a job offer and valid EAD, an absence greater than 5 months will not be considered temporary and you could be denied re-entry to the U.S.

If you seek a renewal of your F-1 visa during your OPT authorization, you must:

- Present your OPT I-20 signed within the last **6 months**, passport, valid EAD, official job offer letter, SEVIS fee receipt, and financial support documents.
- Prove your eligibility for F-1 non-immigrant status and that you do not have immigrant intent.

****REMEMBER! Your EAD is not a visa. You will still need a valid F-1 student visa in your passport in order to re-enter the U.S. in F-1 status after most international travel.****



What Comes After OPT?



**WHAT'S
NEXT?**

24-month STEM OPT Extension

Who is eligible? Those who are...

- Currently in an authorized period of post-completion OPT with qualifying STEM degrees (previous U.S. degree or current U.S. degree).
- Have an employment offer with an E-Verify employer.
- Have employment is directly related to their major STEM field of study.
- Have not accrued more than 90 days of unemployment.



Cap-Gap Eligibility

A student is eligible for a cap-gap extension of OPT if:

- Beneficiary of a timely filed H-1B petition.
- Employer who filed the H-1B petition is a "cap-subject" employer.
- H-1B petition requests a change of status (not consular notification).
- Requested H-1B start date is October 1 of the current year.
- H-1B petition is receipted by USCIS before your current post-completion OPT end date.
- Not accrued more than 90 days of unemployment.



How to Apply for Cap-Gap

- If eligible, your duration of status (D/S) and any post-completion OPT work authorization is extended to September 30 or until the H-1B petition is withdrawn or denied.
 - An automatic cap-gap extension of an F-1 student's record also applies to the duration of status of any dependents in F-2 status.
- To request a cap-gap I-20, complete the **Cap-Gap I-20 Request** in the [MyISSS Portal](#).

Keep ISSS updated if an H-1B petition is filed for you.



I-9, Social Security, & Taxes

- **I-9 Employment Eligibility Verification Process:** All employees in the U.S. must complete the I-9 Employment Eligibility Verification Form with their employers within 3 days of starting a job.
- **Social Security:** Employment in the U.S. requires a Social Security Number (SSN).
- **Taxes:** Typically, non-resident F-1 students with authorized CPT or OPT are exempt from Social Security (F.I.C.A) and Medicare taxes if they are considered a non-resident for tax purposes.
- Federal, state, and local taxes will be withheld from your paycheck by employers unless you qualify for a tax treaty exemption. More information is available at the IRS website and ISSS website

ISSS does not provide tax information or advice. Please use the resources above or contact a tax attorney or specialist with questions or concerns.



Congratulations on this next step!

If you have questions after reviewing this presentation:

- Email your questions to iss@colorado.edu.
- Speak with an advisor during [advising hours](#).



Congratulations on completing your degree program at CU Boulder!

