

Frequently Asked Questions Pertaining to Post-Completion OPT:

EMPLOYMENT

What constitutes employment?

- **Regular paid employment** for more than 20 hours per week in a position directly related to the student's major field of study. Students may work for multiple employers, as long as all jobs are directly related to the student's major field of study.
- **Payment by multiple short-term employers** – 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. If requested by DHS, students must be prepared to provide evidence showing a list of all gigs. Student will be entered in SEVIS as self-employed during this type of employment.
- **Work for hire** – This is work where an individual performs a service based upon a contractual relationship rather than an employment relationship. Again, students need to be prepared to provide evidence showing the duration of the contract periods and the names 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 they have the proper business licenses and are actively engaged in a business related to the student's degree program.
- **Employment through an agency** – Students on OPT must be able to provide evidence showing they worked an average of more than 20 hours per week while employed by the agency.
- **Volunteers or unpaid employment/internship** – Students may work as volunteers or unpaid employees/interns, where this does not violate any labor laws. The work must be more than 20 hours per week for the students on post-completion OPT. These students must be able to provide evidence from the employer that the student worked more than 20 hours per week during the period of employment.
 - Note that a volunteer position or unpaid internship would be a valid option for someone who otherwise might not meet the minimum employment requirement.
 - For those on OPT STEM extension, employment must be paid employment. While volunteering or unpaid activity is permitted, it will not be counted towards the employment requirement as it is for post-completion OPT.

How do I document my employment?

It is recommended that you keep a detailed log of all applications sent, interviews, and periods of "employment" as noted above. This includes contact information for all employers or companies you may have applied to and/or interviewed with during your job search, plus any actual "employment" periods. This may be something that will be required for future immigration benefits. It would be much easier to be prepared than to have to recreate something after the fact.

Can I change employers while on post-completion OPT?

A student may change employers while on post-completion OPT. The student must report the change in the employment and other required information to International Students & Scholars for entry in SEVIS within ten days of beginning a new job.

What counts as Unemployment for OPT regulation purposes?

Each day during the period when OPT authorization begins and ends (the start and end date on the EAD card) that the student does not have qualifying employment counts as a day of unemployment. Unemployment days are counted by calendar days and do include weekends and holidays.

What about time between jobs?

Unemployment days begin on the day following the last date of employment and continue until the first date of employment with a new employer. Per USCIS guidance, there is no longer an uncounted allowance for 10 days between jobs!

What if I'm outside of the United States?

Even time spent outside of the United States while unemployed will count towards the 90/120 aggregate during the EAD validity period. A student cannot stop the unemployment clock by exiting the country. However, if a student travels while employed either during a period of leave/vacation authorized by an employer or as part of their employment, time spent outside the United States will not count as unemployment.

ADDITIONAL CONSIDERATIONS

What if I was authorized to register for a reduced course load during my first academic year?

It has been generally interpreted to allow F-1 students who were authorized under the regulations to be registered for less than full time (i.e., granted a "reduced course load") to count that time for purposes of the one full academic year requirement.

What if I studied abroad during my academic program?

Time spent enrolled in a study abroad program during a course of study can count towards the one academic year requirement, but only “if the student has spent at least one full academic term enrolled in a full course of study in the United States prior to studying abroad.”

Can I complete my last semester abroad and still apply for OPT?

Students who are studying abroad in a third country during their final semester of study will be faced with logistical issues that could make them ineligible to apply for post-completion OPT. 8 C.F.R. § 214.2(f)(10) states that practical training “may be authorized to an F-1 student.” This requires a student to be in F-1 status to receive OPT, and a student outside the United States is not in any nonimmigrant status while abroad (even though their SEVIS record is active). Also, the questions on Form I-765 assume that the applicant is residing in the United States with an I-94. The fact of being outside the United States in the final semester complicates things even further, since there might not be a basis for the student to return to the United States after the program end date.

EXCEPTIONS

What if I have been reinstated after falling out of status?

If a student had accumulated one full academic year in F-1 status before falling out of status, and is subsequently reinstated to student status, he or she can use that time to satisfy the one full academic year requirement. If a student had not accumulated one full academic year before falling out of status, then the full academic year clock begins again after reinstatement has been granted.

Can I use time spent studying full-time in a status other than F-1?

An F-1 student need not have been specifically in F-1 status for 9 months, provided he or she was “lawfully” enrolled as a full-time student at a USCIS approved school in another nonimmigrant status that does not prohibit full-time study. Aliens attending school full-time in violation of their status (such as B-2) could not take advantage of this provision.

Can I apply for OPT before meeting the full academic year requirement?

An applicant for pre-completion OPT can clearly file a Form I-765 “up to 90 days before being enrolled for one full academic year, provided that the period of employment will not start prior to the completion of the full academic year.” This would allow first-year students to obtain pre-completion OPT in the summer after their first year. It is believed that this would also apply to students in a one-year program applying for Post Completion OPT.

CPT/OPT

Does my time spent doing CPT impact my time on OPT?

F-1 students who engage in a total of 12 months or more of full-time CPT become ineligible for OPT at the completion of their degree. However, the use of 12 months of full-time CPT only affects eligibility of OPT at the same educational level. The use of part-time CPT does not count against the eligibility for OPT.

What does USCIS consider full-time employment?

At least 20 hours per week is considered full-time employment. Any job where student works less than 20 hours per week average over the majority of their employment cannot be counted as meeting the requirement for “employment”. It is understood that occasionally a person may have a short week where they work less than 20 hours, but this should be rare.

SCHOOL & OPT

What triggers the OPT termination if I want to go back to school?

A student’s authorization for OPT ends on the date the SEVIS record is transferred to a new school. However, if you are only changing degree levels at the University of Wyoming, your OPT can be valid until the first day of classes of your new program.

What if I don’t complete my undergraduate degree program on time as planned? (Graduate students please ask ISS)

If the OPT has not been approved by USCIS, the student may withdraw the application, and then re-file when the degree is completed.

If the application has already been approved, the I-20 program date needs to be extended to the new appropriate date and the student may work part-time only while enrolled in courses to complete the requirements for their program, and full-time during breaks and vacations. After successful completion of all the program requirements, the student may work full-time.

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, which begins on the start date of the EAD card.

It is strongly recommended that if a student is unsure if they will complete all the program requirements on time, they should wait to apply for Post-completion OPT until after their program ends.