SUNY POLYTECHNIC INSTITUTE

Post Completion OPT Information & Instructions

Optional Practical Training (OPT) is a benefit for eligible F-1 International Students which, if approved, will allow students to work off campus in their field of study.

F-1 Students may be eligible for up to 12 months of full time OPT authorization for every degree level they complete (Bachelors, Masters, Doctoral).

> **OPT applications have (2) parts:**
>
> 1. Obtain an "OPT Requested Form I-20" from the ISS Office at SUNY Poly.
> 2. Submit the completed "Application for OPT employment" to USCIS.
>
> *Students must request and obtain an I-20 with OPT Requested information listed on page 2 from the ISS Office prior to submitting any application to USCIS.*

> ***IMPORTANT***
>
> **Remember: It is <u>your</u> responsibility to maintain lawful F-1 Status during your post completion OPT period.**
>
> The International Student Services Office can advise and inform you of requirements, however, it is YOUR responsibility to submit all requests and information promptly to allow for the maximum indicated processing times, if applicable.

In this document, you will find:

- **Eligibility information to determine if you are eligible to apply for OPT benefit**
- **Instructions to obtain your "OPT Requested Form I-20" from the ISS Office**
- **Instructions to submit your OPT application to USCIS**
- **Post-OPT application submission information**
- **Post OPT application approval information**
- **Information about Travel during OPT**
- **Additional Resources**

ELIGIBILITY FOR OPT

- **Students must be in lawful F1 Student status at the time of application.**
- **Students must be present in the U.S. at the time of their application submission.**
- **Students must be currently enrolled in their program of study**, or, within 60 days of their program completion date.
  - Your Program End Date is listed on your Form I-20, however
    - This End Date will be shortened to reflect the final day of your last semester (as listed in the SUNY Poly academic calendar), regardless of what date is listed on your current document.
- **Students must have been enrolled full time for at least one academic year**
  - One academic year of full-time enrollment must be completed on campus, present in the US.
    - Two semesters/required terms. Summer is not considered a required term.
- **Students applying for post-completion OPT should meet the minimum GPA requirements for graduation.**
  - *Do not apply for post completion OPT if you are uncertain whether you will graduate following that term.*

IMPORTANT

If you are authorized for Curricular Practical Training employment in your final semester:

Your CPT authorization will end on the program completion date (the last day of final exams as listed on SUNY Poly academic calendar), even if a later end date was previously authorized for CPT employment.

- *If you wish to remain employed with your final semester CPT employer, you may not "resume" or "continue" employment after program completion until you have received OPT approval and EAD card.*

STEP 1: OBTAIN THE OPT REQUESTED FORM I-20 FROM THE ISS

Students may apply:

- **As early as 90 days** *before* **your program end date.**
  - *Applications submitted prior to this deadline will be denied, so be mindful of the proper application timeline!*
- **Up to 60 days** *after* **the program end date** (before the end of your 60 day post completion grace period).
  - If you depart the U.S. during your post completion grace period, and before sending your application to USCIS, you will no longer be eligible.
  - *USCIS must RECEIVE your application documents before the end of your 60 day post completion grace period. Any applications received after this date will be denied.*

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IMPORTANT

Your I-20 end date will be shortened to reflect the true end date of your last semester.

The end date originally listed on your I-20 is an estimated end date based on the average length of your program of study.

- The program end date is the last day of final exams as listed on the university academic calendar.
  - This is NOT your graduation ceremony date.

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To be fair to all students, applications to the ISS are processed in the order received and *will not be expedited*.

- **ISS processing time is up to 5-7 business days. Students will receive an email with their OPT Request Form I-20 attached.**
- **USCIS processing time can be up to 3-5 months. We encourage students to plan their applications accordingly.** Tips for filing forms with USCIS: https://www.uscis.gov/forms-filing-tips

*There is no need to contact the ISS to inquire about the status of your request or to inform us of your submission. We do not expedite requests and process them as quickly as possible, in the order it is received. Once your request is processed, you will be notified through the email address provided. *

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Follow the steps below in order to obtain your OPT Requested Form I-20:

- **Submit the OPT Requested Form I-20 Application form, and all required information.**
  - By submitting this application, you are certifying that you are on track to graduate (if applying for POST completion OPT)
  - You must select a "Requested OPT Start Date"
    - See information box below about selecting a requested start date.

IMPORTANT

About selecting a "Requested Start Date"

- **The "Requested Start Date" may be any time during the 60 day "post completion grace period"** following program completion, starting the day after the end of the final semester.
- **Students should carefully consider the date they wish to begin their employment** based on job offers, prospects, and potential OPT processing time with USCIS.
  - *The "Requested Start Date" cannot be altered once OPT applications are being reviewed.*
  - *Students should carefully select their desired OPT start date and be 100% certain of their desired date prior to submitting their applications to the ISS.*
- **There is no guarantee that USCIS will approve your OPT employment to begin on the date you request.** This is simply your desired start date.
- **USCIS will never approve a start date PRIOR to the date you request.**
- **If USCIS reviews your applications after your requested start date has passed**, your approved OPT Start date will be listed on your EAD card.
  - This approved date will likely be the date that USCIS reviewed your application.

After the ISS has reviewed your request for a Form I-20 with OPT Request, you will receive this document via email.

- **Please review your OPT Requested Form I-20 carefully to ensure all information is correct.**
- **Be sure to PRINT and SIGN your document as soon as you receive it.**

STEP 2: COMPLETE YOUR APPLICATION TO USCIS

Review the following information carefully to complete your application to USCIS and lawfully maintain F-1 Student status following your OPT approval.

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IMPORTANT

USCIS must receive this Form I-20 and your entire application for post-completion OPT:
- **Within 30 days of the date printed on this Form I-20**, and
- **By the end of the 60 day, post completion "grace period"** following the end of your program of study.

USCIS is VERY strict with deadlines.

If you miss either of these deadlines your application will most likely be denied, and you may or may not be eligible to submit a second application once you receive this denial.

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Students will be required to complete all application requirements and submit this to USCIS, which will include but may not be limited to:

- ❑ **The I-765,** Application for Employment Authorization
    - ○ *Note: The ISS cannot legally assist you with completing the I-765 Form. You must read the instructions for this form carefully and complete this document to the best of your ability.*
    - ○ *See full instructions for OPT applications in the box below.*
- ❑ **The I-765 filing fee**
- ❑ **Photocopy of most recent I-94**
- ❑ **Photocopy of Passport and F-1 Visa biographical pages**
    - ○ If you changed your status to F-1 while present in the U.S., you must include your I797 Approval Notice from USCIS, and a photocopy of your visa stamp (even if it is not an F-1 Visa)
- ❑ **Photocopies of any previously issued EAD cards (if applicable)**
- ❑ **(2) Identical passport size photos** (2"x2" with white background), taken recently.
    - ○ Your head must be bare, unless you are wearing head wear as required by a religious denomination of which you are a member.
    - ○ Using a pencil or felt pen, lightly print your name and SEVIS number on the back of the photo.
    - ○ **DO NOT submit photos which you have used for any previous applications. You MUST submit new photos, or USCIS may deny your application or send you an RFE, which will delay processing of your application.
- ❑ **Form I-20 with OPT request on Page 2**
- ❑ **Photocopies of all previous Form I-20's with your current SEVIS ID**
    - ○ This includes I-20s from previous schools you may have attended, if applicable
    - ○ The ISS cannot provide you with old copies of your documents. It is your responsibility to maintain your own records and documentation.
- ❑ **Transcript from SUNY Poly**
    - ○ If you have not yet graduated, this does not need to include your graduation date.
    - ○ You may request a transcript from the Office of the Registrar, as needed.

> ***IMPORTANT***
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> **The ISS cannot provide copies of prior Form I-20's.**
>
> **It is your responsibility to maintain your own records and keep copies of your Form I-20's even after an updated document is issued to you.**
>
> If you are missing any previously issued Form I-20's, then you must submit your application to USCIS without these documents. If USCIS has questions, you may be issued a Request for Further Evidence to explain the absence of these documents.

You may submit your application for OPT one of two ways (*but not both!*):

1) **Online (preferred by most students)**
   a. If you choose to submit your application to USCIS using their online application process:
      i. It is your responsibility to follow the instructions provided by USCIS *VERY* carefully.
      ii. Be sure to SIGN your Form I-20 before submitting your application.
         1. Many students miss this step-don't have your application denied because you forgot to sign your I-20!
      iii. Upload/attach all required documents <u>before</u> submitting your application.
         1. You may not be able to attach more documents/change your application after submission.
2) **By Mail**
   a. If you choose to submit your application for USCIS by mailing a physical application to them:
      i. It is your responsibility to follow the instructions provided by USCIS *VERY* carefully.
      ii. Find the filing address for your location online through USCIS
      iii. Be sure to always make copies of your ENTIRE application prior to shipping
      iv. Always send documents with tracking information!

> **You may find complete instructions for submitting your OPT application to USCIS below.**
>
> *Please read these instructions carefully and make sure you are submitting all required documents as requested.*

FULL OPT APPLICATION INSTRUCTIONS HERE

Make sure you read all instructions and information from USCIS carefully to ensure you are submitting a completed application.

It is your responsibility to follow all government requirements to avoid denial of your OPT application.

STEP 3: AFTER YOU HAVE SUBMITTED YOUR APPLICATION TO USCIS

- **USCIS may take 1-3 months to process your application**
- **You CANNOT begin employment until:**
    - You have received your Employment Authorization Document (EAD), *AND*
    - The start date listed on your EAD card has arrived.
- **You may check the status of your application online using the USCIS Case Status Online.**

IMPORTANT

If you receive a Request For Evidence (RFE) from USCIS, send a copy of this document to the ISS at ISS@SUNYPoly.edu so we may review this and assist you, if necessary.

Many RFE's are issued for reasons that are easy for you to address quickly, without ISS assistance.

You should respond to an RFE as quickly as possible (there is usually a 30-90 day deadline) to avoid delaying your application decision.

AFTER YOU HAVE RECIEVED YOUR EAD CARD FROM USCIS

- *Submit a copy of your EAD card HERE so we may add this to your records.*
- **You may only work during the dates listed on your EAD card.**
- **All employment must be related to your SUNY Poly program of study**
    - This does not mean "related to a course you completed", but to your overall major program of study.
    - It is your responsibility to determine how your job responsibilities are related to your program of study.
- **You must work over 20 hours per week in order to avoid accruing unemployment days**
    - You may work multiple part-time positions if your total hours per week is over 20.
    - All employment roles must be related to your SUNY Poly program of study.
- **You may accrue up to 90 days of unemployment during your entire OPT authorization period**
    - The "90 days" are cumulative over the entire period of OPT.
- *Students must self-report all employment within 10 days into the SEVP Portal*
    - You will receive an email from SEVP after your OPT approval to set up your account
        - If you do not receive the email *and* your EAD start date has passed, email ISS@SUNYPoly.edu and request to have this link re-sent to you
    - You must report ALL changes in employment, including:
        - New employment

- ▪ End of previous employment
- ▪ Changes to current employer (work address, supervisor, etc.)
- **If you intend to apply for the 24 month STEM OPT Extension:**
  - o You must submit your application for STEM OPT Extension to USCIS BEFORE the end of your initial OPT authorization.

> ****IMPORTANT****
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> *If you require a reprint of your Form I-20 updated with OPT approval/employment information:*
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> **You may request a reprint of your Form I-20 HERE**
>
> **Make sure you have updated your SEVP Portal with your employment information BEFORE requesting an updated Form I-20.**

IMPORTANT INFORMATION: TRAVEL ABROAD DURING OPT

If your OPT Application is PENDING with USCIS, and:

- **Your program of study has ended**
  - o *Unless it is an emergency, do not travel while your OPT is pending if your I-20 program of study has ended.*
  - o **You will not be able to re-enter with an I-20 if your program end date has passed until your OPT is approved.**
  - o **USCIS may send you a Request for Further Evidence (RFE) to your U.S. address while you are abroad**, which requires a response as soon as possible.
  - o **If your OPT is approved while you are outside the U.S. you will be required to have your EAD in hand to re-enter the country.**
    - ▪ USCIS cannot mail your EAD outside of the U.S.
    - ▪ If you leave the U.S. after your I-20 has expired but before your OPT is approved, you will have to wait until your OPT is approved and you have received your EAD before returning to the U.S.
      - • Someone will have to mail you your EAD to your home country (consider the risks of losing the EAD in the mail).
- **Your program of study has <u>not</u> ended**
  - o *Students may choose to travel and re-enter the US prior to their program end date while their OPT application is pending with USCIS at their own discretion.*
  - o **Travel will not cancel a pending OPT application if you are still enrolled in classes.**
    - ▪ Be aware: If you are outside of the US and USCIS sends you a *Request For Evidence*, you will not be present to address this request in a timely manner and may jeopardize your OPT application.

- **Be prepared: Travel and re-entry so close to the end of your program may raise questions with Customs and Border Patrol.**
  - Students may wish to carry copies of course syllabus, class schedules, etc. in order to demonstrate to CBP that their return to the US for the last few weeks of their program is critical for their graduation and completion of their degree.

After your OPT employment has been approved by USCIS:

- **In order to reenter the U.S., you must have**
  - Your EAD in hand
  - Your I-20 with a valid travel signature
  - A valid passport and visa
  - Proof of employment.
- *Travel signatures are valid for only 6 months while on OPT.*
- **If you exceed your 90 days of unemployment while outside the U.S., CBP can deny your reentry.**
  - **Employer approved vacations are not considered "unemployment"**, as this is an earned vacation benefit.
    - If you are continuously employed while on vacation, you will not be accruing unemployment days.

ADDITIONAL RESOURCES

- **Study in the States** is an official website from the Department of Homeland Security that provides additional information for international students in the U.S.
- **USCIS** provides detailed instructions and information about the I-765 Employment Application Document and procedures.
- **Social Security Administration**
    - All students engaged in employment must possess a Social Security Number.
- Employment resources:
    - **Preventing discrimination in the workplace**
    - **Immigration and employee rights**
    - **Department of Labor: Fact Sheets**
    - **E-Verify**