

## Frequently Asked Questions

**PLEASE note: all official answers, signatures and approval, etc. must be from Ms. Benson**

1. I am a graduate student and I've completed all required coursework. I only have thesis or dissertation remaining. Can I apply for OPT authorization to begin before I graduate?

You can apply for either pre-completion OPT or post-completion OPT. There are advantages and disadvantages to consider when deciding which option works best for you. Here is an overview. We recommend you schedule an appointment with your DSO to further discuss your options.

### Pre-completion OPT

*Pre-completion OPT* is only valid while you are a student finishing your thesis or dissertation. The OPT start and end date must fall before your I-20 expires and your final semester of enrollment.

#### Pros

- You are not subject to the 90-day unemployment limit.
- Your I-20 can be extended if you need more time to complete your thesis/dissertation.

#### Cons

- You must continue to register full-time (which may or may not be a requirement from your department depending on your funding and/or defense semester.)
- When you graduate, you must submit a separate *post-completion* OPT application and another application fee.
- There is the risk of a gap in employment authorization if you must submit a second OPT application and the timing is not perfect.
- It is challenging to take advantage of the full 12 months of OPT allotted to you because of the dual applications.

### Post-completion OPT

*Post-completion OPT* can begin either while you complete your thesis/dissertation or after you graduate. Procedurally, however, the OPT start date can only fall after the I-20 end date, so your I-20 will be shortened to the end of the semester in which you submit the OPT application.

#### Pros

- You will only submit one application and fee.

- You are not required to register for the purpose of maintaining F1 status (though you must consult with your department about registration requirements depending on your funding, defense semester, and ability to apply for on-leave status).

## Cons

- You are subject to the 90-day unemployment limit, an added pressure if you still need to focus on your thesis/dissertation.
- The I-20 cannot be extended. If you do not complete your thesis/dissertation within the OPT period, your F-1 status ends when the OPT expires, and you must travel and reenter with a new I-20 to continue your studies.

## 2. What is the start date and which date should I select for start date?

- The “start date” is the date your work permission begins. You cannot work earlier than the start date, but you can start working later.
- Your requested start date must be within 60 days after your program completion date. For example, if you graduate or if your final enrolled semester ends on May 8, your start date can be no later than July 7. However, if you think it will be challenging to find a job, you should select a later start date to ensure you do not waste your OPT time. Keep in mind if you find a job before this date, you won’t be able to start working until you have the EAD card in hand and the OPT period has begun.
- Changing the requested OPT dates after the application has been mailed to USCIS can be very difficult. Choose your dates carefully.
- Your *approved* start date is likely to be different from your *requested* start date, based on USCIS processing times.
- Your 90 days of unemployment begin counting on the *approved* OPT start date.
- If you are applying for Pre-completion OPT, you should select the date that is your desired start date of employment. Keep in mind that it can take up to 3 months before you will be able to start working.

## 3. What happens if I move after I mail my OPT application

**Warning!** The only way to change the address USCIS uses for your OPT-related mail is to submit an official change of address to USCIS using their website tools. The U.S. Postal Service can’t forward official government mail (like OPT cards) to a new address.

#### **4. How long does it take to get approved for OPT?**

Between 3-5 months from the date USCIS receives your application, though it can be faster depending on the time of year.

You may use the case number on your receipt notice to check the status of your application online. You will need to choose 1) I-765 as the application type and 2) Potomac Service Center (all OPT applications go there). Then look at the chart line that says “qualified F-1 academic student”.

#### **5. I have heard there is a 60-day grace period after I graduate to depart the US. Do I have to leave if the government hasn't finished my OPT processing?**

No. The 60-day grace period does not apply to students who are waiting for the government to process their OPT application. As long as your application arrived by the government's deadlines, you can stay in the US and wait until it is processed.

#### **6. What is my immigration status while my OPT is pending?**

You are still an F-1 Student while your OPT application is pending. OPT is a benefit of F-1 status, it is not a new visa type or status.

#### **7. If I change my mind and decide not to work, can I cancel my OPT authorization?**

The answer depends on your situation. If you were issued a new I-20 with the OPT recommendation but have not yet mailed your application to USCIS, please notify your DSO of your change in plans. Your DSO can cancel the OPT recommendation.

If you have already mailed your application to USCIS, a request can be submitted to USCIS to halt processing. Your application fee will not be returned and we cannot guarantee that your request will be honored. Please contact your DSO for help.

If you have received your EAD card and wish to cancel the authorization, notify your DSO of your change in plans. A cancellation in this situation is highly unlikely. OPT applications are not meant to be cancelled.

**8. I didn't submit my OPT application early enough, and I realize I might not get the OPT start date I requested. How do I know what date USCIS will authorize?**

Unfortunately, it is difficult to estimate. The authorization depends on when the application arrives and the workload at USCIS. If they process your application after your requested start date, they might push back the start date to their day of processing, up to 60 days after your program end date. However, there is no way to predict what date it will be.

**9. How long does it take to get the Receipt Notice/Notice of Action (NOA)?**

Approximately two to three weeks after USCIS receives your application. You might verify with your bank whether your check has been cashed. If so, the NOA is likely on the way.

**10. What shall I do if my application is taking a long time?**

If your application has been pending for more than 5 months from the day the US government received your application, we suggest you take the following actions:

1. Check the status of your application on the [USCIS website](#).
2. Let USCIS know that your case is outside normal processing time by submitting a [case inquiry](#) with them.
3. You can also call the USCIS Customer Service Center for the status of your application at 1-800-375-5283. You will have to submit your receipt number to them when you call.

If you have taken all of the above actions, 15 days after submitting a case inquiry, please contact your DSO. When you contact, be sure to tell your DSO when you last checked the USCIS website for your case status, when you submitted a case inquiry with USCIS, and when you called their Customer Service Center. Please also include a copy of your receipt notice from the USCIS on your OPT application.

Please note, the soonest your DSO can check with USCIS on your behalf is 15 days after the date you last contacted them. We can only request a courtesy inquiry and there is no guarantee that they will consider our request.

**11. What shall I do if I received a notice from USCIS that I need to send them more information?**

As soon as you receive the letter from USCIS, contact your DSO. She/he will review the reason for the letter together and help you prepare the requested document(s).

**12. When I receive my EAD card, should I give a copy to DSO?**

No, it is not required. You do not need to provide a copy of your EAD to your DSO. Also, your DSO does not have to make copies of EADs. Be sure to make both digital and paper photocopies of your EAD for your own records. However, it is a good idea to send a copy to your DSO.

**13. What happens if my EAD card has incorrect information on it?**

- Wait to receive a job offer so you can show your EAD to your employer. The correction process may require you to mail the incorrect EAD to USCIS. Ideally, you should wait to request the correction after your employer has copied your EAD for hiring purposes.
- To correct the EAD, submit a request through the USCIS website to correct a typographic error.

**14. I have heard that I can apply for a “temporary” EAD card. Is this true?**

In the past, students were able to apply for a temporary EAD card if their application was pending for more than 90 days. Processes have changed, and the government no longer issues temporary EADs. If your application is pending for more than 5 months, contact your DSO to get help.

**15. I didn’t receive my EAD card by mail. What shall I do if I think it is lost in mail?**

You need to create an inquiry with USCIS.

If you haven’t received your EAD and believe it is being lost or misdirected, consider completing this USCIS case assistance request form. Your DSO can also contact USCIS regarding your issues if you can provide consent by sending her/him your signed statement.

**16. What if I lose my EAD card?**

If you lose your card, you must apply and pay for a replacement. Complete a new Form I-765 and resubmit it to USCIS with all supporting documents, including the fee. Contact your DSO and request an updated I-20. We recommend you keep your EAD at home (not in your wallet) because of the expense and time in applying for a replacement.

**17. Can I travel while the OPT application or my STEM OPT application is pending? Can I travel while on OPT?**

Please check on our OPT page about travel <https://kysu.edu/wp-content/uploads/2020/04/Travel-and-OPT.pdf>

**18. What shall I do if I can't find a job?**

Once your OPT begins~see the start date as listed on your EAD, the card you'll receive once your OPT is approved~you have a total of 90 days of unemployment during your OPT. If you cannot find a job within 90 days of the start of your OPT, then you must make plans to depart the US immediately or change to some other status in the US. Keep in mind that the 90 days of unemployment is for the entire OPT period. This means that if you use up 60 days of unemployment time looking for a job in the beginning, you only have 30 days of unemployment time for the remainder of your OPT period.

**19. I have an EAD for 12 months of pre-completion OPT, but I have just finished my course of study early, can I continue to use the EAD issued for pre-completion OPT after the program end date?**

No. The EAD was issued for pre-completion OPT. Accordingly, the EAD is only valid for OPT prior to the program end date. You will have to stop working on or before the program end date and file a separate application for post-completion OPT. But you will not lose any unused OPT from the original EAD. You will only lose the OPT completed prior to the program end date. So, if you applied for part-time pre-completion OPT from January 02, 2020, to January 01, 2021, but finished the course of study on June 1, 2020, you will still have nine months of OPT available (the six months of part-time OPT you used would account for three months of the total amount available at that education level).

**20. I am actively seeking a job. What types of jobs are allowed while on OPT?**

First of all, all OPT employment must be in a job that is related to the student's degree program. For students who are not on a 17-month extension, this employment may include (please refer to Employment Requirements <https://kysu.edu/wp-content/uploads/2020/04/Employment-Requirements.pdf>):

- **Multiple employers.** A student may work for more than one employer, but all employment must be related to the student's degree program and, for pre-completion OPT, cannot exceed the allowed per week cumulative hours.
- **Short-term multiple employers (performing artists).** A student, such as a musician or other type of performing artist, may work for multiple short term employers (gigs). The student should maintain a list of all gigs, the dates and duration.
- **Work for hire.** This is also commonly referred to as 1099 employment, where an individual performs a service based on a contractual relationship rather than an employment relationship. If requested by DHS, the student must be prepared to provide evidence showing the duration of the contract period and the name and address of the contracting company.
- **Self-employed business owner.** A student on OPT may start a business and be self-employed. 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 or consulting firm.** A student on post-completion OPT must be able to provide evidence showing he or she worked an average of at least 20 hours per week while employed by the agency.
- **Paid employment.** A student may work part time (at least 20 hours per week when on post-completion OPT) or full time.
- **Unpaid employment.** A student may work as a volunteer or unpaid intern, where this practice does not violate any labor laws. The work must be at least 20 hours per week for a student on post-completion OPT. A student must be able to provide evidence acquired from the student's employer to verify that the student worked at least 20 hours per week during the period of employment.

**21. How should I report employment/unemployment information and changes to that information to my DSO?**

The preferred and best way to report is using e-mail, as it provides both evidence of reporting and the date reported (We may use electronic means, such as a Web page, to accept reports). You should keep a record of all reports made to the DSO and the method by which the reports are made.

**22. What should I report to ensure that my status does not expire due to excessive unemployment time?**

You should report changes in employment to your DSO as soon as possible. SEVP recommends that you report any change within 10 business days of the change to avoid situations where a DHS official may determine the student is out of status. The following summarizes the best way you should report, if:

New Job:

- Name of the employer
- Job description
- Start date of employment
- Mailing address for the employer

Change to a new job:

- Name of the previous employer
- Ending date of the employment with the previous employer
- Name of the employer
- Start date of employment
- Job description
- Mailing address for the employer

More than 10 days of unemployment

- Indicate “unemployed”
- Ending date of last job

Decides to exit the United States and complete your F-1 status prior to the end date of OPT

- Indicate “Completing OPT and exiting the United States”
- Date of exit