



Once the United States Citizenship and Immigration Service (USCIS) has approved your request for post-completion Optional Practical Training you should first make a copy of the EAD (Employment Authorization Document) for your records. Read these FAQs carefully to ensure that you correctly maintain your F-1 status while on OPT.

What is my status while on OPT?

While on OPT you are still considered to be in F-1 student status under Loyola's I-20. If you travel outside of the U.S. while on post-completion OPT you must re-enter the U.S. with your F-1 visa. **DO NOT RE-ENTER WITH A TOURIST VISA.** If you enter with your tourist visa and work, that is considered illegal employment. This could permanently bar you from entering the U.S. in the future.

What do I have to report to CIE?

You must inform CIE of any changes in address within 10 days of moving and CIE will update your record in SEVIS. Students on OPT are also required to report the name and address of their employer and any interruption of employment. Please email this information to Kristy Magner at kmagner@loyno.edu.

What happens if I don't get a job while on OPT?

During post-completion OPT, F-1 status is dependent upon employment. Students may not accrue an aggregate of more than 90 days of unemployment. NOTE: For regular post-completion OPT, the employment does NOT have to be paid employment. Therefore, a student who is self-employed (including performance majors with regular "gigs"), interning or volunteering in a position directly related to the academic field would be considered "employed" for the purposes of OPT employment.

If the cumulative total of your unemployment reaches more than 90 days, you will be considered to be "out of status." For example, if you requested an OPT start date of June 20, 2008 and you do not find a job by September 18, you would be considered out of status. Another example is if you requested an OPT start date of June 20, 2008 and you find a job beginning July 30, you would be unemployed for 40 days, so you would be considered to be in status. However, if you were to stop working at that job October 10 and you could not find another job until December 5, you would then be unemployed for another 54 days. So, your cumulative total unemployment would equal 94 days and you would be considered out of status.

We are required to report the fact that you are out of status to the Department of Homeland Security, which means that if you are unemployed for more than 90 days, you would no longer be in legal F-1 status in the U.S. Also, your eligibility for future benefits could be affected. For example, if you applied for a work visa or permanent residency at a future date, you might have to pay additional fees, apply for a visa from outside of the US or even be denied based on the fact that you were out of status as an F-1 student.

You should keep all documentation of your job search efforts (e.g. interviews, letters of inquiry, rejection letters, etc.) because you may be asked by Immigration at some point in the future to prove that you were actively seeking employment while you were on OPT.

Can I change employers?

You may change employers after practical training has been authorized provided the new job is (1) directly related to your major field of study and (2) appropriate for someone having your level of education.

When can I start working?

You must follow the authorization dates on your EAD (Employment Authorization Document). Any employment outside of those dates is unauthorized.

I'm not sure if my job fits the criteria for OPT. What should I do?

If you are unsure whether an employment position fits the criteria for OPT you should contact your academic advisor at Loyola and explain the job requirements. If your advisor agrees that the job fits the criteria, he/she should write CIE that the job is (1) directly related to your major field of study and (2) appropriate for someone having your level of education. We will put that documentation in your student file for future reference, if necessary.

Can I travel outside the U.S. after I receive my EAD?

Immigration has been interpreting the issue of traveling while on OPT much more strictly. Regulations explicitly state that once you graduate and while you're on OPT, if you leave the U.S., you must be returning to resume employment. While CIE cannot guarantee that you will be admitted to the U.S., if you decide to travel abroad, you should adhere to the following instructions.

If you are on OPT and have a job or job offer you must submit the following documentation at the Port of Entry:

- Current SEVIS I-20 signed (on page 3) by either Debbie or Kristy. The signature is valid for 6 months.
- Current passport valid for at least six months after the date of your reentry.
- Valid F-1 visa
- Valid EAD (Employment Authorization Document)
- Letter from your Employer (on company letterhead) verifying that you are employed or will be employed in the future (employers must give employment dates); the nature of your job and your travel dates. (See Sample Letter for Employers of Students Traveling on OPT.)

If you are on OPT and do not have a job or job offer you assume a much greater risk when traveling abroad. Immigration has stated in a December 15, 2004 notice that if your OPT has been approved and you depart the U.S. before you get a job, your OPT ends and you cannot reenter. Enforcement has been inconsistent. We DO NOT recommend that you travel if you do not have a job, but if you choose to take the risk, you should attempt to reenter with:

- Current SEVIS I-20 signed (on page 3) by either Debbie or Kristy. The signature is valid for 6 months.
- Current passport valid for at least six months after the date of your reentry.
- Valid F-1 visa
- Valid EAD (Employment Authorization Document)
- Documentation of job search efforts—ex. Past or upcoming interviews, cover letters to prospective employers, resume posting on internet job search sites, rejection letters, etc.

My F-1 student visa is going to expire while I'm on OPT and I want to travel. Can I renew it?

If you attempt to renew your F-1 visa while on OPT, please be aware that it may be denied depending on your specific situation. Since everyone's circumstances are different, contact CIE to discuss the details. If you do not intend to travel, you may remain in the U.S. while on OPT with an expired F-1 visa.

I was once arrested while in the U.S. My F-1 student or B-2 tourist visa has now expired. Can I renew it?

We do not recommend that you attempt to renew any of your visas while on OPT in this case. ANY arrest or conviction will cause a positive "hit" in the National Crime Information Center (NCIC) database and could delay visa issuance for several weeks or result in the denial of a visa. For more details, see Arrests, Convictions and Immigration Consequences on the CIE website www.loyno.edu. If this situation applies to you, contact CIE to discuss your options.

Are my wages subject to Social Security and Medicare (FICA) tax withholding?

Social Security and Medicare taxes should not be withheld from OPT wages unless a student is considered a resident alien for tax purposes. Most F-1 students are considered nonresident aliens and therefore not subject to Social Security and Medicare tax withholding unless they have been in the U.S. for more than 5 years. For complete details on whether you qualify as a resident alien or nonresident alien, refer to Internal Revenue Service Publication 519 which can be found at <http://www.irs.gov/publications/p519/index.html>.

What can I do if FICA taxes have been taken out of my check by mistake?

If you determine that you are a nonresident alien under the guidelines in IRS Pub. 519, notify your employer so that your withholding status can be changed in the company's payroll office. You should request a refund of previously withheld FICA taxes. Some employers agree to do this. If your employer does not, then you need to request a reimbursement from the IRS by following the instructions on the IRS website <http://www.irs.gov/faqs/faq13-5.html> and submitting the appropriate documentation. For all tax inquiries refer to www.irs.gov.

I lost my EAD. How can I get a replacement?

You will need to apply to the United States Citizenship and Immigration Services for a new card. This requires that you submit a copy of your original application, a copy of your lost EAD, as well as a new fee. You may continue working with the same company while your application is being processed. We strongly recommend that you do not attempt to travel while your application is pending since you will not have the EAD which is one of the documents required for reentry into the U.S. Please contact CIE for assistance.

Can I attend school while on OPT?

The primary purpose of OPT is to give you the opportunity to work in your field of study. You may, however, attend school as a part-time student while you are on OPT. If you wish to enroll in a degree program (i.e. Master's or Law School) as a full-time student or enroll full-time, notify CIE so that we can transfer your SEVIS record. Once you transfer to the new school and your start date is active, your OPT is terminated.

Can I extend my OPT?

As an F-1 student you are eligible for a total of 12 months of OPT at each advancing degree level (e.g. if you request 12 months after a Bachelor's degree, you would be eligible for another 12 months of OPT after a Master's degree, etc.) However, there are a couple of instances in which you may be able to extend your OPT: The H-1B Cap Gap and the STEM extension.

The H-1B Cap Gap

OPT students who have applied for an H-1B work visa and are on the wait-list or have pending or approved petitions are eligible to have their OPT work authorization "automatically extended" until the start date of the H-1B. For example, if your OPT work authorization ends June 1st and you have an H-1B approved to start October 1st, your OPT work authorization would be extended through to October 1st. If your employer files an H-1B petition on your behalf, you should be informed about the cap-gap extension by your company's immigration lawyer, but if you have any questions, you can contact Kristy Magner at kmagner@loyno.edu

STEM Extension

The 12-month limit on F-1 Optional Practical Training (OPT) will be extended by 17 months, for a total of 29 months, for bachelors, masters, or doctoral degree students studying in a STEM (Science, Technology, Engineering, Mathematics) field that is on the DHS STEM Designated Degree Program List. At Loyola, the following degrees are on the STEM list: Biological Sciences, Chemistry, Mathematics and Physics. As well, your employer is required to be enrolled in the E-Verify program in order for you to qualify for an extension. If you are not sure whether your degree fits into one of the STEM categories, you can email Kristy Magner at kmagner@loyno.edu.

What are my options after I complete OPT?

You have a 60 day grace period in which to transfer to a new degree program, change your status, or return to your home country.

I want to remain in the U.S. and apply for an H-1B work visa. What should I do?

Since H1-B visas are employer-specific, you should communicate with your employer since they will need to sponsor you for the visa. These petitions are usually handled by immigration attorneys. If you would like some preliminary advice about the process, contact CIE.

These FAQs are not exhaustive and are meant to be a guide for you while on post-completion OPT. Please remember that each student's situation is different and therefore may require a different response. All information is subject to change pending changes in immigration regulations and interpretations. If you have questions about any of the FAQs or if you would like to discuss the specifics of your situation, contact CIE at (504) 864-7550 or cie@loyno.edu.

To Whom It May Concern:

I am writing this letter to certify that (student name) is employed/will be employed with my company, (company name). (Student name) will hold a position of (job title) and his/her primary job responsibilities will include (brief job description). I understand that (student name) is currently on Optional Practical Training, and thus will be a temporary employee with (company name) from (dates of employment authorization). He/She will leave the U.S. on (date) for a ___#___ visit to his home country/business trip abroad. He/She will return to the U.S. on (date) and begin/resume employment with this company. If you have any questions or concerns, please do not hesitate to contact me at (employer contact information).

Sincerely,

(Signature and Title of Student's Supervisor)