

OPTIONAL PRACTICAL TRAINING 17-MONTHS EXTENSION

READ THE ENTIRE DOCUMENT CAREFULLY AS FAILURE TO FOLLOW THE REQUIREMENTS MAY RESULT IN THE LOSS OF F-1 VISA STATUS.

On April 4th, 2008 the U.S. Department of Homeland Security (DHS) released an interim final rule extending the period of Optional Practical Training (OPT) from 12 months to 29 months for qualified F-1 visa students. These students must have received one of the **STEM** degrees (**S**cience, **T**echnology, **E**ngineering, and **M**athematics).

The extension is available to students who are employed by businesses enrolled in **E-Verify program**. E-Verify is a free internet-based system operated by U.S. Citizenship and Immigration Services (USCIS), in partnership with the Social Security Administration, which determines a new employee is eligible to work.

Eligibility for 17-months of Optional Practical Training

All the following must be met:

- Student must have successfully completed Bachelor's, Master's or Doctoral degree in one of the following STEM fields:

Actuarial Science, Computer Science, Engineering, Engineering Technologies, Biological and Biomedical Sciences, Mathematics and Statistics, Military technologies, Physical Sciences, Science Technologies, Medical Scientist.

To see the full STEM list, please refer to our web-site at:

<http://www.utsa.edu/intprograms/Documents/STEM%20List.doc>

- Student must be currently participating in post-completion OPT, working for a U.S. employer in a job directly related to the student's major area of study;
- Student may not accrue an aggregate of more than ninety (90) days of unemployment during post-completion OPT;
- Student must have a job offer for a **paid position** (at least 20 hrs per week) from a U.S. employer registered with the E-Verify employment verification system;
- Student has not previously received the 17-month OPT extension in SEVIS after earning a STEM degree;
- Student's employer must agree to report the termination or departure of the student to the International Student Advisor. A worker is considered departed or left employment if the worker has not reported for work for a period of five consecutive business days without employer's consent.

When to apply

You can apply for 17-month OPT Extension within **one hundred twenty (120)** days prior to the expiration date on your current 12-month Employment Authorization Document (EAD).

Dates of OPT Authorization

Your OPT extension employment start date will be automatically pre-filled by SEVIS immigration system with the start date after the employment end date of the current Approved OPT and will last 17 months from this date.

Bring/mail the following to International Student Services:

*****Documents sent by fax will not be accepted.*****

- Completed Form I-765. Put your residential address in Line 3, where you want your EAD to be mailed. To download this form, please go to our website at http://utsa.edu/intprograms/forms/17-month%20extension_I-765.pdf
- Copy of your diploma/degree in one of the STEM fields;
- E-Verify company identification and confirmation letter
This letter must be written by your current employer and must be on the official employer's letterhead. Please download the letter template at <http://utsa.edu/intprograms/Documents/Employer%20Letter.pdf>.
- Job offer letter from your current employer stating the following:
 - Job title
 - Salary or wages
 - Work hours
 - Job duties as directly related to your major area of study
 - Starting and ending dates of your employment
 - Supervisor's contact information (name, address, phone number, and email address)
- Copies of the following:** I-94 Form (front and back); passport name page expiration date (passport must be valid); copy of your passport visa (if applicable); third page of your current I-20 reflecting 12 months of OPT, previous EAD (employment cards)

Two (2) new I-20s reflecting 17 month OPT extension (one copy for your personal record and one to mail to USCIS Service Center) will be issued by ISS and provided/mailed to you along with above mentioned documents.

Mailing Documents to International Student Services (ISS)

If you are in San Antonio area, come to our office to apply.

If you are currently living and working away from San Antonio, mail your documents to our office and then use the mail service of EShipGlobal to have the packet express mailed back to you.

For information on EShipGlobal visit our website:

<http://www.utsa.edu/intprograms/Documents/eShipInfo.pdf>

Please attach an E-Ship Global confirmation receipt to your packet, if you choose this service.

EShipGlobal is easy, fast and reliable service. ISS will require **at least 4 business days** to review your application and issue two I-20s reflecting the 17-month OPT Extension. ISS will then return to you by EShipGlobal documents submitted to our office, including two new I-20s.

Add the following additional documents when mailing to USCIS Service Center:

- Check or money order for **\$380** made payable to: **Department of Homeland Security**
(Do not write or make corrections in the upper portion of the check). **If using a personal check, make sure that you maintain enough money in your account.**
- 2 recent, passport-style photos on white background. The photos must be 2 x 2 inches; the images must be 1 inch from the hair to the chin and 1 1/4 inch from eye height to the bottom of the photo. **Your name and I-94 number must be printed in pencil/pen on the back of the photos.** For an example photo, see <http://www.travel.state.gov/passport/pptphotos/index.html>

Where to mail:

Once your packet is assembled, please **mail it to the correct USCIS Service Center**. If you live in Texas, mail your packet according to your delivery method:

For U. S. Postal Service (USPS) deliveries
USCIS Dallas Lockbox
USCIS, P O Box 660867
Dallas, TX, 75266

For Express mail & courier service
USCIS, Attn: AOS
2501 S. State Hwy 121, Business
Lewisville, TX, 75067

Please ensure that your packet is received by USCIS. It is highly recommended to arrange Delivery Confirmation when you mail your application packet.

If you live/or will live in a **different US state** on 17-month OPT Extension, refer to the **page 10** of I-765 Instructions at: <http://www.uscis.gov/files/form/i-765instr.pdf> to choose the **correct mailing address**. When mailing your packet, choose the delivery method to ensure that it will be received by USCIS.

Important Reporting Requirements when your OPT Extension is approved

While on 17 month OPT extension, F-1 visa students are responsible by law to report **CHANGES** of the following items within **ten (10) days** to ISS:

- U.S. personal address
- E-mail address
- Legal name
- Employer's name and address
- Loss of employment

Validation Report Requirement

Students must make two (2) **validation (confirmation) reports** to ISS due **6 months and 12 months after the employment start date of the OPT Extension**. F-1 visa students must confirm within ten (10) days of each reporting date that the following is current and accurate:

- Name and personal address
- Employer's name and address
- Employment and/or loss of employment

Report these changes by completing 'OPT UPDATE form' at ISS website:

<http://www.utsa.edu/intprograms/forms/optupdateform.cfm>

If you experience a technical problem, please call ISS at (210) 458-7202.

Failure to report these changes and periods of employment in due time will be considered as a violation to your visa status and will lead to the automatic termination of your record in Immigration system SEVIS.

Please remember that students granted a 17-month OPT Extension may not accrue an aggregate of more than **one hundred twenty (120) days of unemployment** during the total 29-month OPT period.

Important Information to Know After Applying for Optional Practical Training (OPT) Extension

□ **Application Process**

Step One: Mailing the Application

Applications for OPT extension are mailed to the USCIS Texas Service Center.

Step Two: Cashing the Application Fee

The first sign that USCIS is processing your application is the cashing of the check. If the check has not cleared your bank within six weeks, please contact our office to investigate the matter.

Step Three: Receiving a USCIS Receipt

USCIS will mail a Receipt Notice to your residential address (address listed on the Form I-765). The Receipt Notice will have a receipt number, the date of the receipt notice and USCIS website to check on the status of your application: <https://egov.immigration.gov/cris/jsps/caseStat.jsp> The USCIS reports that the processing time for an Employment Authorization Document (EAD) is 90 days after the receipt notice date posted on the receipt.

Step Four: Processing of the Application

The application for an EAD is assigned to an immigration officer who will review the paperwork and approve card production. Once a file has been approved, the USCIS will scan the photos and signature card into a computer system. This computer file will later be accessed to produce the work card.

Step Five; Make the EAD

Once the card has actually been made it will be mailed to your residential address (the address on the I-765 Form).

Step Six: Proofing your EAD

When you receive your EAD please look it over for any errors. If any errors are discovered please call USCIS Customer Service tel. #: 1-800- and report any errors for possible corrections.

- **While STEM extension is pending, an F-1 visa student can continue to work with a previous expired employment authorization document for up to 180 days.**
- **Student can change employers while STEM extension application is pending; however the employer must also be an E-verify employer. Student must report the change of employment to the International Student Advisor.**

Travel and Re-Entry

Items Needed to Reenter the United States

(While on 17-month OPT Extension)

- Valid passport & valid F-1 entry visa
- Current I-20 form reflecting 17-month OPT Extension and endorsed for travel by ISS within the preceding 6 months
- Valid EAD
- Letter from your employer showing temporary employment in the STEM authorized field of study

Optional Practical Training Extension & Travel Issues

1. What is my visa status during OPT?

While your OPT extension application is pending and after you receive OPT approval, your non-immigrant status remains F-1.

2. Now that I've turned in my OPT application, can I travel outside the U.S. while I wait for the card to come?

Officially, if you have a 17-month Optional Practical Training application pending with USCIS, you are NOT supposed to leave the country. If you do, USCIS may consider this departure as an abandonment of the application. Besides, USCIS may request additional information regarding your application, which may be difficult to provide from abroad. Therefore, OIP's official recommendation is that you DO NOT travel outside of the US while your OPT application is pending. If you have an emergency and need to travel before your OPT is approved, please consult an Immigration Advisor at the OIP before leaving the U.S.

3. What if I have to travel out of the country for an emergency?

It does happen that students do indeed leave the country during this time period. The most common arrangement is that students ask a trusted friend or relative in the U.S. to mail the EAD card to them by courier, so that they can re-enter the U.S. with all of the required documents.

If you are considering this path, consider that there are risk involved in this scenario: Your card could get lost in the mail or USCIS could send back your application due to some minor technicality (i.e. pictures, you forgot to sign a form, etc.), and if you are not in the country, it will slow the entire process even more.

4. What is my visa status during 17-month OPT Extension?

While your 17-month OPT extension application is pending and after you receive OPT approval, your non-immigrant status remains F-1.

5. What documents do I need to re-enter the U.S. While on OPT?

You will need your I-20 that has been recently endorsed for by ISS, the Employment Authorization Document (EAD card) from the USCIS, your valid passport, and a current visa stamp. It might also be a good idea to carry your Offer of Employment letter with you as well. Please not that ISS cannot sign your I-20 for travel while your OPT is pending with USCIS. Once the OPT is approved and you have received the EAD card, we will sign your I-20 for travel.

6. The visa stamp in my passport has expired, but I need to travel outside the U.S. while on OPT extension. Do I need to get a new visa stamp at an embassy?

If you are going to Canada or Mexico or other contiguous territories (except for Cuba), and staying for less than 30 days, you could re-enter the U.S. on your expired F-1 visa stamp, with a valid passport, your EAD card and an I-20 that has been recently signed by ISS. Be sure NOT to turn in your I-94 card. You must keep it in your passport to re-enter the U.S. on an expired visa. If you are traveling elsewhere, you will need to go to a U.S. embassy or consulate and seek a new visa stamp.

7. In what ways is my application to the embassy for a new visa stamp affected by being on Optional Practical Training?

There is some risk of denial for a F-1 visa renewal when you are on OPT extension and normally it is higher than while you are in your active student program, since the focus of your stay in the U.S. now is working rather than going to school. It may be seen by the US Embassy official as an avenue for adjustment of status to permanent residence. The F-1 student visa requires that the applicant must intend to return to the home country at the end of the program, and if the embassy official is not convinced of your intention to return home, the visa application could be denied.

8. What documents do I need to show at the embassy for a new visa stamp under OPT?

You need to take a valid passport, your I-20 recently endorsed for travel by ISS, your EAD card, and if you already have employment, you would be well-advised to take an official Offer of Employment letter showing your salary, location of where you will be working, job duties, and beginning date. You should only take a letter if the job is truly temporary and will end before or by the end of your practical training time. You should also be prepared to discuss how this job experience will apply to the job market in your home country and how you intend to apply it there.

9. Do I still need to get the OIP travel signature on my I-20 during the period of my OPT?

Yes, during your OPT, if you need to travel outside the U.S., you need to have a recent signature on your I-20. If you are not located in San Antonio mail the original I-20 to ISS for the travel endorsement well in advance of your departure date from the U.S. It is advised that you send the I-20 through express mail and **enclose a self-address, pre-paid express mail envelope** for ISS to return your I-20. Our office will require at least **2-3 business days** to verify your status and sign I-20 form.

Mailing Address:

UTSA Office of International Programs/International Student Services
One UTSA Circle, 1.210 Main Building
San Antonio, TX 78249

10. I want to leave the U.S. for a little while during the time my OPT application is in process, but I need to return to the U.S. before the card arrives. I have a tourist visa that is valid for 10 years. Can't I just enter the U.S. on my tourist visa (or another visa) while I'm waiting to get the EAD card, then start work with the card once I get it?

If you leave the U.S. and re-enter with a B visa or another type of visa, you will have an I-94 card that shows that you have been admitted under that particular visa status. This means that your F-1 status is invalid. Hence, your OPT application and card will be invalid.

11. I need to travel outside the U.S. and re-enter before the card arrives. Can't I just re-enter using the I-20, my passport, and my valid F-1 visa?

Without the EAD card you will not be able to re-enter the U.S., as the OPT has been recommended on the third page of your I-20. This recommendation indicates to the Port of Entry officer that you should be carrying an EAD card with you. Please note: students who are still enrolled are allowed to re-enter the U.S. even if their card has not yet been approved.

12. H1B cap-gap extension.

Duration of status and work authorization will be extended for a student on OPT, who is beneficiary of a timely filed H1B petition requesting an employment start date of October 1st of the following fiscal year. This would apply to all students on OPT. The extension of duration of status and work authorization would automatically terminate upon the rejection, denial, or revocation of the H1B petition filed on the student's behalf.