Employment in the U.S.

http://www.mtu.edu/international/forms-info/employment/
• OPT is a temporary employment authorization granted by the Department of Homeland Security for F-1 students.

• Students approved for post-completion OPT continue to be in F-1 status.

• U.S. Citizenship and Immigration Services (USCIS) [http://www.uscis.gov/](http://www.uscis.gov/) is the federal agency that oversees lawful immigration to the United States. They are a component of the Department of Homeland Security and manage the process that allows individuals from other countries to work in the United States. Some of the opportunities are temporary, and some provide a path to a green card (permanent residence).

• OPT is authorized up to **12 months of full-time practical training at each educational level** and is considered an academic activity. Your advisor must approve your proposed work.

• Recommended by IPS.

• Adjudicated by USCIS.

• Approval process can take up to **90 days**. If you filed your OPT application on time, you may remain in the U.S. while application is pending.
✓ Requires full-time student status for one full academic year.

✓ You must be in good academic standing.

✓ You will have completed all degree requirements by the time your OPT starts, OR

  You will have completed ALL course requirements excluding dissertation, thesis or graduation research project by the time your 12-month OPT starts. In this situation, you must continue to make normal progress toward degree completion (as long as your adviser approves the request) during the authorized 12-month OPT.

✓ Employment must be directly related to the your major area of study.

✓ You have not used 12-month OPT in the past at your current degree level.

✓ You have not been authorized for more than 12 months of full-time CPT in the past at your current degree level.
12-Month OPT Application

Apply up to 90 days prior to your program end date and no later than 60 days after. Reminder that approval process can take up to 90 days.

You do not need a job offer to apply.

Schedule an appointment to review application packet and to receive a new I20 for OPT and bring the following:

1. Signed Academic Advisor Recommendation Form

2. I-765 Form (type or print legibly in black ink). The signature that appears on the EAD card is scanned directly from the I-765. If any part of the signature crosses the line on which students are supposed to sign, the signature can be rejected. Sample I-765 Form on IPS web page

   1. Form G-1145, E-Notification of application (optional)

   2. Photocopy of each document:
      I-94 – print or photocopy paper card (front and back)
      valid passport – photo page, renewal page if original has expired, and pages showing amendments such as name changes, corrections, etc.
      visa – photo page and copies of all U.S. visa entry stamps
      previous I-20s

In addition, you will need to include 2 passport-like photos taken within 30 days and $380 fee Check or Money Order payable to U.S. Department of Homeland Security. Personal checks must have your name and address printed on them and be numbered 101 or higher. These will be handled as Electronic Funds Transfers and will be deducted from your account immediately upon receipt. A Money Order can be purchased at the post office, a retail store, bank or credit union, etc.

NOTE: Fees can change without prior notice. Please see USCIS for the appropriate fee.

Links to above forms can be found at: http://www.mtu.edu/international/forms-info/employment/indexopt.html
Passport Photo Requirements

- IPS recommends US Postal Service, Brockway Photography or the Houghton County Courthouse.
- Photos MUST be the correct size and taken within 30 days of filing your application.
  - Write your name and I-94 card number on the back of each photo in pencil or felt-tip pen.
- Passport Photo Requirements: [http://travel.state.gov/content/passports/english/passports/photos/photos.html#](http://travel.state.gov/content/passports/english/passports/photos/photos.html#).
Selecting a Start Date

- You select your start date and include it on your advisor recommendation form. The requested date will be added to your new I-20.

- Start date can be:
  - As early as the first day after your program end date
  - As late as 60 days after your program end date

The effective date of the Employment Authorization Document (EAD card) issued by USCIS will be your requested start date or the date USCIS approves the application, whichever occurs later.

Sample EAD card
Fingerprints taken in person at USCIS office for those that pay online and completing the E-file form.

Note: IPS does not recommend filing and paying online. You would receive a notice to appear in person for an interview.

OPT authorization begins on the employment start date shown on the EAD card.
Job Requirement

• F-1 status is dependent upon employment (i.e.: you may not be unemployed for an aggregate of more than 90 days during 12-month OPT or for a total of 120 days including OPT extension).

• You must work at least 20 hours a week in a position that is commensurate with your degree. You may:
  – Volunteer
  – Have multiple jobs
  – Be self employed

Unemployment

• Each day (including weekends) during the period when OPT authorization begins and ends without qualifying employment counts as a day of unemployment.

Not Unemployment

• If paid national holidays are included in your employer benefits, those days are not counted as unemployment. Note: the number of and certain national holidays vary by employer benefit.

• Employed during a period of leave authorized by an employer (paid vacation)

• Time spent outside the United States as part of his or her employment
OPT Reporting Requirements

- Send a copy of your EAD card to IPS
- Report your employment (& any changes) or unemployment within 10 days to IPS: http://www.mtu.edu/international/forms-info/status/change-opt/
- Update your SEVIS mailing address in Banweb
- OPT extension students must report at 6 and 12-months after the start of the extension period

Document your employment history you may be asked to provide documentation that your OPT employment was in your field of study during future visa-related applications.
- Keep copy of offer letters & descriptions
- Document how the duties are related to your major
- Keep all I-20s issued to you
- Start and end dates of each position
- Salary history
- Supervisor’s contact information
- Pay stubs & W2s
Payroll and Taxes on Money Earned During OPT

- You will need to apply for a Social Security Number*.

- You will likely pay federal and state income taxes. Please consult with a tax professional.

- Students in F-1 nonimmigrant status who have been in the U.S. less than 5 calendar years are exempt from Social Security/Medicare taxes. This exemption also applies to any period in which the student is in practical training allowed by USCIS.

*Some examples when you should provide your number is for insurance, employer (payroll), financial transactions over $10,000 or applying for credit or loan. Never verbally give your number in public. For example, if a bank teller asks for identity purposes, ask for a piece of paper, write it down and take the paper back or ask the teller to shred it in front of you.
Travel

• Do you plan to travel outside the U.S.?

• There is always a risk when you travel abroad, even with a valid visa.

• We DO NOT recommend that you travel until your OPT has been approved and your have your EAD card.

• Leaving the U.S. can be seen as abandonment of your application.

• Contact IPS if you plan to travel outside the U.S.
Health Insurance

• You will be eligible to continue your student insurance through Michigan Tech for one semester following completion of your degree. For more information, talk to staff in the Student Service Center.

• In some cases, your employer will provide benefits that include health insurance.

• It is strongly recommended that you maintain some kind of health insurance yourself if your employer doesn’t provide it.
State of Michigan Driver’s License

In order to get a Michigan driver’s license, you must pass a written test, a road sign test, a vision test, and a driving test. Students will be issued a limited-term license valid for only as long as you are authorized to be in the country. If you have a driver’s license and are waiting for the EAD card approval, you might have a gap between initial I20 end date (+30) and when EAD is approved.

If your 12-month or 17-month OPT is approved, bring required documents including the EAD card to the local Secretary of State (SoS) Branch Office. Explain to the agent that you are on OPT, which means they can only verify your status by use of the EAD card’s USCIS number. For specific requirements for your state, please refer to the SoS website or contact a local SoS office. In general, you should bring the following:

● Valid passport with visa
● I-94
● I-20
● EAD card
● I-797 in cases of change of status (e.g.: F-1 to H1B)
● Social Security card

Students on 12-month OPT or 17-month OPT extension will not have the 30 day grace period (in any state).

Secretary of State Branch Office: Hours:
902 Razorback Drive M,T,Th,F 9AM - 5PM
Houghton, MI 49931 Wed 11AM - 7PM
OPT 17-Month Extension

The special 17-month extension of OPT is only available to each qualifying student one time. To qualify for an additional 17-months of OPT you must:

• Apply before current OPT ends.

• The degree for your current period of post-completion OPT is a bachelor’s, master’s or doctoral degree in a science, technology, engineering or mathematics (STEM) program: http://www.ice.gov/sites/default/files/documents/Document/2014/stem-list.pdf.

• The employer from which you are seeking employment uses the E-Verify program. Note: Michigan Tech is NOT an E-Verify employer.

• You have not previously received a 17-month extension of OPT.

• You may continue to work on your expired EAD for OPT up to 180 days while your 17-month extension petition is pending if:
  – You are currently in a period of post-completion OPT.
  – You properly and in a timely manner filed your application for the 17-month extension with USCIS.

• Do not accrue more than a total of 120 days of unemployment (beginning with the 12-month OPT).

• Report your employer to IPS every 6 months.

• Update your SEVIS mailing address in Banweb.
Special Provisions for H1-B Applicants

• Your duration of status (D/S), and any post-completion OPT work authorization, will be automatically extended for an F-1 student who is the beneficiary of a timely-filed H-1B petition requesting change of status and an employment start date of October 1.

• If your employer files an H1-B application on your behalf, before your OPT expires, you may lawfully remain in the U.S. (“Cap-Gap”) and work with an expired I-20 until September 30. If the H1-B application was filed after your OPT expires, you may lawfully remain in the U.S. but not work.

• IPS will issue an I-20 showing your H1-B is pending.

• If your H1-B application is denied or revoked, you will have 60 days to leave the U.S.

• Most students file for the OPT extension (before 12-mont OPT expires) to fall back on if the H1-B is not selected.

• If your H1-B application is selected, contact IPS for a new I-20. Once H1-B takes effect, you are no longer required to inform IPS of your address and employment history.
Common Mistakes

- Delay in mailing OPT application (will be automatically rejected if over 30 days from when I20 was printed)
- Missing items
- No signature on I-765 or I-20
- Mistake on check or money order
- Unacceptable (poor quality, older than 6 months, etc.) passport photos
Summary

• Apply for 12-month OPT early, USCIS can take up to 90 days to adjudicate.

• You do not need a job offer to apply.

• Review IPS web page: http://www.mtu.edu/international/forms-info/employment/.

• Schedule appointment and bring required documents to receive new I-20.

• Mail complete and accurate application packet. USCIS must receive it within 30 days when I20 was printed.

• Do not work until OPT is approved.

• Report to IPS who you work for, location or any changes to employment (you will receive a new I20): http://www.mtu.edu/international/forms-info/status/employ-update/

• Update SEVIS mailing address in Banweb.

• Keep good records.

• Contact IPS if you plan to travel outside the U.S.
International Programs and Services
Optional Practical Training (OPT) Timeline

*Apply up to 3 months before or up to 60 days after completion of coursework

Application Window 90 Days

Program End Date

OPT Approved

Grace period of 60 days to either leave U.S., transfer to another school, or change to another visa category

60 Days

OPT 12-month employment
1) Cannot accrue more than 90 days aggregate total unemployment
2) If eligible, can file for 17-month OPT STEM Extension before current OPT ends

OPT application must be received by USCIS within 30 days from when EAD issues the I-20

End date on EAD card: Last day to work unless granted extension by USCIS

OPT must be completed within 14-month period from program end date, excluding 17-month extension

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