

Form I-765 Optional Practical Training Overview

Service Center Operations Stakeholder Teleconference



**U.S. Citizenship
and Immigration
Services**

I-765 Student OPT Categories

- (c)(3)(A) – Pre-Completion
- (c)(3)(B) – Post-Completion
- (c)(3)(C) – Science, Technology, Engineering or Mathematics (STEM)
- (c)(6) - M-1 Post-Completion Practical Training

- Reference **8 CFR 274a.12**: Classes of aliens authorized to accept employment



One Full Academic Year

- To be eligible for OPT, an F student must have been taking a full-course of study for one full academic year in the United States
- F students requesting optional practical training can submit their applications up to 90 days prior to completing “one full academic year” as long as the requested optional practical training (OPT) period does not begin until the full academic year is completed
 - The academic year must be completed by the time the authorization begins



Directly Related to the Students Major Area of Study

- OPT employment (both pre-completion and post-completion) must be directly related to the student's major field of study.



(c)(3)(A) – Pre-Completion OPT

- Includes an F-1 student who is seeking employment for the purpose of OPT prior to completion of studies
- OPT can be either part-time or full-time
 - **NOTE:** Pre-completion OPT cannot be full time while school is in session (20 hours per week only)
- Students are eligible for a maximum of one full year of full-time OPT at each higher level of education
- Can be in a combination of pre-completion and post-completion



Evidentiary Requirements

- Evidence of F-1 status
- A SEVIS Certificate of Eligibility for Nonimmigrant Student Status (Form I-20)
 - The SEVIS I-20 must contain a barcode, “N” number, DSO recommendation, and must be signed by the DSO and applicant
- The student’s status in the SEVIS system must show as “Active”



Validity Period

- Date of adjudication or the start date recommended by the DSO, whichever is later, to:
 - The end date recommended by the DSO;
 - The end date of studies; or,
 - 12 months, whichever is earlier.
- The pre-completion OPT ending validity date may be the same as the end of studies date. The end date cannot extend beyond the end of studies date as indicated on the I-20



Full-time/Part-time Pre-completion OPT

- Part-time pre-completion OPT may be authorized at all levels of education
- Part-time pre-completion OPT is limited to no more than twenty hours a week when school is in session
- Full-time pre-completion OPT may be authorized during holidays or school vacation



(c)(3)(B) - Post-Completion OPT

- Includes an F-1 student who is seeking employment for the purpose of optional practical training after completion of studies (while completing a thesis dissertation or equivalent) or after graduation



Evidentiary Requirements

- Evidence of F-1 status
- A SEVIS Certificate of Eligibility for Nonimmigrant Student Status (Form I-20)
 - The SEVIS I-20 must contain a barcode, “N” number, DSO recommendation, and must be signed by the DSO and applicant
- The student’s status in the SEVIS system must show as “Active”



Post-completion OPT

- The student must:
 - Properly file his/her Form I-765 up to 90 days prior to the program end-date and no later than 60 days after his/her program end-date
 - File the Form I-765 with USCIS within 30 days of the date the DSO enters the recommendation for OPT into his/her SEVIS record

8 CFR 214.2 (f)(11)(i)(B)(2)



Validity Period

- From the date of adjudication or the start date recommended by the DSO, whichever is later, to:
 - The end date recommended by the DSO, or
 - 12 months, or;
 - 14 months from completion of studies, whichever is earlier



(c)(3)(C) – STEM

- 8 CFR 274a.12(c)(3)(C) includes an F-1 student who is seeking a 17 month extension of his/her post-completion (c)(3)(B) OPT based on a STEM degree



Timely Filing

- The (c)(3)(C) application must be received prior to the expiration date of the prior post-completion EAD
- The filing must contain a SEVIS Form I-20 with a STEM extension recommendation from the DSO, or the adjudicating officer must be able to locate one in SEVIS



E-Verify

- The name of the employer must be annotated in Block 17 of the application along with the company identification number (e-verify number)



Classification of Instructional Programs (CIP) Code

- The Form I-20 must contain a CIP code listed in the current STEM designated Degree Program List
- The degree must be at the Bachelor level, or above
- There must be evidence in the record that the student has actually received the degree



Validity Dates

- The validity dates will begin the day after the prior post-completion OPT expires and end 17 months later (minus a day), as indicated in the recommendation



(c)(6) - M-1 Post-Completion Practical Training

- 8 CFR 274a.12(c)(6) includes an M-1 student seeking employment for practical training following completion of studies
 - An M-1 is not eligible for pre-completion OPT





Temporary Employment for Practical Training

- An M-1 student may not accept employment until practical training is authorized
- Temporary employment for practical training may be authorized only after completion of the student's course of study
 - The proposed employment is recommended for the purpose of practical training;
 - The proposed employment is related to the student's course of study; and,
 - Employment comparable to the proposed employment is not available to the student in the country of the student's foreign residence (DSO belief)



Evidentiary Requirements

- A SEVIS Form I-20 endorsed by the DSO
- Evidence that the practical training will be in an occupation directly related to the course of study indicated on the I-20
- Evidence of maintenance of M-1 status through the requested OPT period



Validity Period

- From the date of adjudication or the start date recommended by the DSO, whichever is later, to:
 - The end date recommended by the DSO,
 - 6 months from the date of completion of studies, or
 - 1 month for each 4 months of completed full-time studies, whichever is earlier
- OPT cannot be granted if it will not be completed within 3 years of the applicants initial program start date
 - Students may only be in M-1 status for a maximum of 3 years to include any OPT time



Helpful Filing Tips



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Tip #1

- If a student plans to move, he/she should use the Designated School Official's (DSO) address on the application
- The DSO C/O information will be entered into the applicable USCIS system by the officer at the time of adjudication



Tip #2

- Students can submit a signature card with their Form I-765 applications to prevent smearing their names or writing outside the small signature area
 - **NOTE:** USCIS has considered revising the Form I-765; however, form revisions have been delayed due to the deployment of USCIS ELIS



Tip #3

Submit the following:

- A Form I-765 signed in the original
 - Electronic signature for e-filed application
- Passport photos
 - Will be scheduled for ASC biometrics appointment for e-filed application
- A copy of prior EAD, if applicable
- An I-20 containing the OPT recommendation
- Copies of all prior I-20s especially if they have different N numbers or if they have received prior CPT or OPT
- A copy of the degree conferred or a transcript showing the degree confirmed for STEM cases



Tip #4

- M-1 students must apply before completion of studies, provided the employment period does not begin until after all courses of study are completed
- The I-765 cannot be filed more than 90 days prior to the completion of studies
- Mail the Form I-539 and Form I-765 together and in the same envelope. The two applications should be sent to the same center and team for adjudication



DSO Assistance

VSC.Schools@dhs.gov or CSC.StudentEAD@dhs.gov

can be used for:

- Student EAD Withdrawal Requests if received prior to approval
 - Scan the letter signed by the student and attach to the e-mail message
 - Cancel request in SEVIS
- OPT applications over 75 days old
- To request different OPT dates if the case is still pending
- Apparent service error (e.g. authorized a full year when student only requested during the summer)



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National Customer Service Center

- The following issues should be referred to the National Customer Service Center (NCSC) at 1-800-375-5283:
 - Name spelling errors
 - Address changes
 - Expedite requests

