Immigration regulations for F-1 students with OPT work authorization

You have applied for Optional Practical Training (OPT) Employment. Your EAD card allows you to have paid, unpaid or volunteer employment anywhere in the U.S. in a position related to your major field of study listed in item #5 on your I-20. ISS recommends that if it is not obvious that you are working in your major field of study, have your employer write a letter on organizational letterhead explaining how your work duties are related to your major field of study.

OPT regulations continue to change. Contact ISS, check our website and read our newsletters for current regulations. Failure to follow the F-1 immigration regulations during your OPT could result in losing your OPT authorization, your F-1 SEVIS record being closed and you being subject to deportation from the U.S. These regulations are outlined below:

(Place your initials next to each item)

_____ 1. You are allowed to purchase the St. Thomas sponsored health insurance plan on a semester basis during your OPT. The insurance enrollment fees and deadlines can be found on the Student Health Services website at: [http://www.stthomas.edu/studenthealth/Insurance/default.html](http://www.stthomas.edu/studenthealth/Insurance/default.html) Because U.S. medical care and procedures are extremely expensive; ISS strongly recommends that all F-1 students and their family members enroll in U.S. health insurance coverage during your time in the U.S.

_____ 2. If you have a Minnesota Driver’s License, you should report to the Minnesota Department of Public Safety Driver and Vehicle Services for a Status Check before the Status Check deadline listed in the bottom right corner of the Minnesota Driver’s License. F-1 students on OPT should take their: (1) OPT EAD, (2) I-20, (3) I-94 and (4) passport for their Status Check registration so a new Minnesota Driver’s License can be issued with an extended Status Check deadline.

_____ 3. You are required to report your employer information to ISS within 10 days of a change (start/end of employment). To avoid situations where a DHS official may determine the student is out of status report these changes with the ISS online form: [http://www.stthomas.edu/ISS/forms/opt/default.html](http://www.stthomas.edu/ISS/forms/opt/default.html)

_____ 4. You are required to report your personal address information to ISS within 10 days of a change (change of address). Report these changes with the ISS online form: [http://www.stthomas.edu/ISS/forms/changeaddress/default.html](http://www.stthomas.edu/ISS/forms/changeaddress/default.html)

_____ 5. You are allowed a sum total of (aggregate) 90 days of unemployment (weekdays and weekends included) during your 12 month OPT.

The Immigration Department has defined employment as “paid position, unpaid intern position, or volunteer experience related to your program of study for a minimum of 20 hours per week”. The record for paid employment will be reflected in your pay stubs/receipts. If you have an unpaid intern position or volunteer experience it is your responsibility to document your unpaid or volunteer 20 hours a week position. ISS recommends that you obtain a letter on organization letterhead as proof of your 20 hours a week position.

If you are unemployed, ISS encourages you to find an unpaid intern position or volunteer position related to your degree program. Volunteer information is at: [http://www.stthomas.edu/cilce/links/default.html](http://www.stthomas.edu/cilce/links/default.html)

_____ 6. You are allowed to travel outside the United States during your OPT authorization with: (1) a valid F-1 visa, (2) I-20 endorsed for travel by an ISS advisor on page 3 and (3) an employment letter indicating that you are returning to work following your trip overseas. You are required by immigration law to submit copies to ISS of your I-94 card, visa and stamped I-20 upon your return to the U.S. Please scan/email/fax dark clear copies to ISS.

- Unemployed OPT students **should not travel** outside the U.S. This travel time will count towards your aggregate unemployment days and you will not be allowed to return to the U.S. without an employment letter.
You are allowed to study part time during OPT. Part-time enrollment at the University of St. Thomas:

- less than 12 credit hours during the Fall and Spring semesters and less than 6 credit hours during the Summer term for undergraduate students
- less than 6 credit hours during the Fall and Spring semesters and less than 3 credit hours during the Summer term for graduate students

You will automatically terminate your OPT authorization if you study full time, transfer to a new school or receive a new I-20. You are allowed to continue your education at St. Thomas or another U.S. institution following your OPT completion. Students who intend to transfer to another U.S. institution need to complete the ISS Transfer Out form found online at: http://www.stthomas.edu/ISS/files/TransferOutForm.pdf

You must (1) apply, (2) be admitted and (3) receive an I-20 for your new program of study within 60 days following your OPT EAD end date. You must begin studying in the new program of study within 5 months of your EAD end date or the next available academic term, whichever comes first. If you choose not to seek any additional education in the U.S. you have 60 days from your OPT EAD end date to depart the U.S.

You are required to submit verification of your new immigration status to ISS if you change your immigration status (i.e.: H-1B, H-4, F-2, Permanent Resident, etc.) within 10 days of a change. After ISS receives verification of your new immigration status, we will update your SEVIS and St. Thomas records.

Spring and Summer graduates with a timely-filed H-1B petition requesting a change of status and an employment start date of October 1st can have their F-1 duration of status (D/S) and post-completion OPT work authorization automatically extended until October 1st when the H-1B status begins. You should send a clear copy of your I-797 H-1B receipt notice to ISS to request an updated I-20 showing your OPT extension dates.

To qualify for the H-1B cap-gap extension:

- You must be the beneficiary of an H-1B petition that:
  - has been timely filed;
  - that requests an employment start date of October 1 of the following fiscal year; and
  - that requests a change of status
- You must not have violated the terms or conditions of your F-1 status.
- The automatic extension terminates when USCIS rejects, denies, or revokes your H-1B petition.
  - However, you would have a grace period after the termination during which you are authorized to remain in the United States for up to 60 days to prepare for departure from the U.S., change degree level, transfer, change status, etc.
- The limits on unemployment continue to apply to F-1 students with H-1B cap-gap employment.

You may qualify for an additional 17 months of STEM OPT if your original OPT was granted to you on the basis of completion of a Science, Technology, Engineering, or Mathematics (STEM) degree. To qualify for the 17-month STEM OPT, F-1 students must currently be participating in 12 month OPT and working for an employer in a paid or non paid position directly related to your field of study listed on your I-20. Students with 17 month STEM OPT are allowed a sum total of (aggregate) 120 days of unemployment (weekdays and weekends included) during the 29 months OPT (12 + 17 months of OPT). 17-month STEM extension is only possible one time per lifetime, regardless of degree level (Bachelor’s, Master’s, or Doctorate). Certificate programs do not qualify for STEM OPT.

See details at: http://www.stthomas.edu/ISS/documents/OPT%20STEM%20Presentation.ppt

I acknowledge that I have read and understand the above information.

Name (Please print): ____________________________

Signature: ____________________________ Date: ____________