

## **SEVP Questions and Answers Post-Completion Optional Practical Training**

Source: SEVP Policy Guidance 0801-02 revised April 2009.

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### **What is the earliest date a student can file a request for post-completion OPT with USCIS?**

A student may file the request for post-completion OPT no more than **90 days** prior to the student's program end date.

### **What are the restrictions on the requested start date for post-completion OPT?**

A student cannot have a requested start date that is more than **60 days** past the student's program end date.

### **What are the restrictions on the requested end date for post-completion OPT?**

The requested end date cannot be more than 12 months after the requested start date. The end date may be sooner if the student has less than 12 months of OPT left at the current education level or the student wishes to retain a period of OPT for pre-or post-completion OPT for another degree at the same academic level.

### **What happens if a student applies for post-completion OPT before his or her program end date and subsequently fails to complete the requirements for his or her program?**

The student should contact his or her DSO immediately for guidance.

If the employment authorization application has not been adjudicated by USCIS, the student may withdraw the application by notifying the Service Center where the application was filed. The DSO should also withdraw the recommendation for OPT in SEVIS.

### **How does a transfer or change of level impact the period of OPT?**

Any OPT authorization ends on the transfer release date for a student who requests a transfer to another SEVP-certified school or a change of education level to continue at the same school.

### **What are the limits on periods of unemployment?**

Students on post-completion OPT may accrue up to 90 days of unemployment.

### **How many hours does a student need to work per week during post-completion OPT to be considered employed?**

A student must work at least 20 hours per week in a qualifying position to be considered employed. If a student has a variable schedule, within a month, it should average out to at least 20 hours per week.

### **What counts as time unemployed?**

Each day (including weekends) during the period when OPT authorization begins and ends that the student does not have qualifying employment counts as a day of unemployment. OPT authorization begins on the employment start date shown on the student's EAD. The only exception is that periods of up to 10 days between the end of one job and the beginning of the next job are not included in the calculation of time spent unemployed. This 10 day exception also applies to the first 10 days from the start date on the student's EAD.

### **What types of employment are allowed for regular pre- and post-completion OPT?**

All OPT employment, including post-completion OPT, is required by 8 CFR 214.2(f)(10)(ii)(A) to be in a job that is related to the student's degree program. Employment may include:

- \* **Paid employment.** Students may work part time (at least 20 hours per week when on post-completion OPT) or full time.
- \* **Multiple employers.** Students may work for more than one employer, but all employment must be related to each individual student's degree program and for pre-completion OPT cannot exceed the allowed per week cumulative hours.

- \* **Short-term multiple employers** (performing artists). Students, such as musicians and other performing artists, may work for multiple short term employers (gigs). The student should maintain a list of all gigs, the dates and duration.
- \* **Work for hire.** This is also commonly referred to as 1099 employment where an individual performs a service based on a contractual relationship rather than an employment relationship. If requested by DHS, students should be prepared to provide evidence showing the duration of the contract periods and the name and address of the contracting company.
- \* **Self-employed business owner.** Students on OPT may start a business and be self-employed. The student should be able to prove that he or she has the proper business licenses and is actively engaged in a business related to his or her degree program.
- \* **Employment through an agency or consulting firm.** Students on post-completion OPT should be able to provide evidence showing they worked an average of at least 20 hours per week while employed by the agency.
- \* **Unpaid employment.** Students may work as volunteers or unpaid interns, where this practice does not violate any labor laws. The work should be at least 20 hours per week for students on post-completion OPT. A student should be able to provide evidence, acquired from the student's employer, to verify that he or she worked at least 20 hours per week during the period of employment.

### **How do students show that employment is directly related to their degree programs?**

SEVP recommends that students maintain evidence — for each job — of the position held, proof of the duration of that position, the job title, contact information for the student's supervisor or manager and a description of the work.

If it is not clear from the job description that the work is related to the student's degree, it is recommended that the student obtain a signed letter from the student's supervisor or manager or the employer's hiring official stating how the student's degree is related to the work performed.

### **What should students report to ensure that their status does not expire due to excessive unemployment time?**

Students are encouraged to report changes in employment to their DSOs as soon as possible. SEVP recommends that students report changes **within 10 business days** of the change to avoid situations where a DHS official may determine the student is out of status.

### **Provide the following information via e-mail to: [international.services@tamuk.edu](mailto:international.services@tamuk.edu)**

(Please note employer refers to the name of the company.)

- **New Job** – Provide name of employer, state date of employment, mailing address for the employer, your supervisor's name, and contact number.
- **Change to a new job** – Name of the previous employer, ending date of employment, name of the new employer, start date of employment, mailing address for new employer, supervisor's name, and contact number.
- **Multiple short-term gigs in one period with less than 10 days between gigs** - Report at the beginning of the first gig and indicate "Multiple short term gigs"
- **Work for hire** - Indicate "Self-employed work for hire" and indicate the start date of the contract.

### **What is the impact on a student's status if the student exceeds the limit on authorized unemployment?**

A student who has exceeded the period of unemployment while on post-completion OPT has violated status unless he or she has taken one of the following actions:

- Applied to continue his or her education by a change of level or transferring to another SEVP-certified school
- Departed the United States
- Taken action to otherwise maintain legal status