

SEVP Questions and Answers Post-Completion Optional Practical Training

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

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 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** 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?

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- * **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 to the employer, to verify that he or she worked at least 20 hours per week.