PEPPERDINE UNIVERSITY

OFFICE OF INTERNATIONAL STUDENT SERVICES

OPT Manual

Spring 2020

**This manual has five sections and 35 pages.
You are responsible for reading the entire manual and maintaining your legal F-1 status.**

Contact the OISS for assistance!

oiss@pepperdine.edu

310.506.4246

OISS Portal (oiss.pepperdine.edu)

What is Optional Practical Training (OPT)?

8 C.F.R. § 214.2(f)(10)

Practical training. Practical training may be authorized to an F-1 student who has been lawfully enrolled on a full time basis, in a Service-approved college, university, conservatory, or seminary for one full academic year. This provision also includes students who, during their course of study, were enrolled in a study abroad program, if the student had spent at least one full academic term enrolled in a full course of study in the United States prior to studying abroad. A student may be authorized **12 months** of practical training, and becomes eligible for another 12 months of practical training when he or she changes to a higher educational level. Students in English language training programs are ineligible for practical training. An eligible student may request employment authorization for practical training in a position that is directly related to his or her major area of study.

OPT allows F-1 students to get work experience directly related to their field of study,

There are 3 types of OPT:

1. Pre- completion OPT (see note below)
2. Post- completion OPT (total of 12 months)
3. STEM extension OPT (additional 24 months)

Note: <u>Part-time</u> (not more than 20 hours a week) pre-completion OPT will be deducted from the 12 months of OPT at the 50% rate. For example, 6 months will use up 3 months of OPT.

Why you must apply EARLY!

Applying early will allow more time to avoid delays and a denial of your application, enable you to accept jobs, renew your driver license, travel, etc. If you apply too early, your application will be denied (see page 6 for deadlines)!

- It can take up to 5 months for the United States Citizenship & Immigration Services (USCIS) to process your application! Be aware that if your application is approved after the OPT date you requested, USCIS may push your OPT start date to a later date!

- You are <u>not</u> allowed to work or even volunteer until you receive your employment authorization document (EAD)!

- If USCIS sends your application back to you with a "rejection notice" because of errors in the application, you must contact the OISS and request a new I-20 before you refile your application, to avoid having your application denied!

- If your application is denied, you will be able to apply again before the deadline as long as you have not departed the US.

- You may receive a "request for evidence" from USCIS, delaying the approval.

- Your EAD may be lost or returned to the USCIS as "undeliverable."

- In order to renew your driver license, you will need to present your EAD.

Important filing deadlines!

Filing deadlines for pre-completion OPT and post-completion OPT.
(1) Students may file a Form I-765 for **pre-completion** OPT **up to 90 days** before being enrolled for one full academic year, provided that the period of employment will not start prior to the completion of the full academic year.
(2) For **post-completion** OPT, the student must properly file his or her Form I-765 **up to 90 days** prior to his or her program end date and **no later than 60 days** after his or her program end date. The student must also file the Form I-765 with USCIS **within 30 days** of the date the DSO enters the recommendation of OPT into his or her SEVIS record.

USCIS will **deny** your application if it is "filed" (<u>received</u>):

1. <u>Too early</u> (more than 90 days prior to the program end date)
2. <u>Too late</u> (more than 60 days after the program end date)
3. <u>More than 30 days after the date your OPT I-20 was issued</u>

Attention! If you receive a "rejection" notice instead of a "receipt" notice, IMMEDIATELY notify the OISS. You will need a new Form I-20 in order to avoid denial of your application!

When should you <u>not</u> apply for OPT?

Are you planning to obtain another degree at the <u>same</u> education level?

Be aware that you can apply for OPT only once for each education level. Therefore, you may not apply for OPT again in the future unless you complete a program at a <u>higher </u>level than the last program. For example, if you are planning to complete two master's degree programs, you may wish to wait until you finish your second master's program, or split the 12 months of OPT between the two master's programs.

Are you concerned that you may not finish your program on time?

You may wish to apply for OPT after you are certain you will pass all of your courses.
If you find out you will not finish your program AFTER applying for OPT, be sure to contact the OISS before the program end date printed on your Form I-20.

Are you planning to go home but applying for OPT as a back-up plan?

If you apply for OPT before departing, you can come back to engage in OPT in the US, as long as you have not exceeded the limit on days you are allowed to be unemployed during the authorized OPT period. If you decide not to come back, be sure to submit an *Exit or Transfer Request* e-form.

How to withdraw your OPT application

SEVP Policy Guidance 1004-03

What happens if a student (excluding those students who have completed all program requirements aside from thesis or equivalent) applied 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.

✓ If the employment authorization application has already been approved, the DSO should extend the student's program end date to the appropriate date. The student may work **part time** while enrolled in courses to complete the requirements for his or her program and full time during breaks and vacations. After successful completion of all the program requirements, the student may work full time.

✓ However, even though the student's program end date was extended, because the OPT was granted as post-completion OPT, the student is subject to the 90-day limitation on unemployment.

Source: http://www.ice.gov/doclib/sevis/pdf/opt_policy_guidance_042010.pdf

You may submit a letter to USCIS to withdraw your application if you do __not__ want your OPT to be approved because:

- you plan to apply for OPT in the future after completing another program at the __same__ education level
- you will not complete your program on time

Contact the OISS __immediately__ to request a sample withdrawal request letter. Be aware that there is no guarantee that your request will be processed by the USCIS.

Section **B** How to apply

Submit your *OPT Request e-form* to the OISS

8 C.F.R. § 214.2(f)(11)(i)

Student responsibilities. A student must initiate the OPT application process by requesting a recommendation for OPT from his or her DSO. Upon making the recommendation, the DSO will provide the student a signed Form I-20 indicating that recommendation.

Start of employment. A student may not begin employment prior to the approved starting date on his or her employment authorization except as noted in paragraph (f)(11)(i)(C) of this section. A student may not request a start date that is more than 60 days after the student's program end date. Employment authorization will begin on the date requested or the date the employment authorization is adjudicated, whichever is later.

- If you are not sure if you will complete your program on time, discuss your case with with your DSO before you apply for OPT!
- Submit the *OPT Request* e-form to the OISS about four months before your expected program end date (this is the date you complete studies, NOT the date of the graduation ceremony).
- You may select any OPT start date within 60 days after your program end date.
- Enter the name of the academic adviser who will verify the date you are expected to complete all of your degree requirements. *ATTENTION SEAVER COLLEGE STUDENTS:* Your academic adviser is the Academic Advising Associate in OneStop.
- You will receive a new Form I-20 indicating that you have requested OPT. This Form I-20 will expire if you do not file your application on time (see page 6)!
- You may not change the requested OPT start date after you have mailed your application!

OPT Checklist

1. Form G-1145, *"E-Notification of Application/Petition Acceptance"* (go to https://www.uscis.gov/)

2. Form I-765, *"Application for Employment Authorization"* (go to https://www.uscis.gov/)

   <u>ATTENTION:</u> *Do not file the Form I-765 electronically!*

3. A personal check or money order made payable to "US Department of Homeland Security." See I-765 instructions at https://www.uscis.gov/ to make sure the amount of the fee is correct. Print your name, date of birth and I-94 number on the check. If you do not have a personal checking account ask the institution issuing the money order if it can be tracked for payment.

4. Two (2) U.S.–style passport photos taken <u>within 30 days prior</u> to filing the application(see page 13). Gently write your name and I-94 number on the back of each photo with a pencil or a pen with fast-drying ink.

5. Copy of your new Form I-20 requesting OPT (before filing your application make sure the I-20 has not expired; see page 8)

6. Copy of previously issued Form I-20's

7. Copy of previously issued employment authorization cards or approval notices from USCIS

8. Copy of your passport, visa, and most recent Form I-94 (go to www.cbp.gov/I94 to print your Form I-94)

9. (For STEM OPT extension only) Copy of your transcript or diploma

How to complete the Form I-765

- Download the current Form I-765 at https://www.uscis.gov/. Type or neatly print in black ink. USCIS may make errors if your handwriting is not clear! If the question does not apply to you, type or print "N/A." If the question requires a numeric response, type or print "none."
- Part 1 Check the "initial permission to accept employment" box. If you are applying for the **STEM OPT extension**, check "renewal of my permission to accept employment."
- U.S. Mailing address   If you move while your OPT application is pending, immediately report your new address to USCIS (see page 18), as well as to the OISS. You may use a U.S. post office address (PO box). If your mail is sent to someone else's address, write that person's name in the "in care of name" space provided.
- Item #8 Alien Registration Number (A-Number)   If you are applying for the **STEM OPT extension**, this number may be listed as the USCIS number on the front of your EAD card.
- Item #27 Eligibility Category:

    post-completion OPT: (c) (3) (B)
    STEM OPT extension: (c) (3) (C)
        pre-completion OPT: (c) (3) (A) (students who want to work before graduation)

- On page 6 provide all previously used SEVIS numbers and dates of any previously authorized CPT or OPT and the academic level at which it was authorized.
- Item #28.a. Degree (for STEM OPT extension ONLY)   Write the name of your degree as it appears on your diploma (for example, "master of science in applied finance"). Use Part 6 to enter the name of your major as it appears on your I-20: my degree is associated with the STEM major "financial mathematics, CIP code 27.0305."

Photo requirements

You must enclose two (2) US –style passport photos. You may be asked to resubmit your photos if they do not meet these specifications. For more information on photo specifications go to:
http://travel.state.gov/content/passports/english/passports/photos/photo-composition-template.html

Photos must:

✓ Be in color

✓ Be taken within 30 days before filing your application

✓ Show full face, frontal view on a white to off-white background

✓ Have no shadows

✓ Measure exactly 2 inches by 2 inches

✓ Be printed on thin photo-quality paper with a glossy finish, and be unmounted and un-retouched
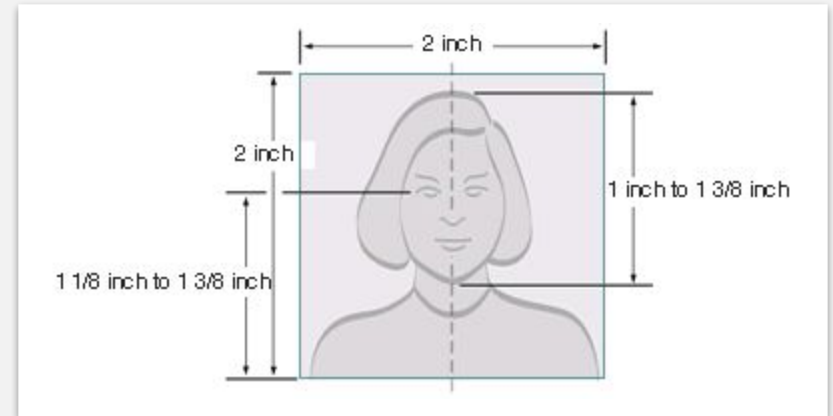
✓ Photo must be 2 inches by 2 inches
✓ The height of the head (top of hair to bottom of chin) should measure 1 inch to 1 3/8 inches (25 mm - 35 mm)
✓ Make sure the eye height is between 1 1/8 inches to 1 3/8 inches (28 mm – 35 mm) from the bottom of the photo
✓ Using pencil or felt pen, lightly print your name and I-94 number (11 digits) on the back of the photos.

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Important!   Read before mailing your application!

- **Attend the OPT Workshop**

If you wish to have your application reviewed by the OISS staff, sign up for an OPT Workshop. Students on the Malibu campus may sign up by logging in to the OISS Portal (oiss.pepperdine.edu). Students on the other campuses may call the OISS at 310-506-4246. INDIVIDUAL APPOINTMENTS CANNOT BE SCHEDULED.

- **Check your documents carefully before mailing**

Is the program end date printed on your I-20 correct? Will your application be received by USCIS less than 30 days after your I-20 requesting OPT was issued? Did you answer all of the questions correctly and sign your I-765?

- **Keep a copy of your application**

You may need to prove that it was not your mistake if your EAD contains an error or your EAD is delivered to the wrong address.

Where to send your application

If the address on your Form I-765 is in one of the following states, use the address on the right: Alaska, Arizona, California, Colorado, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, North Dakota, Ohio, Oregon, South Dakota, Utah, Washington, Wisconsin, Wyoming, Guam, or the Commonwealth of Northern Mariana Islands	**If you use UPS, FedEx, or DHL next-day delivery:** USCIS Attn: NFB AOS 1820 E Skyharbor Circle S Suite 100 Phoenix AZ 85034 **If you use U.S. Postal Service next-day delivery:** USCIS P.O. Box 21281 Phoenix AZ 850368
If the address on your Form I-765 is in one of the following states, use the address on the right: Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, Oklahoma, Tennessee, Texas, Vermont, Virginia, US Virgin Islands, Or West Virginia	**If you use UPS, FedEx, or DHL next-day delivery:** USCIS Attn: NFB AOS 2501 S State Hwy 121 Business Suite 400 Lewisville TX 75067 **If you use U.S. Postal Service next-day delivery:** USCIS P.O. Box 660867 Dallas, TX 75266

Expect a Receipt Notice from USCIS

- **If you do not receive an electronic receipt notice and/or an official paper receipt notice from USCIS within 1-2 weeks, your application may have been rejected. Check your mailbox every day so that you do not miss the deadline to submit your application again.**

- **Check your receipt notice carefully for errors in spelling of your name or address.**

- **We highly recommend that you go to https://usps.com and sign up for *Informed delivery*, a free service that allows you to digitally preview your mail and manage your packages that are scheduled to arrive soon.**

Report problems immediately!

Go to the USCIS website at https://egov.uscis.gov/casestatus/landing.do to:
- track the status of and send inquiries about your case
- report typographic errors
- change your mailing address
- check processing time for the I-765 at the Potomac service Center
- report your case pending longer than the normal processing time
- report undelivered or lost mail

Call the National Customer Service Center (NCSC) at (800) 375-5283 and record the time/date of the call and the name/number of the customer service representative. Explain your problem and ask for a "service request." You should receive a response to your service request within a week.

If your case cannot e resolved by contacting USCIS, ask for help from the USCIS Ombudsman's Office and provide the details of your efforts. https://www.dhs.gov/topic/cis-ombudsman/forms/7001

Respond to a "Request for Evidence (RFE)" on time

- **Check your mailbox daily! You may receive a letter from USCIS asking you to submit additional evidence by a certain deadline. If you receive a *Request for Evidence*, *or* RFE *(*you will <u>not</u> receive an electronic RFE), immediately send a copy of the RFE to the OISS so we can make sure that you respond to it correctly.**

- **If you are traveling, make sure someone checks your mailbox and opens the RFE immediately. If you fail to send the requested evidence to USCIS by the deadline indicated on the RFE, your application will be denied!**

Section D   After OPT has been approved

How to log in to the OISS Portal

https://oiss.pepperdine.edu

While on OPT, you must continue to report to the OISS by submitting forms through the OISS Portal. Please note that you will no longer be able to log in with your Pepperdine NetworkID and password.

Step 1: Access the OISS portal at oiss.pepperdine.edu and click "Limited Services."

Step 2: Select "Email me my Limited Access PIN" at the bottom of the page.

Step 3: Enter and submit your Campus-wide Identification (CWID) number.

Step 4: After receiving the confirmation message, open a new browser window or tab and check your email to retrieve your PIN. Your PIN will be emailed to your alternate email, as provided to Pepperdine through your Wavenet account. Next, click on "OISS Home Page."

Step 5: Fill in your CWID, Date of Birth, and PIN in the appropriate fields and click "Login."

Step 6   Select the appropriate e-form depending on what you are reporting or requesting.

If you have technical problems, clear your cache or try a different browser.   21

Submit the *OPT Report* e-form

General. An F-1 student who is authorized by USCIS to engage in optional practical training (OPT) employment is required to report any change of name or address, or interruption of such employment to the DSO for the duration of the optional practical training. A DSO who recommends a student for OPT is responsible for updating the student's record to reflect these reported changes for the duration of the time that training is authorized.

Submit the *OPT Report* e-form to the OISS as soon as you receive your EAD, and each time you change your employer information.

1. Upload a copy of both sides of your employment authorization document (EAD card)
2. Provide the following information for each employer

   ➔ employer's name, address (your actual work site), and employer identification number (EIN)
   ➔ your job title and number of work hours (at least 20 required) per week
   ➔ description of job duties (must be directly related to your major)
   ➔ your supervisor's name, phone number and email address
   ➔ the last date you worked for your previous employer

For **STEM OPT** reporting requirements, go to Section E.

Do not accrue 90 days of unemployment!

You are allowed **90** days of unemployment during the 12-month OPT period (and 60 additional days of unemployment if you are granted the 24-month STEM OPT extension, for a total of **150** days).

SEVIS will keep track of your number of days of unemployment. You will automatically be considered to be out of status when you accrue the maximum number of days allowed. Before this happens, you should prepare for departure or pursue another option to remain lawfully in the US.

Upon termination of your status, you will begin to accrue days of unlawful presence, which may result in a 3-year or 10-year bar from admission to the US (see page 34).

Types of OPT employment allowed

SEVP Policy Guidance 1004-33

✓ **Multiple employers.** A student may work for more than one employer, but all employment must be related to the student's degree program and, for pre-completion OPT, can not exceed the allowed per week cumulative hours.

✓ **Short-term multiple employers (performing artists)**. A student, such as a musician or other type of 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, the student must be prepared to provide evidence showing the duration of the contract period and the name and address of the contracting company.

✓ **Self-employed business owner.** A student on OPT may start a business and be self-employed. The student must be able to prove that he or she has proper business licenses and is actively engaged in a business related to the student's degree program.

✓ **Employment through an agency or consulting firm.** A student on post-completion OPT must be able to provide evidence showing he or she worked on average of **at least 20 hours per week** while employed by the agency.

✓ **Paid employment.** A student may work part time (at least 20 hours per week when on post-completion OPT) or full time.

✓ **Unpaid employment.** A student may work as a volunteer or unpaid intern, where this practice does not violate any labor laws. The work must be at least 20 hours per week for a student on post-completion OPT. A student must be able to provide evidence acquired from the student's employer to verify that the student worked at least 20 hours per week during the period of employment.

Travel during OPT

Temporary absence from the United States of F-1 student granted employment authorization.
An F-1 student who has an unexpired EAD issued for post-completion practical training and who is otherwise admissible may return to the United States to resume employment after a period of temporary absence. The EAD must be used in combination with an I-20 ID endorsed for reentry by the DSO within the last six months.

You must fill out a *Travel Permission or I-20 Update Request* e-form before departure!	Warning! Avoid losing your F-1 status and OPT!
The first four documents are <u>absolutely required </u>for reentry. If your OPT has been approved, you must also present the other documents. 1. I-20 signed less than 6 months before your reentry 2. Passport valid for 6 months beyond your reentry 3. Valid F-1 visa stamp in your passport 4. Form I-797C receipt notice 5. Form I-797 approval notice and/or employment authorization document (EAD card) 6. Proof of employment (if you do not have a job offer and have not exceeded the allowed number of days of unemployment, be prepared to present evidence that you are actively seeking employment)	1. Do not depart the U.S. without applying for OPT! You can no longer apply for OPT if you depart after completing your program of study! 2. Do not use the B-1/B-2 visa or ESTA to return to the U.S.! Visitors for business or pleasure are not allowed to work! 3. You may not return to the U.S. to continue OPT if you have exceeded 90 days of unemployment during the 12-month OPT or a total of 150 days including the 24-month STEM OPT extension!

The SEVP Portal

The SEVP Portal was launched by the U.S. Department of Homeland Security on March 23, 2018 to give students on post-completion OPT access to their SEVIS record. For instructions on how to use the portal go to https://studyinthestates.dhs.gov/. **IMPORTANT!** Using the SEVP Portal is optional. You must report all of your information <u>directly to the OISS, even if you choose to use the SEVP Portal to update your information</u>. The SEVP Portal allows you to :

- Update your physical home address, mailing address, and telephone number
- Monitor and update your employer information (**DO NOT DELETE PREVIOUS EMPLOYERS** unless you never worked for them)

STEM OPT students are not able to add a new employer or change the start date with their employer, but can update other information about an employer already in the system.

LOCKED OUT OF YOUR ACCOUNT?
1. Click the "Reset Password" link on the SEVP Portal Login page (https://sevp.ice.gov/opt/#/login).
The SEVP Portal will send you an email from do-not-reply.SEVP@ice.dhs.gov and provide a temporary password. Return to the SEVP Portal Login page, use the temporary password to log in, and follow each step to create a new password.

If you do not receive a notification email to create an SEVP Portal account, check your spam or junk mail folders. You should also contact the OISS to confirm that the correct email address is listed in your SEVIS record.

If you decide to end your OPT

You must submit the *Exit or Transfer Request* e-form to the OISS if you intend to take any of the actions below. Note that any of these actions must happen BEFORE the expiration of your F-1 grace period. After your OPT expires, your F-1 status will remain active for 60 days, as long as you have not exceeded the allowed days of unemployment during the entire OPT or STEM OPT period ().

- Depart the US with no intention to return and continue OPT
- Begin a new program of study (you must stop working before the transfer release date that you request in order to obtain a new Form I-20 to begin another program at another school or at the same school
- Change your visa status

IMPORTANT! Keep all of your immigration and employment documents!

Section **E** STEM OPT & H-1B cap-gap extension

Is your degree a STEM major?

Students with a STEM degree may apply for an additional 24 months of OPT. The new STEM OPT rule was published at 81 Federal Register 13039 on March 11, 2016. The following are STEM (science, technology, engineering, and mathematics) majors offered at Pepperdine:

- BA/BS in Biology
- BA/BS in Chemistry
- BS in Computer Science/Mathematics
- BS in Mathematics
- BA in Natural Science
- BS in Nutritional Science
- BS in Physics

- Nutritional Science Certificate Program
- MS in Applied Analytics
- MS in Applied Finance
- Doctor of Education in Learning Technologies

You may use a prior STEM degree to apply for a STEM OPT extension, even if your current 12-month period of OPT is based on a non-STEM major, if the prior degree was earned from a US institution of higher education not more than 10 years before the DSO recommends the extension.

You may apply for two STEM OPT extensions during your lifetime. The second STEM degree must be at a higher degree level.

Requirements for the STEM OPT employment

- Your job must be a paid job, for **at least 20 hours** per week.

- The employer completing the Form I-983 cannot be a staffing/placement agency unless the staffing/placement agency is an E-verified employer of the student, and the staffing/placement agency provides and oversees the training.

- Your employer must be enrolled in **E-Verify**, as evidenced by either a valid E-Verify Company Identification number or, if the employer is using an employer agent to create its E-Verify cases, a valid E-Verify Client Company Identification number, and the employer remains a participant in good standing with E-Verify, as determined by USCIS.

- Your employer must have an Employer ID Number (**EIN**), also known as the Federal Tax Identification Number.

- The training experience must take place **onsite** at the employer's place of business or worksites to which the US Department of Homeland Security has authority to conduct site visits.

- You may not be self-employed.

- If your STEM OPT extension is approved, an additional 60 days of unemployment will be added, allowing up to **150 days of unemployment**.

Submit your *STEM OPT Request* e-form

To obtain a new I-20 requesting the STEM OPT extension, submit the following documents <u>at the same time</u> to the OISS:

1. A *STEM Extension Request* e-form

2. A Form I-983 completed and signed by you and your employer, following the *Sample Form I-983* provided on the OISS website. A tutorial for the Form I-983 is also available at <u>https://studyinthestates.dhs.gov</u>.

    <u>Important</u>: A temp or staffing agency cannot complete and sign the Form I-983. The "official with signatory authority" must be an employee of the E-verified employer that provides the actual training.

3. A letter signed by your employer, using the sample *STEM OPT Employer Letter* found on the OISS website.

Apply EARLY for the STEM OPT Extension

➔ **Prepare your application materials to page 11 for the "OPT checklist."**
➔ **Follow instructions on page 12, "How to complete the I-765"**

Important deadlines! USCIS must receive your application:

➔ **Before the expiration date of your 12-month OPT**
➔ **Not more than 90 days before the expiration date of your 12-month OPT**
➔ **Not more than 60 days after the date your new Form I-20 was issued**

➔ **If you file your application in a timely manner and your 12-month OPT period expires while your application is pending, you are authorized to continue employment for up to 180 days after the expiration of your 12-month OPT.**

➔ **If you change your employer while your application is pending, immediately submit a *STEM OPT Report* to the OISS and request a new I-20. Be sure to upload the new I-983, STEM employer letter, and newly completed I-765.**

STEM OPT reporting schedule (required by law)

These reports must be submitted on time through the OISS Portal:

- **Validation Report**: <u>Every six months</u> during the STEM OPT period, the *STEM OPT Report* must be submitted to verify that your information is still correct: your contact information, residential and/or mailing address, employer name and address, and any other information.
- **Self-Evaluation Report**: A completed page 5 of the Form I-983 must be submitted <u>within the first year</u> of the STEM OPT period, and a final evaluation <u>at the conclusion of the second year, or at any time you stop working for an employer</u>, regardless of how long you worked, within 10 days of the last day you worked for that employer.
- **Any new information:** a *STEM OPT Report or Address Update form* must be submitted <u>within 10 days</u> of obtaining a new employer or changing any of your information.

The purpose of the self-evaluation is:
1. Assess overall performance using the measures identified in the agreed upon training plan
2. Evaluate success in applying and acquiring the new knowledge, skills and competencies that were previously identified in the plan
3. Discuss accomplishments, successful projects, overall contributions, etc., that occurred during the specified review period
4. Address whether there are any modifications to the objectives and goals for projects or new areas for skill and competency development

Employers must also report to the DSO:

- Any material changes to the *Form I-983*, including but not limited to, any change of Employer Identification Number resulting from a corporate restructuring, any reduction in compensation from the amount previously submitted on the Form I-983 that is not tied to a reduction in hours worked, any significant decrease in hours per week that a student engages in a STEM training opportunity, any decrease in hours below the 20-hours-per-week minimum required under this rule, and any evidence that the student is not receiving appropriate training as delineated in the Form I-983.
- The termination or departure of the student, <u>within five business days</u>.

Failure to maintain status, arrests & unlawful presence

Arrests: Several cases were reported by other schools in which students with an alcohol-related arrest have had their applications for OPT denied. Currently, any type of arrest can trigger a cancelation of your visa by the Department of State. We strongly recommend that you consult experienced immigration counsel if you have an arrest record. Do not travel abroad until you have been fully counseled and are prepared to apply for a new visa.

Unlawful Presence: On May 10, 2018, United States Citizenship & Immigration Services issued a policy memorandum which changed the way nonimmigrants and their dependents in F,J or M status accrue unlawful presence in the U.S.   If you are present unlawfully for more than 180 days but less than one (1) year, and you voluntarily depart the US prior to the initiation of removal proceedings, you will be rendered inadmissible for 3 years. If you are present unlawfully for one (1) year or more, you will be rendered inadmissible for ten (10) years.

F, J or M nonimmigrants who fail to maintain status on or after August 9, 2018 will begin to accrue unlawful presence starting <u>the day after</u>:
- they no longer pursue the course of study or the authorized activity
- they engage in unauthorized activity
- they complete the course of study or authorized activity plus any applicable grace period
- their I-94 expires (only for persons admitted until a specific date)
- an immigration judge or, in certain cases, the BIA (Board of Immigration Appeals) orders the alien excluded, deported, or removed (whether or not the decision is appealed)

Based on this policy, it is important that students on OPT maintain status by:
- NOT exceeding the allowed number of days of unemployment during OPT
- ALWAYS reporting information in a timely manner
- ALWAYS complying with all F-1 requirements

What if your OPT is denied? If a denial is based on the finding of a status violation, it may trigger the INA § 222(g) visa cancellation and INA 212(a)(9)(B) unlawful presence provisions. We strongly recommend that you consult experienced immigration counsel if you wish to apply for reinstatement to F-1 status (unlawful presence accrual will stop while reinstatement is pending) or file a motion to reopen or reconsider the denial on Form I-290B within 30 days from the date of the decision, accompanied by the proper fee, and contain the documentation and legal arguments that support the particular type of motion.

H-1B cap-gap OPT Extension

✓ Students who wish to continue working after OPT usually apply for the H-1B visa. Go to https://www.uscis.gov/working-united-states/temporary-nonimmigrant-workers for information on the H-1B and other temporary work visas.

✓ Each Fiscal Year (FY) the H-1B visa has a "cap," or limited supply. Each FY begins with the first day of filing on April 1, with the requested employment date to begin not earlier than October 1. Due to the high demand for H-1B visas, a lottery system will be used to select which cases will be accepted for processing.

✓ The following employers are exempt from the cap:
  - institutions of higher education
  - nonprofit entities related to or affiliated with an institution of higher education
  - nonprofit research organizations
  - governmental research organizations

✓ If your OPT is still valid at the time you file your H-1B petition, and you receive a notice of receipt from the USCIS, your OPT will be automatically extended to September 30, allowing you to continue working until your status changes to H-1B on October 1 (provided your H-1B petition is approved by that date). This is known as the "cap-gap" OPT extension. If your application is denied, you will immediately start to accrue unlawful presence, unless a grace period is provided by the USCIS. Careful consultation with an immigration attorney is recommended.

✓ To request a new Form I-20 with the cap-gap OPT extension, submit a *Travel Permission or I-20 Update Request e*-form and upload a copy of the H-1B notice of receipt to oiss@pepperdine.edu .