



F-1 Practical Training

Employment Workshop for
MIT International Students in F-1 visa status



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What Is Employment?

Any activity for which an individual **provides a service** for which someone doing similar or same work **receives a benefit in return** (or would normally receive some benefit in return)

- Based on U.S. Department of Homeland Security and U.S. Department of Labor regulations/guidance
- Individual does not have to be designated as an “employee” to require employment authorization under student visa status

3 Questions:

- Where are you doing the activity?
- Who is the employer/supervisor?
- Who is the source of funding?

*If any of above are US-source, then U.S. employment authorization required



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What is Employment?

- Paid or Non-Paid
- On- or Off-campus
- No specific reference to publications/presentations, so default is to utilize broad definition of “employment”
- Employment requires authorization **BEFORE** the activity begins



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Can I Volunteer?

- “Volunteering” is defined as [[DOL 553.103](#); [Fair Labor Standards Act](#)]
 - Any service for a public agency for civic, charitable, or humanitarian reasons, such as:
 - Church, Synagogue, Mosque, Temple or similar religious entity
 - Soup kitchen, homeless shelter, registered in an established volunteer program at a hospital, etc.
 - Community service activity through an MIT student club/organization
- Volunteering is not:
 - Unpaid internship, Refusing payment for work done, etc.
- If activity qualifies as “volunteering”, get a letter from host organization (dates, location, confirm no compensation/benefit)



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F-1 Employment Options

- **On-Campus Employment** [8 CFR 214.2(f)(9)(i)]
- **Off-Campus Employment**
 - ▣ Curricular Practical Training [8 CFR 214.2(f)(10)(i)]
 - ▣ Optional Practical Training [8 CFR 214.2(f)(10)(ii)]
 - ▣ International Organizations Internships [8 CFR 214.2(f)(9)(iii)]
 - ▣ Economic Hardship Work Permission [8 CFR 214.2(f)(9)(ii)]
 - ▣ Special Student Relief
- **F-2 dependent** visa holders are
 - ▣ NOT eligible to work [8 CFR 214.2(f)(15)(i)]
 - ▣ ARE eligible to pursue study part-time [8 CFR 214.2(f)(15)(ii)]

On-Campus Employment

- For MIT, At MIT, Paid by MIT
 - MIT is employer (or contractually affiliated service provider to students, e.g. MIT Dining Services/Aramark)
 - MITtemps/nextSource is NOT MIT and not considered an on-campus employer (requires F-1 CPT, F-1 OPT, or J-1 Academic Training)
- Fall/Spring Terms = Maximum 20 hours per week
- Institute Vacation Periods = More than 20 hours per week (IAP, Spring Break, Summer vacation as long as student not required to be enrolled in courses during the period)
- F-1 visa → after enrollment/maintaining enrollment as full-time student
- J-1 visa → after enrollment/maintaining enrollment as full-time student AND MIT requires authorization letter from MIT ISO



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Employment with MIT Faculty's Private/Consulting Company

- On-Campus Employment is activity on the MIT campus, paid by MIT or by a contractually affiliated student service provider (e.g. dining services)
 - ▣ Receiving an MIT paycheck
- If the activity/internship/employment is with an MIT Faculty Member's consulting company, even if the activity/research is done on the MIT campus, if the consulting company is the "employer" and providing the benefits (pay, stipend, other) to the student, this employment is considered OFF-CAMPUS Employment and will require either F-1 CPT, F-1 OPT, or J-1 Academic Training employment authorization from USDHS



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Quick History of Practical Training

- Initially, there was just one type of Practical Training (no division of CPT and OPT)
- Some academic programs started mandating off-campus placements as part of the degree program (e.g. Nursing)
- Colleges/Universities advocated for additional Practical Training to accommodate these mandatory requirements (CPT was born)
- Regulatory language enabled CPT to be used for mandatory or elective experiences that were part of the academic program and for credit
- U.S. Department of Homeland Security is looking to tighten CPT and OPT regulations due to cases of fraud
 - ▣ DHS guidance issued on F, J, M visa employment – August 2015
 - ▣ Current Homeland Security Investigation audits



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Curricular Practical Training - "CPT"

http://iso.mit.edu/immigration/emp_f1_cpt.shtml



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What is Curricular Practical Training?

“Integral part of an established curriculum in the student’s major field of study”

Option 1 - Required	Option 2 – Academic credit towards degree
<p>a required component of the curriculum, which all students (including domestic students) in the program must complete in order to graduate in the major</p>	<ul style="list-style-type: none">• an internship that is evaluated by an MIT Professor, which is being granted academic credit under a specific course number in the student’s major degree requirement, and• the course counts toward requirements to complete the degree, and• be enrolled in the specific internship/experiential learning course during the academic term in which the experience is conducted and CPT is authorized

F-1 CPT Eligibility

- Authorized and used **ONLY BEFORE** completion of degree
- Students must be:
 - pursuing an **MIT degree**
 - in **full-time** student registration status
 - in **F-1 status** at least **1 full academic year**
- Students are **NOT** eligible if:
 - in Ph.D. Non-Resident Status
(exceptions apply, see later slide)



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CPT Date & Time Restrictions

- CPT is granted by term and restricted by term dates
 - *Ex: Summer 2020 = May 21 to August 21, [see website](#)*
- Fall & Spring Term – Part-time authorization
- Summer & IAP Term
 - Part-time or Full-time during official vacation
 - Part-time only if Summer or IAP is required or the first or last term of your program
- Notes:
 - Part Time = maximum of 20 hours / week
 - Full Time = 20+ hours / week, no limit



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CPT For Thesis/Dissertation Credit

- 1. Student has an **approved Master's/Ph.D. thesis proposal** by the academic department; and
- 2. Location of activity is the **only company/organization** where the piece of machinery, or access to unique secured data, that is a **vital component for the student's approved thesis** is available; and
- 3. The **company/organization requires** the student to be considered an employee, or other category, that **requires employment authorization to be on premises to have access** to the essential piece of machinery or secured data; and
- 4. The student's **thesis advisor must confirm** that if the student is unable to pursue this experience at this specified location, the student **will not be able to complete** the planned approved thesis topic.



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CPT Application STEPS

- **STEP 1** - Read [ISO Website](#)
- **STEP 2** – Obtain position offer letter from host company/organization (See sample letter on [website](#))
- **STEP 3** - Request CPT support letter from YOUR Department (See sample letter on [website](#))
- **STEP 4** - Complete ISO [iMIT CPT Application](#)
 - ▣ Upload verification of course enrollment, job offer letter, department recommendation letter, etc.
- **STEP 5** - Pick up Form I-20 from ISO;
 - ▣ You may NOT start employment until you receive the I-20 with CPT authorization and the CPT start date is effective; present your I-20 to your employer for I-9 verification



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OPTIONAL PRACTICAL TRAINING – “OPT”

http://iso.mit.edu/immigration/emp_f1_opt.shtml



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What is OPT?

- Optional work authorization
 - ▣ before graduation = pre-completion OPT
 - ▣ after graduation = post-completion OPT
- Employment must be **directly related** to major field of study on I-20
- Employment offer is not required
- Maximum of 12 months of OPT
 - ▣ Per degree level in one's lifetime
 - e.g. 12 months at Master's level total – cannot get 12 months of OPT for two different Master's degrees
 - May split the 12 months between two degrees at same level
 - ▣ Available when requested OPT is at a degree level higher than previous degree for which OPT was granted
- Any unused portion of OPT from a previous degree level cannot roll over to another OPT period

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Pre-OPT and Post-OPT

- May take 3-5 months to be approved by government (plan ahead!)
- Part-time = 20 hrs or less / week; Pre-completion OPT only
- Full-time = over 20 hrs / week; Pre- or Post-completion OPT
 - ▣ During Annual Vacation Period (Summer or IAP)
 - ▣ ALL course requirements with the exception of approved thesis
- Pre-OPT deducts from the 12 months OPT total; if you request part-time pre-OPT, deducted at half the rate
 - ▣ Example: 2 months of part-time pre-OPT will deduct 1 month from 12 months total



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OPT Eligibility

- ❑ Must be **enrolled full-time** in a degree program
- ❑ Must complete at least **one full academic year** (two full semesters)
- ❑ Moving to another educational level/new degree program (at MIT or another institution) automatically terminates any approved OPT
- ❑ Transferring to another school to begin a new degree program automatically terminates any approved OPT
- ❑ Authorization for 12 months of full-time Curricular Practical Training (CPT) eliminates eligibility for OPT
 - ❑ part-time CPT, defined as 20 hours per week or less, does not affect OPT eligibility)



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	Curricular Practical Training (CPT)	Optional Practical Training (OPT)
Time to Authorize	2 weeks	3 – 5 months
Cost	\$0*	\$410 per application
Authorizers	ISO Advisors	US Citizenship and Immigration Services (USCIS) Officers
Time limit	Unlimited up to 12 months, but lose OPT privilege if 12 months full-time per academic program**	12 months per academic level to be used either during or after academic program.
Employment Offer Required?	Yes	No
Requirements with regards to academic program	Internship must be an “integral part of an established curriculum” and “directly related to the student’s major area of study” (Internships must be either required for all students in a program, or students will be given academic credit toward their degree requirement.)	Employment must be “directly related to student’s major field of study”

*Students who need to enroll in subjects for academic credit will need to pay the associated cost for registration of that course.

**Student who engage in an aggregate of more than 12 months of full-time Curricular Practical Training become ineligible for Optional Practical Training at that degree level.



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When to apply? Pre-Completion

- May file Form I-765 and supporting documents to USCIS
 - ▣ prior to being enrolled for 1 full academic year, **and**
 - ▣ up to 90 days prior to requested start date of OPT authorization (not employment start date)
- Employment cannot start prior to completion of 1 full academic year (combination of Fall-Spring terms)
- All required documents must be received by USCIS
 - ▣ within 30 days of the date printed on page 1 of the new I-20 (when ISO Advisor recommended and signed the OPT I-20)
- Student must be physically inside the U.S. when USCIS receives application



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Pre-Completion OPT

1. Students are Only Eligible to Apply for Pre-Completion OPT within **90 Days** of Completing **2 Full Semesters** in Their Program at MIT

February
20
2020

Mail No Earlier
than **90 Days**
Before

e.g.
End of 2nd Semester in
Program
May 20, 2020

OPT Start Date Must be
After Completion of **2**
Semesters in
Program

AND

2. Pre-Completion OPT Applications can Only be Mailed within **90 Days** of the Start Date of the OPT work

March
17
2020

Mail No Earlier
than **90 Days**
Before

e.g.
OPT Start Date
June 15, 2020

Mail and arrive at USCIS within
30 Days of ISO Advisor Signature on OPT
I-20



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When to Apply? Post-OPT Application Dates & Deadlines

3 Deadlines and deadlines within deadlines to remember!

- **Application must be received by USCIS no earlier than 90 days** before your program completion date on your letter and subsequent Form I-20; You can calculate earliest date on this site:
<https://www.timeanddate.com/date/dateadd.html>
- Application **MUST be received at USCIS Office by day 59 after completion date/graduation day** (see your Form I-20)
- Must ensure arrival of OPT application at USCIS **within 30 days of ISO Advisor signature** on Page 1 of Form I-20
- Student must be **physically inside the U.S.** when USCIS receives application



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Example Dates Post-Completion OPT



Limited Unemployment During OPT

- During Pre-Completion OPT, you do NOT accumulate any period of Unemployment
- Accumulating more than **90 days of unemployment** is considered a violation of F-1 status by USDHS and you must leave the U.S.
- Days of unemployment begin to accumulate:
 - ▣ If employment does not start on the OPT approved start date on EAD
 - ▣ If you receive the EAD after the OPT approved start date on EAD
 - ▣ Between periods of employment
 - ▣ Includes weekends
- Your responsibility to keep track of unemployment days
- May use prior to starting employment, or between positions during your OPT authorization period



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I-20 Program Completion/ End Date Considerations

- Are you an RA or TA? YOUR DUTIES SHOULD BE COMPLETE before or on your I-20 completion date
- Thesis to complete? Ask your department what your thesis deadline is.
- When will you receive your degree? February, September or June degree list?
- What date is written on your department letter?
 - ▣ *Example: PhD Thesis submitted/certified by dept & Registrar on April 10, 2020. RA must complete on April 10. Degree conferred on May 29, 2020. Department letter states all requirements completed on April 10, 2020, that is the program end date for I-20/OPT purposes*
- Remember the Application Receive Date restrictions
 - ▣ No earlier than 90 days before I-20 program completion date
 - ▣ No later than day 59 after graduation/completion date (if received later, USCIS will REJECT the application)

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OPT & Employment Start Dates

□ OPT Start Date

- Choose a Start Date after your completion date/graduation date: ISO Advisor will update Form I-20 completion date according your department letter.
- 60 day choice of start date: Choose any day between Day 1 and Day 59 after your I-20 Program Completion Date
 - *Example: I-20 Program Completion Date is May 29, 2020, OPT Start Date may be between May 29 and July 28, 2020.*

□ Employment Start Date

- Must begin working within 90 days of start date on YOUR EAD card (work permission card) – maximum 90 days “Unemployment Time” to use at beginning or during OPT period
 - *Example: OPT & EAD card start date is July 28, 2020 -- must begin job by October 26, 2020 or leave the US*



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OPT Application STEPS

- **STEP 1** Request letter from your Academic Department confirming degree earned and expected completion date
- **STEP 2** Request OPT I-20 on [iMIT](#), 2 weeks prior to desired mailing date to USCIS
 - ▣ Log in to Full Client Services for Students; Select Optional Practical Training, and complete all 5 E-forms
 - ▣ Choose start and end dates of OPT
 - ▣ Pay MIT administrative fee, if required
- **STEP 3** Use [Checklist on ISO OPT website](#) to prepare application materials for mailing USCIS



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OPT Application Steps continued

- **STEP 4** Receive email from ISO to pick up I-20 and sign/copy I-20.
 - ▣ We recommend that you complete your entire OPT application and ask any questions at this time.
- **STEP 5** Mail OPT application, per [ISO website](#) process
 - ▣ Mail within 30 days of ISO Advisor signature on Form I-20
 - ▣ USCIS must receive the post-completion OPT application no later than 59 days after graduation
 - ▣ Must be physically inside the U.S. when USCIS receives application
- **STEP 6** - Wait for EAD card before starting your employment



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New “OPT” I-20 from ISO

- I-20 will include “recommendation for OPT” on page 2
- I-20 Program End Date will be shortened or extended (if applicable) to reflect official expected completion date of degree program
- Requested OPT start and end date is FINAL after application is mailed to USCIS
- Signed for Travel on Page 2 of Form I-20
 - ▣ Valid for 6 months while on post-OPT
- ISO processing time for OPT I-20s is **10 business days**; wait for I-20 to include in OPT application to USCIS



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Mail Your Application to USCIS, part 1

Checklist of Documents (please, assemble in order)

- ❑ Check /Money Order for \$410 made payable to US Department of Homeland Security OR Form G-1450 with credit card information
- ❑ To receive a text message and/or email when USCIS accepts your Form I-765, complete [Form G-1145](#) E-Notification of Application/Petition Acceptance, and attach it to the front of the entire application (including check) in the package. *Note: You will also receive a physical receipt notice in the mail.
- ❑ 2 passport photos less than 30 days old
[write your name and SEVIS # number in pencil or felt pen, pressing lightly, on the back of each photo (shoulder region), paperclip to I-765].
<https://travel.state.gov/content/travel/en/passports/requirements/photos.html>
- ❑ Original I-765 form application: <https://www.uscis.gov/i-765>



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Mail Your Application to USCIS, part 2

- ❑ Copy of new I-20 with OPT dates (pages 1 and 2; please remember to sign your I-20 form)
- ❑ Copies of any previous I-20s in reverse date order (pages 1 and travel signature page of all MIT and previous school forms; please sign your I-20 forms)
- ❑ Copy of I-94 card (front and back) or electronic I-94 record as PDF (retrieve the I-94 record from <https://i94.cbp.dhs.gov/>)
- ❑ Copy of identity pages in passport (when traveling, passport must be valid 6 months into future when entering the U.S.)
- ❑ Copy of any previous Employment Authorization Documents (EAD cards), if applicable
- ❑ Copy of current F-1 Visa (even if the visa is expired)



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I-765 Application Requirement

- Go to USCIS Website <https://www.uscis.gov/i-765>
 - ▣ Download, read, and complete the following:
 - the Form I-765
 - the Instructions for Form I-765
 - (Optional, but recommended) the Form G-1145
 - ▣ Read the web page including “Where to File”
- See “Form I-765 example page 1-7” slides

I-765 examples

Page 1

I-765 Additional Tips - MIT ISO
 Students - Please note that you should read the "Instructions for Form I-765" on uscis.gov/i-765 in order to fill out your Form I-765. This reference handout is provided as a convenience to MIT students only and does not constitute legal advice.

For USCIS Use Only	<input type="checkbox"/> Authorization/Extension Valid Through _____	Action Block
	Alien Registration Number A- _____	
	Remarks _____	

To be completed by an attorney or Board of Immigration Appeals (BIA)-accredited representative (if any).	<input type="checkbox"/> Select this box if Form G-28 is attached.	Attorney or Accredited Representative USCIS Online Account Number (if any) _____
--	--	---

► **START HERE** Type or print in black ink.

Write "N/A" or "None" if the question does not pertain to your application.

Part 1. Reason for Applying

I am applying for (select only one box):

- 1.a. Initial permission to accept employment.
- 1.b. Replacement of lost, stolen, or damaged employment authorization document, or correction of my employment authorization document **NOT DUE** to U.S. Citizenship and Immigration Services (USCIS) error.
- 1.c. Renewal of my permission to accept employment. (Attach a copy of your previous employment authorization document.)

Check Initial permission for pre, post, and STEM OPT

NOTE: Replacement (correction) of an employment authorization document due to USCIS error does not require a new Form I-765 and filing fee. Refer to **Replacement for Card Error** in the **What is the Filing Fee** section of the Form I-765 Instructions for further details.

Other Names Used

Provide all other names you have ever used, including aliases, maiden name, and nicknames. If you need extra space to complete this section, use the space provided in Part 6.

Additional Information.

- 2.a. Family Name (Last Name) _____
- 2.b. Given Name (First Name) _____
- 2.c. Middle Name _____
- 3.a. Family Name (Last Name) _____
- 3.b. Given Name (First Name) _____
- 3.c. Middle Name _____
- 4.a. Family Name (Last Name) _____
- 4.b. Given Name (First Name) _____
- 4.c. Middle Name _____

Part 2. Information About You

Your Full Legal Name

- 1.a. Family Name (Last Name) _____
- 1.b. Given Name (First Name) _____
- 1.c. Middle Name _____



I-765 examples

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Part 2. Information About You (continued)

Your U.S. Mailing Address

May use PO box for mailing address

5.a. In Care Of Name (if any)

When using "In Care Of", ensure your name and friend's name are on mailbox and inform apt front desk

5.b. Street Number and Name

5.c. Apt. Ste. Flr.

5.d. City or Town

5.e. State

5.f. ZIP Code

[\(USPS ZIP Code Lookup\)](#)

6. Is your current mailing address the same as your physical address? Yes No

Consider if your mailing address will be available for next ~4 mo. USPS cannot forward USCIS mail to new addresses

NOTE: If you answered "No" to Item Number 6, provide your physical address below.

Physical Address

Street Number and Name

Apt. Ste. Flr.

7.c. City or Town

7.d. State

7.e. ZIP Code

Use your Physical Address "State" to determine where to mail your Form I-765. See "Where to File" on [uscis.gov/i-765](#)

Other Information

8. Alien Registration Number (A-Number) (if any)

F-1 Students do not have A-numbers, leave blank

A-

9. USCIS Online Account Number (if any)

F-1 Students generally do not have USCIS online account number. leave blank

10. Gender Male Female

11. Marital Status

Single Married Divorced Widowed

12. Have you previously filed Form I-765?

Yes No

13.a. Has the Social Security Administration (SSA) ever officially issued a Social Security card to you?

Yes No

NOTE: If you answered "No" to Item Number 13.a., skip to Item Number 14. If you answered "Yes" to Item Number 13.a., provide the information requested in Item Number 13.b.

13.b. Provide your Social Security number (SSN) (if known).

Must include SSN if you know

14. Do you want the SSA to issue you a Social Security card? (You must also answer "Yes" to Item Number 15, Consent for Disclosure, to receive a card.)

Yes No

NOTE: If you answered "No" to Item Number 14., skip to Part 2., Item Number 18.a. If you answered "Yes" to Item Number 14., you must also answer "Yes" to Item Number 15.

15. Consent for Disclosure: I authorize disclosure of information from this application to the SSA as required for the purpose of assigning me an SSN and issuing me a Social Security card.

Yes No

NOTE: If you answered "Yes" to Item Numbers 14. - 15., provide the information requested in Item Numbers 16.a. - 17.b.

Father's Name

Provide your father's birth name.

16.a. Family Name (Last Name)

16.b. Given Name (First Name)

Mother's Name

Provide your mother's birth name.

17.a. Family Name (Last Name)

17.b. Given Name (First Name)

Your Country or Countries of Citizenship or Nationality

List all countries where you are currently a citizen or national. If you need extra space to complete this item, use the space provided in Part 6. Additional Information.

18.a. Country

18.b. Country

I-765 examples

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Part 2. Information About You (continued)

Place of Birth

List the city/town/village, state/province, and country where you were born.

- 19.a. City/Town/Village of Birth
- 19.b. State/Province of Birth
- 19.c. Country of Birth
20. Date of Birth (mm/dd/yyyy)

Information About Your Last Arrival in the United States

- 21.a. Form I-94 Arrival-Departure Record Number (if any)
▶
- 21.b. Passport Number of Your Most Recently Issued Passport
- 21.c. Travel Document Number (if any)
 Most students have passports, only use if you don't have passport
- 21.d. Country That Issued Your Passport or Travel Document
- 21.e. Expiration Date for Passport or Travel Document (mm/dd/yyyy)
22. Date of Your Last Arrival Into the United States, On or About (mm/dd/yyyy)
23. Place of Your Last Arrival Into the United States
24. Immigration Status at Your Last Arrival (for example, B-2 visitor, F-1 student, or no status)
 F-1 Student
25. Your Current Immigration Status or Category (for example, B-2 visitor, F-1 student, parolee, deferred action, or no status or category)
 F-1 Student
26. Student and Exchange Visitor Information System (SEVIS) Number (if any)
▶ N-

Information About Your Eligibility Category

27. **Eligibility Category.** Refer to the **Who May File Form I-765** section of the Form I-765 Instructions to determine the appropriate eligibility category for this application.
Pre (c)(3)(A) State letter and number for your eligibility category, for example, (a)(8), (c)(17)(iii).
Post (c)(3)(B) () () ()
STEM (c)(3)(C) () () ()
28. **(c)(3)(C) STEM OPT Eligibility Category.** If you entered the eligibility category (c)(3)(C) in **Item Number 27.**, provide the information requested in **Item Numbers 28.a - 28.c.**
- 28.a. Degree **If STEM OPT, include degree level and maior. e.o. Bachelor's in Physics**
- 28.b. Employer's Name as Listed in E-Verify
- 28.c. Employer's E-Verify Company Identification Number or a Valid E-Verify Client Company Identification Number
29. **(c)(26) Eligibility Category.** If you entered the eligibility category (c)(26) in **Item Number 27.**, provide the receipt number of your H-1B spouse's most recent Form I-797 Notice for Form I-129, Petition for a Nonimmigrant Worker.
▶
30. **(c)(8) Eligibility Category.** If you entered the eligibility category (c)(8) in **Item Number 27.**, have you **EVER** been arrested for and/or convicted of any crime?
 Yes No
- NOTE:** If you answered "Yes" to **Item Number 30.**, refer to **Special Filing Instructions for Those With Pending Asylum Applications (c)(8)** in the **Required Documentation** section of the Form I-765 Instructions for information about providing court dispositions.
- 31.a. **(c)(35) and (c)(36) Eligibility Category.** If you entered the eligibility category (c)(35) in **Item Number 27.**, please provide the receipt number of your Form I-797 Notice for Form I-140, Immigrant Petition for Alien Worker. If you entered the eligibility category (c)(36) in **Item Number 27.**, please provide the receipt number of your spouse's or parent's Form I-797 Notice for Form I-140.
▶
- 31.b. If you entered the eligibility category (c)(35) or (c)(36) in **Item Number 27.**, have you **EVER** been arrested for and/or convicted of any crime? Yes No
- NOTE:** If you answered "Yes" to **Item Number 31.b.**, refer to **Employment-Based Nonimmigrant Categories, Items 8. - 9.**, in the **Who May File Form I-765** section of the Form I-765 Instructions for information about providing court dispositions.

I-765 examples

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Part 3. Applicant's Statement, Contact Information, Declaration, Certification, and Signature

NOTE: Read the **Penalties** section of the Form I-765 Instructions before completing this section. You must file Form I-765 while in the United States.

Applicant's Statement

NOTE: Select the box for either **Item Number 1.a.** or **1.b.** If applicable, select the box for **Item Number 2.**

- 1.a. I can read and understand English, and I have read and understand every question and instruction on this application and my answer to every question.
- The interpreter named in **Part 4.** read to me every question and instruction on this application and my answer to every question in _____, a language in which I am fluent, and I understood everything.
2. At my request, the preparer named in **Part 5.**, _____, prepared this application for me based only upon information I provided or authorized.

Please check 1.a. since English is required for all MIT programs

Applicant's Contact Information

3. Applicant's Daytime Telephone Number _____
4. Applicant's Mobile Telephone Number (if any) _____
5. Applicant's Email Address (if any) _____
6. Select this box if you are a Salvadoran or Guatemalan national eligible for benefits under the ABC settlement agreement.

Must include phone number

Applicant's Declaration and Certification

Copies of any documents I have submitted are exact photocopies of unaltered, original documents, and I understand that USCIS may require that I submit original documents to USCIS at a later date. Furthermore, I authorize the release of any information from any and all of my records that USCIS may need to determine my eligibility for the immigration benefit that I seek.

I furthermore authorize release of information contained in this application, in supporting documents, and in my USCIS records, to other entities and persons where necessary for the administration and enforcement of U.S. immigration law.

I understand that USCIS may require me to appear for an appointment to take my biometrics (fingerprints, photograph, and/or signature) and, at that time, if I am required to provide biometrics, I will be required to sign an oath reaffirming that:

- 1) I reviewed and understood all of the information contained in, and submitted with, my application; and
- 2) All of this information was complete, true, and correct at the time of filing.

I certify, under penalty of perjury, that all of the information in my application and any document submitted with it were provided or authorized by me, that I reviewed and understand all of the information contained in, and submitted with, my application and that all of this information is complete, true, and correct.

Applicant's Signature

7.a. Applicant's Signature



7.b. Date of Signature (mm/dd/yyyy)

Sign in handwriting and black ink. Remember to date your signature!

NOTE TO ALL APPLICANTS: If you do not completely fill out this application or fail to submit required documents listed in the Instructions, USCIS may deny your application.

Part 4. Interpreter's Contact Information, Certification, and Signature

Provide the following information about the interpreter.

Interpreter's Full Name

1.a. Interpreter's Family Name (Last Name)

1.b. Interpreter's Given Name (First Name)

2. Interpreter's Business or Organization Name (if any)

I-765 examples

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Part 4. Interpreter's Contact Information, Certification, and Signature

Interpreter's Mailing Address

- 3.a. Street Number and Name
- 3.b. Apt. Ste. Flr.
- 3.c. City or Town
- 3.d. State 3.e. ZIP Code
- 3.f. Province
- 3.g. Postal Code
- 3.h. Country

Interpreter's Contact Information

4. Interpreter's Daytime Telephone Number
5. Interpreter's Mobile Telephone Number (if any)
6. Interpreter's Email Address (if any)

Interpreter's Certification

I certify, under penalty of perjury, that:

I am fluent in English and , which is the same language specified in **Part 3., Item Number 1.b.**, and I have read to this applicant in the identified language every question and instruction on this application and his or her answer to every question. The applicant informed me that he or she understands every instruction, question, and answer on the application, including the **Applicant's Declaration and Certification**, and has verified the accuracy of every answer.

Interpreter's Signature

- 7.a. Interpreter's Signature
- 7.b. Date of Signature (mm/dd/yyyy)

Part 5. Contact Information, Declaration, and Signature of the Person Preparing this Application, If Other Than the Applicant

Provide the following information about the preparer.

Preparer's Full Name

- 1.a. Preparer's Family Name (Last Name)
- 1.b. Preparer's Given Name (First Name)
2. Preparer's Business or Organization Name (if any)

Preparer's Mailing Address

- 3.a. Street Number and Name
- 3.b. Apt. Ste. Flr.
- 3.c. City or Town
- 3.d. State 3.e. ZIP Code
- 3.f. Province
- 3.g. Postal Code
- 3.h. Country

Preparer's Contact Information

4. Preparer's Daytime Telephone Number
5. Preparer's Mobile Telephone Number (if any)
6. Preparer's Email Address (if any)

Part 5. Contact Information, Declaration, and Signature of the Person Preparing this Application, If Other Than the Applicant
(continued)

Preparer's Statement

- 7.a. I am not an attorney or accredited representative but have prepared this application on behalf of the applicant and with the applicant's consent.
- 7.b. I am an attorney or accredited representative and my representation of the applicant in this case extends does not extend beyond the preparation of this application.

NOTE: If you are an attorney or accredited ay need to submit a completed Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, with this application.

Preparer's Certification

By my signature, I certify, under penalty of perjury, that I prepared this application at the request of the applicant. The applicant then reviewed this completed application and informed me that he or she understands all of the information contained in, and submitted with, his or her application, including the **Applicant's Declaration and Certification**, and that all of this information is complete, true, and correct. I completed this application based only on information that the applicant provided to me or authorized me to obtain or use.

Preparer's Signature

8.a. Preparer's Signature

8.b. Date of Signature (mm/dd/yyyy)

I-765 examples

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Part 6. Additional Information

If you need extra space to provide any additional information within this application, use the space below. If you need more space than what is provided, you may make copies of this page to complete and file with this application or attach a separate sheet of paper. Type or print your name and A-Number (if any) at the top of each sheet; indicate the **Page Number, Part Number, and Item Number** to which your answer refers; and sign and date each sheet.

1.a. Family Name (Last Name)

1.b. Given Name (First Name)

1.c. Middle Name

2. A-Number (if any) ▶ A-

If you have previously applied for CPT/OPT and are applying for pre-OPT (c)(3)(A) or post-OPT (c)(3)(B), please complete items 3a-3d. See example below.

3.a. Page Number 3.b. Part Number 3.c. Item Number

3.d. The ISO recommends that you enter information in 3.d. as follows:
1. SEVIS ID + Degree Level + Major/CIP Code
2. Part/full CPT mm/dd/yyyy – mm/dd/yyyy
3. Part/full OPT mm/dd/yyyy – mm/dd/yyyy
Notes:
– Do this for each degree level on F-1 status
– If you have never applied for CPT or OPT, leave section 3 blank.
– Do not include previous SEVIS IDs that are in J-1 status
– CIP Code can be found on page 1 of your I-20, in the 'Program of Study' section under Major 1. The format is xx.xxxx

4.a. Page Number 4.b. Part Number 4.c. Item Number

4.d.

5.a. Page Number 5.b. Part Number 5.c. Item Number

5.d.

Page Number 6.b. Part Number 6.c. Item Number

6.d.

7.a. Page Number 7.b. Part Number 7.c. Item Number

7.d.

Sign and date this page here



Adjudication at USCIS Center

- 3-5 months for USCIS to process application
- **Documents to be received from USCIS:**
 - 1. G-1145 text or email received within ? business days (includes receipt #, and your check should be cashed)
 - 2. “Receipt Notice” by mail with a Receipt Number to track status of application received approximately 2-3 weeks from date of application receipt by USCIS
 - 3. If approved, receive “Approval Notice” via USPS regular mail
 - 4. Employment Authorization Document Card (EAD) will be mailed to you separately from the Approval Notice via USPS Priority Mail
- If **you do not receive** these documents or responses **from USCIS** in a timely manner, **contact your ISO advisor immediately.**
- Check application “Case Status” at www.uscis.gov, see Receipt Notice information

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Important Reminders about OPT

- You may **NOT begin any employment** activity until 1) OPT (I-765) application **approved**, 2) your **EAD card is received**, and 3) your **EAD start date is effective**.
- **An EAD card is required to:**
 - ▣ Begin employment
 - Beginning employment before you have the EAD card is a serious violation of your visa status, and a violation by your employer of U.S. Department of Labor regulations
 - ▣ Complete the Form I-9 Employment Eligibility Verification Form required by your employer when you begin work
 - ▣ Work at any location (including MIT) after the Form I-20 program completion date.
 - All MIT employment (e.g. RA, TA, or post-doc) is considered “off-campus” work after program completion



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Program not completed as planned?

- **Stop** any on-campus work (e.g. RA or TA) past the program completion date on your Form I-20
- **Contact your ISO Advisor** immediately
- **Wait for EAD card** before resuming your RA, TA, or any other on-campus work
 - ▣ No “volunteering” while you wait!
- **If your program is not completed**, may only resume work (up to 20 hours per week) when you receive EAD and start date is effective



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Qualified Employment

- For full-time, **minimum of 20 hours** per week is required; can have multiple employers
- **Directly related to major field of study**
- Paid employment that is for multiple employers, short-term multiple employers, contracting work (evidence of duration of contract, name of company and address needed), self-employed business owner (proper business license and evidence of active engagement in business needed), or employment through an agency or consulting firm
- Unpaid employment or internship in your field of study that does not violate labor laws and is at least 20 hours per week.



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Travel Before vs. After Program End

- **Before Completion of Program/ I-20 End Date**
 - ▣ Travel allowed with valid documents (See [ISO travel webpage](#) for details)
 - ▣ Re-enter the US several days before I-20 end date
 - ▣ Post-OPT Application must be received by USCIS before you leave the US.
- **After Completion of Program /I-20 End Date**
 - ▣ Do NOT travel until your OPT is approved and your EAD card is received
- **Never enter in tourist or another status; this will cancel out your F-1 status and OPT!**

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When Travelling after Program Completion, Carry...

- **EAD card**
- **Original Letter from your employer** confirming employment / Job Offer Letter (printed on letterhead paper, date, signed)
- **I-20 with travel signature** from ISO advisor on page 2 (not older than 6 months prior to planned date of return to US)
- **Valid F-1 entry visa stamp** in passport from U.S. Consulate (if expired, you will need to obtain a new F-1 entry visa stamp while abroad from U.S. Embassy/Consulate)
- **Passport** (valid at least for 6 months beyond date of return to U.S.)



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What Does Student Have Report After OPT Approval?

- Required Reporting at iMIT.mit.edu within 10 days of change
 - Issuance of EAD card (upload a copy)
 - change of U.S. address
 - employer's name and address
 - start and end dates of employment(s)
 - change of employers
 - change of name or citizenship
 - decision to end OPT and leave the U.S.A.
 - transfer to another school or begin new program
 - change of visa status
- Student May Not:
 - begin work on OPT until s/he receives EAD
 - begin work on OPT until the date indicated on EAD
- http://iso.mit.edu/immigration/emp_f1_opt_report.shtml



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USDHS Enforcement/Increased Scrutiny

- Employer Site Visits
- School Site Visits
- USCIS Requests for Evidence on Benefit Applications
 - OPT, STEM OPT, H-1B, Green Card
 - Program curriculum, enrollment history/transcript, proof of internship/employment relationship
 - Interdisciplinary Programs – how does MIT document curriculum (established curriculum, appears on transcript/diploma)?
- New USDHS Guidance on OPT/STEM OPT Direct Relationship to Degree
 - <https://www.ice.gov/doclib/sevis/pdf/optDirectlyRelatedGuidance.pdf>
 - Why is your degree field experience needed for the position?
 - How are you applying your degree field experience to this position?



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SEVP OPT Portal (released Mar. 2018)

- When OPT is approved, SEVP will send you an email
- SEVP Portal use and information submission is optional
- iMIT Reporting is REQUIRED
 - ▣ MUST submit all personal and employer updates to iMIT
 - ▣ Request a new I-20 with updates and for travel a iMIT
 - ▣ May use SEVIS Portal to check that information on iMIT
(*Note: Please allow at least 10 business days to reflect any changes submitted to iMIT.*)
- Difficulties with SEVP Portal
 - ▣ If SEVP emails you with incorrect information, do not worry, contact your ISO advisor
 - ▣ SEVP portal may still have software bugs



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60 day grace period

- 60 day grace period for all F-1 students at completion of program
- Applied for post-completion OPT? Grace period will occur at end of OPT (or STEM OPT Extension, if applicable)
- NO WORK or STUDY during grace period, but may remain in the US to travel or prepare for departure
- If you depart U.S. before the 60 days are over, remainder of grace period is forfeited, and you cannot use F-1 status to re-enter U.S. after that time
- Time between program completion and post-completion OPT to be approval notification is not grace period; rather, a waiting period



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You **CANNOT WORK** UNTIL...

You receive the Employment Authorization Document
(EAD card)

AND

the start date of your EAD card is effective.

NO EXCEPTIONS



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What is the STEM OPT Extension?

- 24 month OPT Extension after initial post-completion OPT period for STEM CIP Code Programs
- [DHS STEM Designated Degree Program CIP Codes](#)
- Eligible for up to two STEM OPT extensions based on two STEM degrees at different degree levels in a student's lifetime
- May apply for a STEM OPT Extension based on a previously earned STEM degree from an accredited U.S. institution within 10 years under which the student has not previously applied for STEM OPT Extension



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Employer Info – STEM OPT vs. OPT

- Employer Responsibilities for STEM OPT
 - ▣ Requires employment offer to student
 - ▣ Student and employer are required to complete the [Form I-983](#)
 - ▣ Student and Employer has additional reporting requirements to maintain the STEM OPT authorization and may be subject to [DHS site visits](#)
 - ▣ Employer must be in the E-Verify program



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STEM OPT vs. OPT – Student Info

- Student Responsibilities for STEM OPT
 - Employed at least 20 hours per week, and must be paid
 - No Volunteering or Self-Employment - Must have supervisor, with hiring and firing power
 - Report 6-month Validation & 12-month Self Evaluation with update Form I-983 on [iMIT](#)
- Additional 60 days of unemployment for STEM OPT
 - May add to current 90 days of unemployment allowed under post-completion OPT period, for up to total 150 days of unemployment; unused unemployment from post-OPT rolls over to STEM OPT



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STEM OPT Application Process

- Application must be received by USCIS within 90 days of current OPT/EAD expiration date, not after
- **Must be currently authorized for initial 12-month OPT period**
 - Can only apply for the STEM OPT Extension during authorized Post-Completion OPT (minimum of 1 month)
 - If no initial Post-Completion OPT left after completing program, NOT eligible for STEM OPT Extension at that program level
- Maintained F-1 Status? e.g. OPT Reporting, Unemployment
- Submit all documents to ISO on [iMIT](#) for I-20
- Mail USCIS Application (e.g. Form I-765, fee, supporting documents)
- Employment automatically extended for 180 days while pending
- http://iso.mit.edu/immigration/emp_f1_stem_opt.shtml



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Questions?

ISO Immigration/Employment website

- F-1 Curricular Practical Training
http://iso.mit.edu/immigration/emp_f1_cpt.shtml
- F-1 Optional Practical Training
http://iso.mit.edu/immigration/emp_f1_opt.shtml
- F-1 STEM Optional Practical Training
http://iso.mit.edu/immigration/emp_f1_stem_opt.shtml
- Contact your ISO Advisor
 - ▣ <http://iso.mit.edu/about/student-advisor.shtml>



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