

# FAQs: OPT & STEM OPT

## What Students and Recent Grads Need to Know

### Introduction

There are about one million international students typically enrolled in U.S. higher education in F-1 status, including Bachelors, Masters and Ph.D. degree programs. As an international student, you are often eligible for permission to work in the U.S. following your studies, called "OPT," which stands for "Optional Practical Training." OPT and the two-year extension of "STEM OPT" (for studies in Science, Technology, Engineering or Mathematics) are wonderful tools for recent grads to experience jobs, be paid, and be remain in the U.S. After, many students desire to stay in the U.S. longer term in H-1B or another nonimmigrant status, or to seek a green card.

Here are some answers to the most common questions the Alcorn Team receives about OPT, STEM OPT, and what to expect. We hope this supports you in your immigration journey. Remember, please reach out to us if you would like to explore your eligibility for visas or green cards! We are happy to consult regarding your best immigration strategy as well. You can always email us at [hello@alcorn.law](mailto:hello@alcorn.law) for support, and the last page of this document includes our podcast, TechCrunch articles, and other ways for you to stay connected!

We wish you all the best on your journey!

**Disclaimer:** The information provided is general educational information and not legal advice. To receive legal advice about any specific situation, you should consult a lawyer and provide sufficient specific information about your circumstance for the lawyer to provide tailored legal advice. You should always consult directly with an attorney for advice regarding your individual case and situation. No person should act or rely on any information from this handout without seeking the advice of an attorney.

### Q: What is OPT?

**A:** Optional Practical Training (OPT) is temporary employment that is based on an F-1 student's area of study. Eligible students may apply to receive up to 12 months of OPT employment authorization pre-completion and/or post completion of academic studies. However, all periods of pre-completion OPT will be deducted from the available period of post-completion OPT.

### Q: What is STEM OPT?

**A:** F-1 students who receive a STEM degree may apply for a 24-month extension of their post-completion optional practical training (OPT).

## Regular OPT Answers

### Q: Can I get OPT if I already worked under CPT?

**A:** Yes, as long as you do not work more than 20 hours/week under CPT (Curricular Optional Training), over 12 months. Working 20 hours/week or less under CPT has no impact on your eligibility for [OPT](#) (Optional Practical Training), even if you work under CPT for more than a year.

### Q: How do I know if I'm eligible for OPT?

**A:** [F-1](#) students who have been enrolled for at least one full academic year are eligible for up to 12 months of OPT employment authorization to be used either before graduation (pre-completion OPT) or after graduation (post-completion OPT).

### Q: How early can I apply for OPT?

**A:** For pre-completion OPT, you may apply up to 90 days before you complete a full academic year, as long as you do not start OPT employment until you complete one full academic year. For post-completion OPT, you may apply up to 90 days before you complete your degree, but no later than 60 days after you complete your degree.



## Q: What do I need to do to apply for OPT?

**A:** F-1 students must:

- Follow your school's process to request that their designated school official (DSO) recommend you for OPT. Every school is different.
- Wait until the DSO confirms OPT eligibility and enters the request in the Student and Exchange Visitor Information System (SEVIS) and generates Form I-20. SEVIS is the web-based system that the Department of Homeland Security uses to maintain information on Student and Exchange Visitor Programs (SEVP) in certified schools.
- Then file [Form I-765](#), Application for Employment Authorization, with U.S. Citizenship and Immigration Services (USCIS), accompanied by the required fee and the supporting documentation described in the form instructions. Alcorn can help!

## Q: What is the deadline for applying for OPT?

**A:** For pre- and post-completion OPT, you must apply within 30 days of your DSO entering the recommendation for OPT into your SEVIS record.

## Q: How long does the OPT application process take?

**A:** USCIS can take several months to process an OPT work authorization.

## Q: What should I do if I have been waiting for over 90 days for my OPT EAD?

**A:** You can ask your DSO to contact the Service Center processing your case to request information on the delay of processing. Alternatively, you can check your [case status online](#), make an inquiry about a [case outside of normal processing time](#) or call the USCIS National Customer Service Center at 1 (800) 375-5383. Have your receipt notice before taking any of these actions. You can also reach out to Alcorn for support!

## Q: Do I need a job or job offer to apply for OPT?

**A:** No. You can apply for OPT without a job offer, but see the question below about how many days you can be unemployed under OPT before you lose your F-1 status.

## Q: Can I have an unpaid internship on OPT?

**A:** Yes. Students may work as volunteers or unpaid interns under labor laws as long as the work complies with U.S. labor laws. The work needs to be at least 20 hours/week for students on post-completion OPT.

## Q: Can I start my own company on OPT?

**A:** Yes, under OPT you can start your own company and work at your own company. Make sure you comply with any other legal requirements such as obtaining any business licenses. Also, your work must relate to your field of study. If you are on pre-completion OPT, you cannot work more than 20 hours/week when school is in session. With post-completion OPT, you must work at least 20 hours/week.

If you will be eligible to apply for the 24-month STEM OPT Extension and want to continue working at your company, you must register your company for the E-Verify program and meet additional requirements such as being supervised. When your OPT or STEM OPT employment authorization ends, you will no longer be able to work for your company unless your company sponsors you for a work visa or green card. See more details about STEM OPT below.



### Q: My OPT application is pending. Can I start working?

**A:** No. You must wait until you have the Form I-766, Employment Authorization Document (EAD) (“work permit”) card in hand.

### Q: I did not finish my dissertation during my OPT, what do I do now?

**A:** Completion of studies is the date that you complete all requirements for a program including a dissertation or thesis. You can apply for post-completion OPT after submitting the final requirements of the program should there be time remaining from the 12-month pre-completion OPT if you qualify.

### Q: Can I extend my OPT?

**A:** Yes, if you are eligible for the 24-month STEM OPT Extension and apply up to 90 days before your current OPT employment authorization expires. See below for more details. If an employer sponsored you for an H-1B visa, you are eligible to remain in the U.S. under a cap-gap extension, which means your F-1 student status will be extended until the start of your H-1B status.

### Q: If I enroll in school again, can I get more OPT?

**A:** Maybe. If you go back to school and begin another course of study you may become eligible for an additional 12 months of OPT, but only if you are studying for a higher level degree. So if you got a Bachelor’s degree, used your OPT, and now you’re going back for a Master’s degree, you can receive a new period of OPT.

### Q: What is the OPT grace period?

**A:** If a student has maintained their immigration status during OPT and has not reached 90 days of unemployment, then that student has a 60-day grace period after OPT ends to either depart the U.S., get an updated Form I-20 to begin a new degree program, or change their status after it ends.

### Q: Can I work during the grace period?

**A:** No. Students may only work until the end of the original OPT.

### Q: Can I get a new F-1 visa while I’m on OPT?

**A:** Yes. Students may apply for a new F-1 visa during their OPT period at a U.S. Consulate abroad. Students can leave the U.S. and apply for a new visa through consular processing, or they can apply for adjustment of status while in the U.S. Please check with an attorney first!



# STEM OPT Answers

## Q: What's required for a STEM OPT Extension?

**A:** You must:

- Be in F-1 status
- Be currently working in a valid period of post-completion OPT
- Have earned a bachelor's or higher degree from an accredited and certified program
- Have earned a STEM degree
- Have a paid job offer with an employer who:
  - Is enrolled in E-Verify and is in good standing
  - Provides a job that offers at least 20 hours/week of work
  - Offers a position with duties, hours, and compensation commensurate with similarly situated U.S. workers
  - Devises a formal training program directly related to the F-1 student's STEM degree and completes [Form I-983](#), Training Plan for STEM OPT Students
- Confirm your eligibility with your DSO for them to enter the recommendation for STEM OPT into your SEVIS record.
- Submit Form I-765, Application for Employment Authorization, up to 90 days before your current OPT employment authorization expires and within 60 days of the date your DSO enters the recommendation for STEM OPT into your SEVIS record.

## Q: What qualifies as a STEM degree?

**A:** Your degree must be on the U.S. Department of Homeland Security's [STEM Designated Degree Program List](#). If you are an F-1 student participating in a post-completion OPT based on a non-STEM degree, you may be eligible to use a prior STEM degree earned from a U.S. educational institution to apply for a STEM OPT extension. You must have received both degrees from currently accredited and SEVP-certified institutions, and cannot have already received a STEM OPT extension based on the prior degree. The practical training opportunity also must be directly related to the previously obtained STEM degree.

## Q: Can I create a startup on a STEM OPT Extension?

**A:** It might be possible; consult with an attorney to ensure you remain compliant with F-1 rules. You and your company must meet the STEM OPT requirements, such as having someone oversee your educational program and your DSO issuing an approval.

## Q: Do I need to have a paid job on STEM OPT?

**A:** Yes. Employers must pay and provide other working conditions for an F-1 student on STEM OPT that are comparable with U.S. employees doing similar work. An unpaid internship and volunteer work do not qualify for STEM OPT.

## Q: I applied for STEM OPT, but haven't yet received my EAD, and my OPT EAD is expiring. Can I continue working?

**A:** Yes. You get an automatic 180-day extension of your OPT with your STEM OPT Receipt Notice, so it's okay to work during this extension period while you wait for the new STEM OPT EAD. Use your Form I-797C, Notice of Action, as evidence for your employer that you can continue working. All work done during the 180-day extension is considered STEM OPT time, which counts toward the 24-month total.



## Q: Can I work multiple jobs if I'm on OPT or STEM OPT?

**A:** Yes. You may work for multiple employers at the same time while on post-completion OPT as long as you have completed your course of study. While on STEM OPT, you must work at least 20 hours/week for each employer, and each employer needs to meet the same STEM OPT requirements. For STEM OPT, every job must have a training plan approved by your DSO.

## Q: Can I change employers while on OPT or STEM OPT?

**A:** Yes. Make sure to alert your DSO as soon as possible. Employment changes must be reported in SEVIS within 10 days.

## Q: Do F-1 students on OPT and STEM OPT have to pay taxes?

**A:** Yes. All F-1 students must file [Form 8843](#) with the IRS. In addition, if you are working under OPT or STEM OPT you will need to file a tax return with the IRS, usually [Form 1040-NR](#) or Form 1040-NR-EZ. Consult your DSO or a tax specialist for info.

## Q: Can I travel abroad on OPT or STEM OPT and re-enter the U.S.?

**A:** Yes, F-1 students on post-completion OPT or STEM OPT may travel outside the U.S. temporarily and be readmitted to resume F-1 status and employment for the remainder of the authorized work period on their EAD card. The student must not have exceeded the maximum OPT or STEM OPT unemployment time (see question below). If your OPT or STEM OPT application is approved, make sure you carry the following documents with you when you travel:

- Valid passport with unexpired F-1 visa stamp
- Most recent OPT or STEM OPT Form I-20 with valid travel signature
- Unexpired EAD card
- Proof of employment

If your OPT or STEM OPT application is **pending**, we recommend you **do not** travel abroad before your OPT or STEM OPT is approved and you have your EAD card. If your application is denied while you are abroad, you cannot re-enter the U.S. in F-1 status to re-apply. And if your application is approved while you are abroad, you will need your EAD card to re-enter the U.S.

## Q: Can I leave the U.S. if my OPT or STEM OPT is pending, return to the U.S. on a B-2 tourist visa, and then start working when I receive my EAD?

**A:** No. You can only be in the U.S. in one immigration status at a time. If you enter as a B-2 visitor, you are not authorized to use an OPT EAD.

## Q: Can I be unemployed on OPT or STEM OPT?

**A:** Yes. However, students are considered out of F-1 visa status if they are unemployed for more than a total of:

- 90 days on post-completion OPT; or,
- 150 days on 24-month STEM OPT Extension

Unemployment is counted as each day, including weekends, that the student does not have qualifying employment during OPT or STEM OPT. Students who accrue unlawful presence in the U.S. may be subject to a three- or ten-year bar from re-entering the U.S.

## Q: Do I need to be in the U.S to file my OPT application?

**A:** Yes, you need to be physically located in the U.S. when you file your OPT Application.





## Q: If my F-1 status is terminated, what are my options?

**A:** Delaying your departure from the U.S. after termination of your SEVIS record could negatively affect your ability to receive a visa or re-enter the U.S. in the future. Your termination and your departure date are recorded in SEVIS.

You and your attorney need to consult to determine the best option, such as:

- Depart the U.S. and do not try to return.
- Stay in the U.S. and request that your DSO recommend you for reinstatement in SEVIS. If approved, you can still use your F-1 visa to travel if the dates remain valid. If denied, you need to leave since your F-1 visa will become invalid. If you want to return to the U.S., you would need to apply for a new F-1 visa.

## Q: Can I get another STEM OPT Extension?

**A:** Yes. If you enroll in a new academic program and earn another qualifying STEM degree at a higher educational level, you may be eligible for one additional 24-month STEM OPT Extension. However, you can do a maximum of two STEM OPT Extensions in your career.

## Q: What are my visa options after OPT or STEM OPT?

**A:** Depending on your qualifications and experience, you may be eligible to apply for a nonimmigrant (temporary) work visa, which requires an employer sponsor, or an immigrant visa (green card), most of which require an employer sponsor. Some work visa options ([Alcorn options chart](#)) that allow you to adjust your status to a new visa without leaving the U.S. as long as you remain in valid status, include:

- [E-1 Visa for Treaty Traders](#)
- [E-2 Visa for Treaty Investors](#)
- [E-3 Visa for Certain Specialty Occupation Professionals from Australia](#)
- [H-1B Visa for Specialty Occupations](#)
- [H-1B1 Visa for Chileans and Singaporeans](#)
- [H-3 Visa for Nonimmigrant Trainees](#)
- [O-1A Visa for Extraordinary Ability](#)
- [O-1B Visa for Extraordinary Ability in the Arts](#)
- [TN Visa for citizens of Canada and Mexico](#)
- [Cap-Exempt, Concurrent H-1Bs](#)
- [International Entrepreneur Parole](#)

Some employment-based green card options include:

- [EB-1A Green Card for Aliens of Extraordinary Ability](#), which does not require an employer sponsor
- [EB-1B Green Card for Outstanding Professors and Researchers](#)
- [EB-1C Green Card for Multinational Managers and Executives](#)
- [EB-2 NIW \(National Interest Waiver\) Green Card](#), which does not require an employer sponsor
- [EB-2 Green Card for Advanced Degree Professionals](#)
- [EB-2 Green Card for Individuals of Exceptional Ability](#)
- [EB-3 Green Card for Skilled Workers, Professionals, and Other Workers](#)

Other green card options that do not require an employer sponsor are:

- [EB-5 Investor Green Cards](#)
- [Diversity Green Cards](#)

## Q: What if I get married while on OPT or STEM OPT?

**A:** Congrats! Students who marry a U.S. citizen can apply for an adjustment of status to become permanent residents (receive a green card). Students who marry an F-1 visa holder can apply for an F-2 dependent status, which allows spouses and dependent children of F-1 visa holders to enter the U.S. Alcorn can help!

## Q: What should I do when I have more questions?

**A:** Contact us! We'd be delighted to confirm your visa and green card eligibility and consult with you regarding your best immigration strategy.