

# Optional Practical Training (OPT) and Universities

# What is Optional Practical Training (OPT)?

The Optional Practical Training (OPT) program is an extension of the F-1 student visa that provides 12 months of work authorization for foreign nationals who graduated from a U.S. university. Employment must be related to a student's major area of study.

In March 2016, the Obama administration issued a final rule that extended OPT work authorization in STEM fields (STEM OPT) for an additional 24 months (36 months total) post-graduation and expanded vetting requirements to include a formal training plan that specifies learning objectives.

The OPT program focuses on the critical part of an education that occurs in partnership with employers, experiential learning. OPT allows students to take what they have learned in the classroom and apply "real world" experience to enhance learning and creativity while helping fuel the innovation that occurs both on and off campus.

The Optional Practical Training (OPT) program is an important part of why foreign students are interested in studying in the United States.

### **How Does a Student Apply for OPT?**

If a student wishes to apply for OPT, they must:

- 1. be a current F-1 visa holder,
- 2. request their academic institution recommend the OPT, and
- 3. properly file Form I-765, Application for Employment Authorization with USCIS, accompanied by the required fee and supporting

documents, 90 days before the end date on their I-20 (certificate of eligibility for nonimmigrant student status) or as late as 60 days after the end date.

If a student's OPT eligibility ends and they are transitioning to an H-1B visa, a "cap-gap" extension can be granted to bridge the gap in employment between the end of F-1 status (OPT end-date) and the start of H-1B status. The most common situation occurs when OPT ends in the spring/early summer, and F-1 status expires 60 days after that, leaving a gap of several months before H-1B status begins October 1.

## What is a University's Role in the OPT Program?

Universities play a substantive role in the implementation and management of the OPT program. Through a designated school official (DSO), universities file paperwork on behalf of their foreign students/graduates and are responsible for keeping record of students/graduates time limit as well as any update in a student's employment status. While ICE recently announced changes to the SEVP portal, regulations still require DSOs to report changes in SEVIS.

### **Looking Ahead**

As the Trump administration and Congress look to reform the H-1B visa program, it is possible they will also try to reform the OPT program. Potential reforms could seek to eliminate the STEM extension, shorten the work authorization period, or extend new vetting requirements to other academic disciplines.