



Optional Practical Training (OPT) Changes, Effective on December 4, 2015 Release

November 23, 2015: Initial release of FAQs

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New OPT Request Page

Q: Will we need to minimize the student header before requesting OPT?

A: No. That is personal preference.

Q: The *Add OPT Employer* page indicates that full-time employment is more than 20 hours per week, and part-time employment is 20 hours per week or less. Historically, full-time employment has been 20 hours or more. Has this changed?

A: Yes. The text on the *Add OPT Employer* page was changed to reflect full-time employment as 20 hours per week or more, and part-time employment 19 hours or less.

Remarks Fields

Q: How many characters are allowed in the Student and Employment Remarks fields of the *Add OPT Employment* page?

A: The Student Remarks field allows 1000 characters. The Employment Remarks field allows 250 characters.

Q: Where do the Student Remarks and the Employment Remarks appear?

A: The Student Remarks appear on the page one of the Form I-20 until another action is taken on the record. (The Employment Remarks do not appear on the Form I-20.) Both the Student and Employment Remarks appear in the student's SEVIS record with that specific period of employment.

Q: How should DSOs use the Student Remarks and the Employment Remarks fields? Is the Student Remarks field meant to capture remarks made by the student regarding their employment, or are they the DSO remarks about the student?

A: The Student Remarks field prints on page one of the Form I-20. The Employment Remarks do not print on the form. Use the Student Remarks field to convey important information you think either the student or government officials may need to know. When recommending OPT, USCIS prefers that DSOs use the Student Remarks field to explain how the student's planned employment relates to the course of study.

Q: USCIS has required a statement from DSOs recommending OPT employment. Would this statement go in the Student Remarks field or Employment Remarks?

A: Enter the statement in the Student Remarks field.

Adding, Updating, Deleting Employer Information

Q: How many characters are allowed in the Employer Name field?

A: The Employer Name field allows 121 characters.

Q: In what instance should we use the Delete Employer option?

A: Delete an employer if:

- Student never worked for the employer.
- DSO entered the employer in error.



- Employer is listed twice for the same job.

Note: If a student works for an employer, even one day, you would report that employer's information. Use the starting and ending dates to indicate that period of employment is over.

Q: Are DSOs expected to print a new Form I-20 whenever the employer information is updated?

A: Yes. Employment information is substantive and impacts the student's ability to maintain nonimmigrant status. If a student is unable to present a Form I-20 reflecting current employment information, this could pose difficulties with any government official questioning compliance with status.

Relationship of Employment to Major Course of Study

Q: USCIS asks DSOs to explain how the employment is related to the student's major course of study as part of the OPT application. The November release removes this field from the page used to recommend OPT. Does this mean that DSOs can complete, "How employment is related to the student's course work," WITHOUT having the actual employment information?

A: The function of recommending OPT authorization was separated from the function of providing employer information. The field requiring the DSO to explain how the OPT authorization relates to the student's major area of study was moved to the page where employers information is entered. It was modified to require an explanation for how the job relates to the student's course of study.

USCIS has indicated they do want to see that a student is planning to look for employment related to the major area of study. Use the Student Remarks field to capture this explanation on the Form I-20; for example, "Student plans to gain experience in the field of..."

Q: Why do DSOs have to explain how the job(s) relate to the student's degree program, if the USCIS is the entity that approved the work authorization?

A: The jobs students take must be related to the student's major area of study. [\[8 CFR 214.2 \(f\) \(10\)\]](#) Students should be able to explain to their DSOs how the job relates to their majors. DSOs can enter this explanation into the field.

Q: Is it the student's responsibility to tell DSOs how the job is related to coursework?

A: Yes.

Q: Please give an example of the text needed to demonstrate that the employment relates to the field of study. Now we enter, "Employment to gain experience in the field of xxx." Is that sufficient?

A: No. The description should relate more to the position with the employer. For example, the student studied architecture and now works for an architect using skills and knowledge learned during study.



Q: Will the description of how the job relates to the studies affect whether the position counts as employment?

A: Normally, SEVIS will not evaluate the description. Optional Practical Training must be in a position that directly relates to the student's major area of study [[8 CFR 214.2 \(f\) \(10\)](#)] Students who work in unrelated fields fail to comply with the federal regulations. If identified by DHS, they can be terminated for failing to maintain status.

USCIS has indicated they will use historical employment descriptions in SEVIS, when adjudicating STEM OPT, to determine if the student has worked continuously in their field of study.

Q: How will SEVP use the explanation of how the employment is related to the student's major or course of study? Will SEVP terminate SEVIS records, if the work described is not related to the degree?

A: SEVP reserves the right to terminate a student for failing to comply with the terms of the status. OPT employment is for positions directly related to the major area of study. [[8 CFR 214.2\(f\) \(10\)](#)]

Q: Does SEVP expect DSOs to monitor whether students' OPT employment relates to their fields of study?

A: DSOs are required to relay, through SEVIS, information provided by the student. A DSO may consult with faculty representing the student's field of study, if the relationship of the job to the study is unclear.

Employment Identification Number (EIN)

Q: What is the EIN number?

A: The Employer Identification Number (EIN) is a number assigned to every employer by the U.S. Internal Revenue Service (IRS). It is a public number and it appears on IRS withholding forms. It is not required yet, but you can expect that it will become a required field in the future.

Q: Where do we look up the EIN?

A: The EIN will appear on the employee's Form W-2 in Field b. If the company is publicly traded, students may be able to find it on the company's annual report.

Q: What if the employer does not have an EIN or the EIN is unknown?

A: Enter the required information without the EIN for now.

Entering Dates

Q: Can employment information, including the start date, be entered retroactively?

A: Yes. All employment information can be entered retroactively, including the start date.

Q: Will retroactively reported employment, correct the unemployment counter?

A: Yes. It will.



Q: To avoid accruing days of unemployment, should DSOs report student employment starting from the requested OPT start date, even if the temporary employment card [Employment Authorization Document (EAD)] has not arrived yet?

A: A DSO may enter employment data any time after OPT is recommended. If the proposed employment start date is entered before OPT is approved, the DSO should confirm that the student is aware that beginning employment before receiving an EAD is a violation of F-1 status; also the DSO may need to edit the proposed employment start date to align with the actual start date.

Note: Except for the 17-month extension, a student may not begin post-completion OPT before receipt of an EAD. [[8 CFR 214.2 \(f\) \(11\) \(i\) \(D\)](#)]

DSOs must determine their practice for entering employer data. If the student has an employer, the school has two options:

- Enter the employer information with the planned start date. If the USCIS-approved OPT start date is after the planned start date, edit the employment start date to reflect USCIS' actual approved start date for OPT.

Note: The student cannot begin work prior to the actual OPT start date. [[8 CFR 214.2\(f\) \(11\) \(i\) \(D\)](#)]

- Wait until USCIS approves OPT, and enter the employment with the date the student began work. SEVIS allows DSOs to enter a retroactive start date.

A DSO should never enter employer data if the student does not have an employer.

Q: If a student does not know the end date of their employment, should DSOs enter the actual OPT end date and then change if they leave the employer early?

A: Leave the End Date blank. Update the field with the student's actual last date of employment after the student reports it to you.

Employer Addresses

Q: Is the employer address still required?

A: Yes. It is still required and will be verified by AddressDoctor, both in RTI and batch. We expect to turn the AddressDoctor functionality back on with the December 2015 Release.

Q: If a student works for a company that does contract work and the company they work for is not the company where they are physically located, what address do we use for employment?

A: The employer listed in SEVIS should be the one that is best able to meet reporting responsibilities to the school and, through DSO communication, to DHS. For administrative practicality, the school may want to list the primary contractor in SEVIS. To do so, they would want to ensure that administrators at the primary contractor, in addition to knowing their reporting responsibilities to the school, have shared those



responsibilities with any subcontractors and a commitment from them to receive their support.

Q: How should we report the employment address, when a student works for a company in one city or state, but the actual work site is in a different city or state?

A: Enter the address and contact information where the student actually works.

Q: What address should DSOs enter if the student is self-employed?

A: Enter the primary location where employment is administered. Depending on the nature of the employment, this may be a residence, office, or formal business.

Q: Will an address rejection by AddressDoctor reject the entire OPT employer update? As we have seen with SEVIS registrations, this leads to a lot of extra work having to follow up with students and could lead to significant delays in reporting.

A: SEVIS will not accept any employer entry without a valid address. DSOs can override the employer address, as with student addresses.

Multiple Employers

Q: If a student has multiple OPT employers, must all employment be related to the student's degree program?

A: Yes. OPT authorization is for "temporary employment for [OPT] directly related to the student's major area of study." [[8 CFR214.2 \(f\) \(10\) \(ii\) \(A\)](#)]

Q: Is there a maximum number simultaneous of employers DSOs can list?

A: No.

Q: Will all employers print on the Form I-20?

A: Current and future employer information will print on the Form I-20. You will be able to see the entire employment history on the student's record on the *Employment Information* page.

Types of Employment

Self-employed, Freelance, or Independent Contractors

Q: Should DSOs check the Self Employed indicator for students who are working as independent contractors?

A: Yes.

Q: Is freelance work considered "self-employed?"

A: Yes.

Q: How can a student who is doing contract or freelance work, or is working for him/herself, get an Employer Identification Number (EIN)?

A: [Internal Revenue Service \(IRS\) website](#) has useful tools to see if a self-employed student should have an EIN. The IRS provides detailed guidance on how to apply for an EIN.



Note: The EIN is an optional field. Leave the field blank, if the student is self-employed and is not eligible for an EIN.

Q: If a student is self-employed, can a student provide a Social Security Number (SSN) instead of an EIN?

A: No. Never enter an SSN into SEVIS.

Gigs

Q: Many students are musicians who string together contracts for short- and long-term gigs/performances. Previous guidance instructed DSOs to enter “Multiple Gigs/Employers” in the Employer Name field. Since DSOs can now enter multiple employers, should we enter information on each gig (this can be A LOT of work) or should we indicate they are self-employed? That is how the IRS views domestic students.

A: Indicate the student is self-employed; and in the Employment Remarks field, indicate the student is a musician with multiple gigs.

Q: Students in the performing arts spend most of their time auditioning; a skill they acquire in their college studies. Can the auditions count as employment?

A: No.

Volunteering

Q: Will SEVP add a function to denote when the student is volunteering versus working? If not, how do we record the student’s volunteer position?

A: Use the Employment Remarks field to explain the position is a volunteer position. Enter the name and address of the organization, where the student volunteers.

Q: Would the employment need to be paid to count towards required employment?

A: No. Volunteer positions can still count towards 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 employment period. (Taken directly from [SEVP OPT Policy Guidance, Section 7.2.1, Unpaid employment.](#))

Q: Must DSOs update SEVIS with a student’s volunteer work?

A: SEVIS will terminate a student for exceeding 90 days of unemployment if the record lacks:

- Employer Name
- Start Date
- Employer Address

Q: Are DSOs required to report whether the position is volunteer or paid?



- A: Use the Employment Remarks field to explain the position is a volunteer position. Enter the name and address of the organization where the student volunteers.

Full Time/Part-Time, OPT/CPT

Q: What is the difference between CPT and pre-completion OPT?

- A: Curricular Practical Training (CPT) is authorized by a DSO for training that is an integral part of the established curriculum for the student's program of study.
[\[8 CFR 214.2 \(f\) \(10\) \(i\)\]](#)

Optional Practical Training (OPT) is training that is related to the student's major course of study. It does not have to be part of the school's established curriculum.

[\[8 CFR 214.2 \(f\) \(10\) \(ii\)\]](#)

Q: Can students be approved for both full- and part-time OPT simultaneously?

- A: No. SEVIS will not allow DSOs to enter overlapping segments of OPT. When recommending OPT, a DSO must select either full-time or part-time.

Record Conversion for Students Already on OPT

Q: When SEVIS converts employment records for students currently on post-completion OPT, SEVIS will fill in the employment Start and End Date fields with the start and end dates for the OPT authorization. These dates are not accurate. Are DSOs expected to correct the records, or should we allow the records to remain inaccurate?

- A: DSOs are not expected to correct all the records.

Q: Are DSOs expected to enter data on past employers that were overwritten when entering another employer?

- A: No.

Q: How will the new conversion handle student records that already have approved OPT with a current employer?



A:

Old Field	Will Migrate	Where Field Appears in SEVIS Pages	Where Field Appears on Form I-20
Academic Attestation	Yes	<ul style="list-style-type: none"> • Add OPT Employment 	N/A
OPT Type (Pre Completion/ Post Completion)	Yes	<ul style="list-style-type: none"> • OPT Employment • OPT Employment Authorization • Employment Information 	Page 2: Employment Authorization
Full Time/Part Time Employment	Yes	<ul style="list-style-type: none"> • OPT Employment • Edit OPT Employment • Add OPT Employer • OPT Employer • Employment Information (expanded bar) 	Page 2: Employment Authorization
Employer Name	Yes; up to 121 characters	<ul style="list-style-type: none"> • OPT Employment • Add OPT Employer • Edit OPT Employment • OPT Employer • Employment Information (expanded bar) 	Page 2: Employer Authorization
Employer Address	Yes; will be validated by AddressDoctor	<ul style="list-style-type: none"> • Add OPT Employer • Edit OPT Employment • OPT Employer • Employment Information (expanded bar: City, State, and Zip only) 	Page 2: City and State only
Explain how employment is related to student's course of study	No	<ul style="list-style-type: none"> • Add OPT Employer • Edit OPT Employer • OPT Employer • Employment Information (expanded bar) 	N/A



Old Field	Will Migrate	Where Field Appears in SEVIS Pages	Where Field Appears on Form I-20
Employment Remarks	Yes	<ul style="list-style-type: none"> • OPT Employment Authorization • Add OPT Employment • Edit OPT Employment Authorization 	N/A
Student Remarks	If these are the current remarks	<ul style="list-style-type: none"> • OPT Employment Authorization • Add OPT Employment • Edit OPT Employment Authorization 	Page 1: Remarks Note: Student Remarks remain until there is another Student Remarks update on the record.
Employment Start Date	Will migrate as the approved OPT employment start date	<ul style="list-style-type: none"> • OPT Employer • Add OPT Employer • OPT Employment • Employment Information 	Page 2: <ul style="list-style-type: none"> • OPT Start Date appears under Employment Authorizations • Employment start date with specific employer appears next to Employer Name under Employment Authorization
Employment End Date		<ul style="list-style-type: none"> • OPT Employer • Add OPT Employer • OPT Employment • Employment Information 	Page 2: <ul style="list-style-type: none"> • OPT End Date appears under Employment Authorizations • Employment end date with specific employer appears next to Employer Name under Employment Authorization

Note: If the student does not have any employer, there will not be anything to migrate.



- Q: Are DSOs required to contact every student to confirm that all converted employment dates are correct?**
- A: No. DSOs are not required to retroactively check student records. We are more interested in having correct information starting from conversion date forward.
- Q: Will "Actively Seeking Employment" be converted to unemployment during the conversion process?**
- A: If this appears in the current Employer Information section, "Actively Seeking Employment" will carry over to the new Employer Name field. After conversion, this will indicate that the student is employed. DSOs must be aware of records using this placeholder and change them either before or upon conversion. (See [Reporting a Student is Unemployed.](#))

Employment Information and Event History Pages

- Q: Will Event History list number of requests or editing of employer address?**
- A: On December 5, 2015, Event History will begin to capture all employer edits, and then list them by field.
- Q: Will canceled employment appear anywhere in SEVIS?**
- A: Yes. Canceled employment will appear on the *Employment Information* page, so you will have a full record of all requested employment for a particular student.
- Q: Will we ever be able to see the employment history of a student, while he/she was at a previous school.**
- A: Yes.

Student Reporting Requirements

- Q: Does the link to Add OPT Employer Information become available once a school official creates an OPT request?**
- A: Yes. It does.
- Q: How many days from the beginning of OPT/STEM OPT does the student have, from the time they accept employment, to let the PSDO/DSO know of the employment?**
- A: Students on any post-completion OPT must report changes to their employment status. [\[8 CFR 214.2 \(f\) \(12\) \(i\)\]](#) Students on STEM OPT must report employer information within 10 days. [\[8 CFR 214.2 \(f\) \(12\) \(ii\)\]](#)
- Q: If students are working for multiple employers, will they be required to report all of them or just the primary one?**
- A: If the employment is concurrent, the primary employer should be listed in SEVIS. The student should maintain a list of all employment, including dates and duration. If the employment is sequential, all employers should be listed in SEVIS.



Q: Currently, students are only required to report changes or interruptions of OPT employment. Will new regulations require reporting of all OPT employment, such as initial OPT employment?

A: Students on post-completion OPT must report changes to their employment status. [\[8 CFR 214.2 \(f\) \(12\) \(i\)\]](#) Students on STEM OPT must report employer information within 10 days. [\[8 CFR 214.2 \(f\) \(12\) \(ii\)\]](#)

The lack of employer data means the student is unemployed. There will be no regulatory change before the December 2015 Release.

Termination for Unemployment

Q: When will the unemployment auto-terminations begin?

A: We are still discussing it, but will definitely let you know in January 2016.

Q: Will the SEVIS system terminate for 90 aggregate days or 90 consecutive days of unemployment.

A: SEVIS will terminate after 90 consecutive days of unemployment. However, SEVP government users can manually terminate for a total of 90 days.

Q: Will terminations be retroactive or just from-day-forward?

A: SEVIS will terminate any student on post-completion OPT with a record showing that he/she has 90 consecutive days of unemployment. It will affect students who have already started their OPT and/or have already hit their 90-day unemployment mark.

Q: Under what circumstances would SEVP manually terminate a student for 90 aggregate days of unemployment?

A: SEVP has discrimination to, at any time, terminate F-1 status of students on post-completion OPT with more unemployment than allowed by regulation. [\[8 CFR 214.2 \(f\) \(10\) \(ii\) \(E\)\]](#)

Q: Are there any changes on the 90-day unemployment requirement? What if a student does not have an employer within the 90-day window? What is the school's obligation after that time?

A: If the student does not have an employer after 90 days of unemployment for post-completion OPT without a 17-month extension, the DSO does not have any obligation. However, the DSO may terminate the student record for "Otherwise failing to maintain status." In the near future, the functionality will be turned on in SEVIS to automatically terminate a student record that exceeds the unemployment allowance.

Q: Will SEVIS have an alert list for students who are nearing their 90 days of consecutive unemployment?

A: There will be an alert list of students on OPT who do not have any employer information in their records; and therefore, are considered unemployed.



Q: Will records be terminated if the 6- or 12-month OPT Participation Reports are not submitted for students on STEM OPT?

A: SEVP has discretion to, at any time, terminate F-1 status of students on post-completion OPT for failing to comply with requirements of the 17-month OPT Validation Report. [[8 CFR 214.2 \(f\) \(12\) \(ii\) \(B\)](#)]

Q: Approved OPT is not always accurately reflected in SEVIS. This requires a data fix to change it from “pending” to “approved.” Will auto-terminations affect these records?

A: System-terminations will not affect “pending” records. Once a record is changed from “pending” to “approved,” SEVIS will then count the consecutive days of unemployment and terminate if it reaches the limit.

Q: If the employer is deleted in the student's record by accident, will the student be terminated instantly?

A: SEVIS will system-terminate the record if the student has 90 days (plus the days allowed for student and DSO reporting) of consecutive unemployment without that employer.

Q: If a student has accrued more than 90 days of unemployment, but is accepted to a new degree program for a future semester and has a new Form I-20 for the program, will their record still be terminated?

A: The Transfer Release date stops SEVIS' count of consecutive days of unemployment. SEVIS will not terminate for unemployment a record that has been transferred out to another school. A transfer ends any OPT.

Counting Days of Unemployment

Q: When a student receives an EAD in the mail, the start date is usually already in the past. Will those days between USCIS-approval of the OPT and the student's receipt of the card be counted as days of unemployment?

A: Yes. They will be counted as days of unemployment.

Q: Do the 90 days of unemployment also apply in cases where the student must wait for a license – such as Cosmetology? The student has to wait to receive the OPT card and the social security number, and then has to wait for a date to take the state license. This can all take some time.

A: The 90-day unemployment limitation does not apply to M-1 students.

An M-1 student can apply for employment authorization up to 90 days prior to the program end date.

An SSN is not required to initiate employment, but just for income reporting.

If the student makes a timely search for employment, concurrently with the Form I-765 application, the DSO and student can work with a potential employer and, if necessary, directly with local SSA representatives to explain and facilitate the SSN acquisition. With a bit of forethought and early action, the student should be able to initiate employment



soon after the program end date, with proper authorization, and receive the SSN soon after.

Q: What does a DSO do if a student gets employment after 91 days?

A: The student must depart the United States immediately.

Q: Sometimes students must reapply for an OPT EAD, because the original was lost in the mail. This process can take up to 90 days. These students may not begin working until the new card arrives. Is there a way to make an unemployment exception for these students?

A: We will take this question for consideration. In the meantime, request a correction to the record. A decision can be made based on the evidence provided.

Termination and Grace Period

Q: When a student's SEVIS record is terminated for too much unemployment, how long does the student have to leave the country?

A: The student must leave the United States immediately. There is no grace period for a student whose status is terminated for exceeding the unemployment allowance. Only students terminated for authorized early withdrawal have a grace period.

Reporting a Student is Unemployed

Q: Will there be a checkbox for unemployment? SEVP's policy guidance tells DSOs to enter "unemployed and the date of last employment" in the Employer Name field. Should we discontinue this practice? Should we no longer put anything in the Employer Name field, if the student is unemployed?

A: DSOs should no longer enter "unemployed" in the Employer Name field. When a student stops working, enter the employment end date for the employer. In the absence of a start date with a new employer, SEVIS recognizes the student is unemployed. SEVIS will begin counting consecutive days of unemployment.

Informing the Student of Termination

Q: Is it the DSO's responsibility to tell the student, if their record was terminated for unemployment?

A: Yes.

Q: Will the students receive an alert that they are nearing their 90 days of unemployment?

A: No. There is no alert for students whose record is terminated or nearing termination. However, we will consider adding an email notice.

Q: Will students be notified if they have been terminated for exceeding their unemployment?

A: No. They will not be notified. However, we will consider adding an email notice.



Departure from the United States

Q: How does international travel affect SEVIS' count of 90 consecutive days of unemployment? I was trained that if a person leaves the United States, the days out-of-country count as "unemployment" days. But since SEVIS does not always have accurate entry/departure details, how is this tracked?

A: Your understanding of time outside the United States counting as unemployment is partially correct. SEVIS will look strictly at the employer information associated with the OPT authorization. If the student has a current employer, no days of unemployment will be counted, if the student has records verifying that the absence was authorized by the employer. If the student does not have such records, or if the student does not have a current employer, then the days will count toward unemployment.

Per [SEVP OPT Policy Guidance](#), time spent outside the United States while on post-completion OPT, counts as unemployment unless the student is employed and meets one of the following criteria:

- Is traveling on behalf of the employer.
- Is on a period of leave authorized by the employer.

Q: During the webinar, SEVP mentioned that the student can travel in and out of the country while on OPT. I thought they had to be employed or in OPT Pending status. Is this not the case anymore?

A: Regulations allow for students on post-completion OPT to “return to the United States to resume employment after a temporary absence.” [8 CFR 214.2 (f) (13) (ii)] A student outside the United States with a pending Form I-765 for OPT may not be readmitted for OPT. A student approved for OPT and outside the United States may not be readmitted, if unable to verify current OPT employment.

Q: What if the student lets us know that he is leaving because he could not find a job? Can we complete the record and the OPT cancelled/withdrawn? Will it still be terminated?

A: DSOs can complete a student's record if the student has left the United States. If SEVIS terminates the record before the DSO can complete the record, the DSO can submit a correction request to change the status of the record from Terminated to Completed. The DSO must be prepared to show the student departed the United States before accruing 90 days of unemployment for post completion OPT or, if applicable, an aggregate of 120 days for post-completion OPT and a 17-month extension of OPT.

Q: Won't there be potential problems for students on OPT and auto-termination who decide to leave the country, because CBP departure information is not always accurately updated in SEVIS?

A: If a student decides to leave the United States permanently while on OPT, he/she should contact the DSO, who should then complete the record. This prevents an auto-termination due to unemployment.



If a student record is incorrectly terminated, instead of completed, a DSO can request a Change to Student Status from Terminated to Completed to prevent future problems at the CBP port of entry.

Q: For students who discontinue OPT or reach the limits of allowable unemployment for OPT and go home, should we complete the record or do an Authorized Early Withdrawal? In the past, the SEVIS Help Desk recommended to do an Authorized Early Withdrawal.

A: Complete the record if the student has left the United States, as the student finished their program.

Q: If a student has accrued more than 90 days of unemployment, but leaves the United States, will their record still be terminated?

A: Yes. If the DSO does not terminate or complete the record, SEVIS will terminate the record for exceeding the allowed period of unemployment.

M-1 Students

Q: Do DSOs have to report employer information for M-1 students on practical training?

A: DSOs are not required to report employer information for M-1 students, but are encouraged to do so. The employer name and address are required.

Q: Will M-1 students on practical training be terminated if they accrue 90 days of unemployment?

A: No. There are no regulations that limit the amount of time that an M-1 student can be unemployed.

Effect on other government Agencies

Q: Now when we recommend OPT, it seems from the demonstration that the employment will NOT be listed on the Form I-20 initially. The demonstration showed to add employer information after the fact. Will this be a problem for USCIS? What if the student wants his/her OPT Form I-20 to have the employment information on it?

A: Nothing prohibits employment information from being included with the OPT recommendation. It might facilitate USCIS adjudication. DSOs can describe a student's employment plans in the Student Remarks field when recommending OPT. Student Remarks print on the Form I-20, so USCIS can see them. If the student has an employer, DSOs have the option of adding employer information immediately after recommending OPT. The Form I-20 printed after adding the employer would then display both the recommendation and the prospective employer. We have discussed this situation with USCIS.



Q: Can DHS work with the Social Security Administration (SSA) to issue social security numbers (SSN) faster, so that unemployment days do not aggregate?

A: The [Social Security Administration has stated](#) a social security number is not required to begin work. Individual employers may require an SSN at the time the employee starts work. The Internal Revenue Service does require employers to provide SSNs for employees when transmitting tax withholdings.

If the student makes a timely search for employment, concurrently with the Form I-765 application, the DSO and student can work with a potential employer and, if necessary, directly with local SSA representatives to explain and facilitate SSN acquisition. With a bit of forethought and early action, the student should be able to initiate employment soon after the program end date, with proper authorization, and receive an SSN soon after.

STEM

Q: Will there still be a SEVIS page asking us to verify that a student's degree was awarded prior to recommending them for the 17-month extension?

A: No.

Q: Are there any particular reasons why we are not required to report paid/unpaid employment during OPT/STEM 17-Month Extension OPT?

A: This question has been referred to Policy for consideration when they update their guidance.

Q: Can a student who is volunteering at least 20 hours per week at a public institution apply for the STEM extension?

A: Current [SEVP OPT Policy Guidance](#) does not allow this.

Q: How will SEVIS look at unemployment limits for students on STEM, who are allowed a total of 120 days?

A: SEVIS will run a separate job for STEM students, which will allow up to 120 days of unemployment.

Withdraw OPT

Q: The OPT demonstration stated that the student should contact USCIS to withdraw an OPT application, if the Form I-765 was filed with the Service Center. How should this be done? Does the student or the DSO contact the Service Center?

A: The student must write to the Service Center that is processing the case to formally withdraw the application. SEVP recommends including a copy of the receipt notice USCIS issued when the case was filed. SEVIS does not have a function to withdraw a filed or approved OPT application.



Batch

Q: When will testing for the OPT changes be available in RTI and batching in the Alpha environment?

A: It is available now. If you cannot test it, you need to speak with your batch vendor to determine if there is a problem. If your vendor is able to test and you are having issues, contact us at SEVIS.batch@ice.dhs.gov and SEVISTechnicalfeedback@ice.dhs.gov.

Q: When will the 6.23 Batch API documentation be published?

A: The most recent 6.23 draft API was sent to officials/users on November 9, 2015. It was also posted on ice.gov the same day. The API should be considered a draft until the release is final. The date of the API revision is always in the header and footer for user reference.

Q: Not having the Cancel Employer option in batch may create undue burdens for schools. Schools will have to use RTI, which will change their business processes for updates. Can you add that function in batch?

A: No. This functionality will not be added to batch. Deleting an employer requires DSOs to confirm understanding of negative consequences to the student at the time of submission. This is not possible in batch.

Q: If submitting an Add Employer batch when a student is self-employed, what do we put for the employer name?

A: Insert the student's first and last name in the Employer Name field.

Note: The Employer Name field is limited to 121 characters.

If 'Y' is sent for Self Employed, you do not need to put anything for the employer name. The employer name will auto-populate with student's concatenated first and last name.

Q: If submitting an Edit Employer batch for a self-employed student, what do we use for the employer name in the employer identifier?

A: For a self-employed student, use the student's first and last name as the employer name. The record will not match if you do not use the student's first and last name.

Q: If a student has multiple, simultaneous employers, can we batch all employment updates at the same time?

A: This should be possible, as batch does allow multiple updates (such as, program dates and address information) to be applied to one record in the same batch.

Q: When updating OPT information via batch, which dates will batch compare to? DSO Recommended (as in the past) or USCIS Approved?

A: Batch will compare the DSO Recommended date to confirm which OPT entry needs to be updated. If the USCIS dates are used, it will result in an error that OPT Dates are overlapping.



Corrections, Correction Requests, Data Fixes, and Reinstatement

Q: On what basis would a terminated OPT student (for unemployment) apply for correction request or data fix?

A: A DSO can submit a correction request to change the student's status back to Active, if:

- The student has a job.
- The student reported the information.
- The DSO failed to enter that information before SEVIS terminated the record.

The DSO could also submit a correction request to change the status of the record to Completed status, if the student left the United States. Correction requests are reviewed by SEVP.

Q: Can a student keep working while the data fix is being adjudicated?

A: No. The student is out-of-status.

Reinstatement

Q: If a student's record is terminated because they have exceeded the 90 days of unemployment, will they be eligible for reinstatement?

A: No. Exceeding unemployment allowance is a violation of status that does not meet the criteria for reinstatement. [[8 CFR 214.2 \(f\) \(16\) \(i\)](#)]

Miscellaneous

Q: If a student requests full-time pre-completion OPT, must they also be registered for classes?

A: F-1 students are limited to 20 or fewer hours of OPT while school is in session. [[8 CFR 214.2 \(f\) \(10\) \(ii\) \(A\) \(2\)](#)] Students may have full-time pre-completion OPT during the student's annual vacation or at other times when school is not in session, if the student has an EAD for full-time employment during these times. [[8 CFR 214.2 \(f\) \(10\) \(ii\) \(A\) \(1\)](#)]

Q: Can students on post-completion OPT work more than 40 hours a week? Can they work for multiple employers?

A: Students on post-completion OPT can work more than 40 hours a week. They can work for multiple employers.

Q: Is it necessary for the DSO to sign page two of a student's Form I-20 when recommending OPT?

A: Per both SEVP and USCIS, the signature on page 2 is for travel endorsement. If the student wishes to travel, it must be signed. It does not need to be signed for an OPT application. This was confirmed with USCIS Service Centers.



Q: If a student applied for OPT and later found out he/she did not graduate, how we should handle it?

A: Refer to Sections 6.8 and 6.9 of the [SEVP OPT Policy Guidance](#).

Q: May the student start working after receiving the approval notice or must the student wait until the EAD card has been received?

A: A student must have the EAD and may not start work until the date indicated on his/her employment authorization document, Form I-766. [[8 CFR 214.2 \(f\) \(10\) \(ii\) \(A\)](#)]

Note: The student must show the legal ability to work for the employer within three days of starting the job. F-1 students on OPT need the EAD to do this.

Q: Please confirm that a student who is approaching 90 days of unemployment can maintain status by starting another program of study during the next available term, as long as the start of classes is no longer than five months from the 90 days of unemployment date.

A: If the student has not been employed in post-completion OPT since the program end date, the student must start classes within five months of the program end date. If the student has been employed in post-completion OPT, the student must start classes within five months of reaching the unemployment limit.

Q: Will the video demonstrations be available for viewing later?

A: Yes. They are available on the SEVIS Help Hub under [SEVIS Release 6.23 Planning Guide](#) in Study in the States.

Q: If a student has an approved H-1B, will that affect the employment end date?

A: Yes. If the student's H-1B becomes active during the approved OPT period, SEVIS will terminate the student for Change of Status Approved. This will also automatically change the end date of the OPT to the date the student's F-1 status ended. For students eligible for H-1B Cap-Gap, it will extend the end date to September 30.