

What is Optional Practical Training (OPT)?

U.S. Citizenship & Immigration Services (USCIS) has created this immigration benefit to allow individuals on an F-1 student visa to work in a position *directly* related to their degree. These positions are not part of their academic curriculum and most often take place after the student has completed his/her coursework. Students are able to work up to one year on "regular" OPT.

In spring 2008, a second type of OPT was created. Known as STEM OPT (for **S**cience, **T**echnology, **E**ngineering and **M**ath degrees), this new OPT allows students to work for an additional 17 months if they have a qualifying degree.



Can a student extend his/her OPT authorization?

Regular OPT authorizations are only granted for 12 months at a time. If, as mentioned above, the student majored in one of the STEM degrees, an additional 17 months can be authorized.

Even if the student you hire is only eligible for regular OPT, there are options for keeping an individual employed with your company, as mentioned inside this brochure.



Whom can I contact if our company has any questions?

Our office is happy to answer any questions and be a resource to you on OPT. We will recommend you talk with an attorney for all other issues.

International Student & Scholar Services

Mailing Address:

1 Old Dominion University
Norfolk, VA 23529

Office Location:

2101 Dragas Hall

Phone: 757.683.4756

Fax: 757.683.6198

Website: www.odu.edu/iss

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Old Dominion UNIVERSITY

Employer Information on Optional Practical Training (OPT)



***a guide for
employing F-1
student visa
holders***

How do students apply for OPT?

Students must attend a workshop at ODU that explains their rights and responsibilities with regard to OPT. After the workshop, they submit paperwork to International Student & Scholar Services (ISSS) and, if all requirements are met, a new F-1 visa document (I-20) is issued to show our endorsement of the application. Next, the paperwork is sent to an Immigration processing center and, upon approval, an Employment Authorization Document (EAD--also known as Form I-766) is issued. In general, the application process takes approximately three months—give or take a few weeks. In order to avoid Immigration and Department of Labor violations, students may not work — even as a volunteer — before their EAD is issued and the EAD start date has arrived.



How do I validate a student's I-9?

Documentation used for I-9 validation include the student's passport and the EAD card's number and expiration date.

I-20 FORM



EAD CARD (I-766)



Are students on OPT exempt from being taxed?

For more information on taxation for F-1 visa holders, please visit the ISSS website at www.odu.edu/iss. From there, click on *Off-Campus Employers* on the left side. There, you will find a link to a publication on the IRS website which provides complete information on the taxation of nonimmigrants.



Are students eligible to work if the visa in their passport has expired?

Yes. An expired visa does not indicate a violation of visa status as a visa is issued for entry purposes only. A valid EAD, a properly endorsed I-20 and a valid passport are the only documents required to maintain status while on OPT.



How many hours per week can a student work?

There is no limit to the number of hours the student may work or on the number of employers he/she may have.

What if our company would like to hire this student for permanent employment?

The most common immigration step following OPT is for the employer to obtain an H-1B visa, which allows an individual to work at your company up to six additional years. This process is relatively simple and requires assistance from an immigration attorney who can guide you through the application. ODU policy prevents us from recommending a lawyer, but we can suggest the following when selecting legal counsel for immigration purposes:

- s/he should be a member of American Immigration Lawyers Association (AILA)
- s/he should have a fixed fee for services like an H-1B application (not hourly)
- s/he should practice immigration law *only*

The visa change takes anywhere from 2 to 6 months, depending on several variables.

Here is a normal progression of employment options for most students:

1. Regular OPT: 12 months
2. STEM OPT (if eligible): 17 months
3. H-1B: 6 years

Immigration and tax laws are subject to change; therefore, we recommend you stay in touch with legal counsel who specialize in these areas of law.