OPT Regulations to Maintain F-1 Status

General
✓ You must maintain your F-1 status by being employed (part time or full time; paid or unpaid) 9 out of 12 months of your OPT period.

✓ You may not accrue an aggregate of more than 90 days unemployment during your OPT period.

✓ Your OPT work authorization begins when you receive the Employment Authorization Document (EAD) and your OPT start date arrives.

✓ You must update your address and employment information with the office of International Affairs within 10 days of any change. Download OPT Update Form and email to sevis@uoregon.edu.

✓ International travel during your OPT period is allowed only if you have proof of employment or practical training related to your major. You must have a valid F-1 visa to enter the U.S. each time your travel outside the U.S.

Unemployment Allowance
For post-completion OPT, F-1 status is dependent upon employment. Each day you are not working during your OPT period counts as a day of unemployment. The only exception is that periods of up to 10 days between the end of one job and the beginning of the next job will not be included in the calculation for time spent unemployed. If you travel outside the U.S. while unemployed, the time spent outside the U.S. will count as unemployment against the 90 day limit.

Student Reporting Requirements
You must report any changes to the information listed below within 10 working days to International Affairs using the OPT Update Form.

• Your legal name and UO ID number
• SEVIS identification number (in top right-hand corner of I-20)
• Your residential address
• Your non-UO email address
• Employer name and address
• Employment start date for the current employer
• Employment end date for last employer (if more than 10 days of unemployment)
• Date of leaving the U.S. (if prior to the end date of your OPT)

OPT Update Form: http://international.uoregon.edu/index.php/students/opt-information
Frequently Asked Questions

What types of employment are allowed?
All OPT employment must be directly related to the student’s major field of study and commensurate with the degree level. The following types of paid and unpaid employment are considered valid OPT activities according to the U.S. Department of Homeland Security (DHS) and should be reported to International Affairs using the OPT Update Form.

**Paid Employment.** Students may work part-time (at least 20 hours per week when on post-completion OPT) or full-time.
- Multiple employers. Students may work for more than one employer, but all employment must be related to the student’s degree program.
- Short-term multiple employers (performing artists). Students, such as musicians and other performing artists may work for multiple short-term employers (gigs.) The student should maintain a list of all gigs, the dates and duration. If requested by DHS, students must be prepared to provide evidence showing a list of all gigs.
- Work for hire. This is also commonly referred to as 1099 independent contractors where an individual performs a service based on a contractual relationship rather than an employment relationship. If requested by DHS, students must be prepared to provide evidence showing the duration of the contract periods and the name and address of the contracting company.
- Self-employed business owner. Students may start a business and be self-employed. In this situation, the student must work full-time. The student must be able to prove that he or she has the proper business licenses and is actively engaged in a business related to the student’s degree program.
- Employment through an agency. Students must be able to provide evidence showing they worked an average of at least 20 hours per week while employed by the agency.

**Unpaid Employment.** Students may serve as volunteers, unpaid interns, researchers, community service workers, etc., where this does not violate any labor laws. These students must be able to provide evidence from the organization that the student performed services at least 20 hours per week during the OPT period.

How do I show that employment is directly related to my major?
You should maintain evidence – for each job – of the position held, proof of the duration of that position, the job title, contact information for your supervisor or manager and a description of the work. If it is not clear from the job description that the work is related to your major, you should obtain a signed letter from your supervisor or manager stating how your major is related to the work performed.

What is my visa status while on OPT?
Your visa status remains F-1 while you are on OPT. You must follow the guidelines above to maintain F-1 status while on OPT. If you travel internationally, your F-1 visa must still be valid to re-enter the U.S.

Can I travel internationally while my OPT application is pending?
If you filed a timely application for OPT, you may travel outside the U.S. while the OPT application is pending. However, you must present a Notice of Action Receipt (I-797) as proof of eligibility, along with your OPT SEVIS I-20, valid F-1 visa, valid passport and evidence of job search. If you are unsure of your travel plans and visa status, please schedule an appointment to meet with an International Student Adviser by calling 346-3206.
Frequently Asked Questions continued

Can I travel internationally during my OPT period?
If you travel outside the U.S. during your OPT period provided you re-enter the U.S. within 5 months of your departure. You must also be prepared to present the following:
  • valid passport (with expiration date more than 6 months in the future)
  • valid F-1 visa
  • OPT SEVIS I-20 signed by an international student advisor within the past 5 months
  • unexpired EAD
  • evidence of job or practical training (for example, a letter from your employer)

Can I study while on OPT?
For pre-completion OPT, you must maintain legal F1 status by enrolling full-time. You can work part-time while school is in session, and full-time during holiday breaks and summer vacation. For post-completion OPT, you cannot study full-time during your OPT period because the main purpose of OPT is to gain practical experience in your field. However, if you fail to complete the requirements for your program after applying for post-completion OPT, you should contact an international student advisor in the office of International Affairs immediately for guidance. Transferring to another school or enrolling in another academic program automatically terminates your OPT benefit.

What if I can’t find a job or internship?
You may accrue up to 90 days of unemployment while on post-completion OPT. If you are having difficulty finding a job or practical training, or if you lose your job, continue to dedicate your full effort to looking for a job and keep documentation that can demonstrate the job search. For example, you should keep a list of employers you have contacted, where you have sent resumes, calls you have made, interviews you have had, and time you have spent researching companies. Such documentation would be expected to justify gaps in employment.

What are the consequences of exceeding the 90-day period of unemployment?
To avoid violating status, prior to reaching the limit on authorized unemployment, you should prepare to transfer to another school, change education level, depart the U.S., or take action to otherwise maintain your status in the U.S. If you exceed the period of unemployment while on post-completion OPT, your F-1 status ends unless you have taken one of the following actions:
  • applied to continue your education by a change of level or transfer to another school
  • departed the U.S.
  • taken action to otherwise maintain legal status

How will the Department of Homeland Security enforce this unemployment rule?
You may be denied future immigration benefits that rely on your valid F-1 status if the Department of Homeland Security determines that you exceeded the limitations on authorized employment. Additionally, U.S. immigration may examine SEVIS data and terminate your record if it fails to show you maintained the proper period of employment. In such cases, you will be given an opportunity to show that you complied with all OPT requirements, including maintaining employment.

What happens after my OPT period ends?
Following your OPT end date, you have a 60-day grace period. You can neither work nor study during this grace period unless you change or visa status or begin a new academic program.

What if I move?
Within 10 days of moving, you must report any change of address to the office of International Affairs on the OPT Update Form.
**Frequently Asked Questions continued**

**Can I change employers?**
You may work for more than one employer and/or change employers during OPT provided that each position is directly related to your major. You must report all changes in employment to the office of International Affairs on the OPT Update Form.

**Who do I talk to if I have questions?**
You can talk to an international student advisor in the office of International Affairs. Please call 541-346-3206 to schedule an appointment to meet with or talk to an advisor. International Affairs also conducts OPT workshops throughout the year to explain the application process as well as immigration regulations pertaining to OPT.