

'OPT IN ALL ITS GLORY: THE INS AND OUTS'

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INSTITUTION HIGHLIGHT

Ware/Gasparian

of int'l cases – 3,000

of OPT cases - 150

Trinity University

Private Institution

of students – 2,500

of int'l's- 250

UGA

Athens, GA

Public Institution

of students – 34,765

of int'l's – 1,711

Emory University

Private Institution

of students –

14,236

of int'l's – 2,303



TOPICS OF DISCUSSION

- ▶ OPT – The Regulations
- ▶ Letter
- ▶ What Changes to Expect with OPT in the Near Future
- ▶ Before Students Apply
- ▶ While OPT/I7 Month Extension is Pending
- ▶ Complications Along the Way
- ▶ Once Adjudicated
- ▶ Beyond OPT
- ▶ Q&A

OPT REGULATIONS

[USCIS Link](#)

[NAFSA Manual Link](#)

- ▶ [214.2\(f\)\(10\)\(ii\)](#) – What is OPT
- ▶ [214.2\(f\)\(10\)\(ii\)\(A\)](#) – General Information
- ▶ [214.2\(f\)\(10\)\(ii\)\(C\)](#) – 17-Month Extension
- ▶ [214.2\(f\)\(10\)\(ii\)\(D\)](#) – Duration of Status
- ▶ [214.2\(f\)\(10\)\(ii\)\(E\)](#) – Unemployment
- ▶ [214.2\(f\)\(11\)](#) – OPT Application Process



- ▶ In a May 31, 2012 letter, Senator Charles "Chuck" Grassley (R-Iowa) asked the Government Accountability Office (GAO) "to fully investigate the use of OPT, including who uses it and how students are tracked, determine what weaknesses exist, and suggest ways to improve the procedures and policies that govern its administration."

- ▶ Letter

- ▶ In his letter, Sen. Grassley expressed concerns related to F-1 student Optional Practical Training (OPT), including whether DHS is properly overseeing OPT, what impact OPT might have on U.S. labor, and whether there are "loopholes" in the system that can compromise U.S. security. Sen. Grassley then asked GAO to address the following questions:
 - ▶ What potential risks exist in the OPT program, and is it being administered securely and effectively by the Department of Homeland Security?
 - ▶ What measures, if any, has the Department instituted to prevent and detect fraud and abuse in the program, and what steps does the Department take to ensure the success of these measures?
 - ▶ What controls has the Department implemented to ensure that educational institutions are complying with OPT requirements, and what actions does the Department take to ensure compliance with these controls?
 - ▶ What guidance, if any, does the Department provide to educational institutions regarding their oversight responsibilities in OPT?
 - ▶ How do employers identify students in OPT for employment opportunities?
 - ▶ What process did the Department undertake when expanding the STEM fields in May 2012 to ensure that it was complying with its own criteria for including new degree programs on the list?
 - ▶ Does employment with a temporary staffing agency make a student eligible for OPT, and if so, how is such employment directly related to a student's area of study?

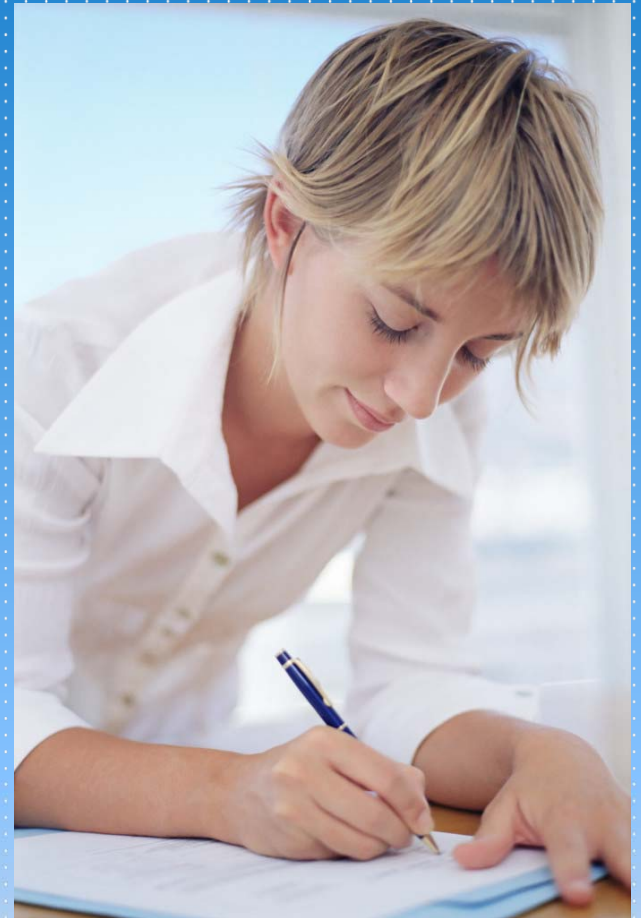
EXPECTATIONS IN THE NEAR FUTURE

- ▶ Regulation Updates/Rewrites, etc.
- ▶ SEVIS II
- ▶ New CIP Codes – STEM Extension List
- ▶ 90 Day Rule ‘Crack Down’
- ▶ Termination Reason – ‘student failed to update employment’
- ▶ SEVP – Guidance is NOT to Terminate. This is a USCIS Responsibility



BEFORE STUDENTS APPLY

- ▶ Maintaining Status Leading up to OPT
- ▶ Consider Application Timing
- ▶ PhD Students
 - ▶ Professional Students (Pharm, Vet, Law, etc.)
- ▶ 17-Month Extension
- ▶ Skipping OPT Altogether



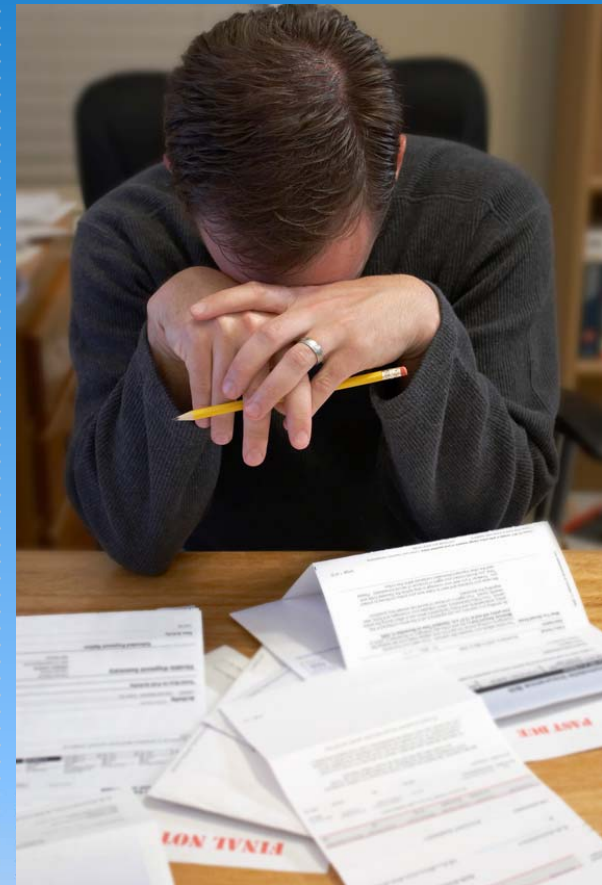
WHILE OPT/17 MONTH EXTENSION IS PENDING

- ▶ If students realize OPT/STEM was not a wise endeavor
 - ▶ Withdrawing vs. Canceling the Application
 - ▶ What is the Difference
 - ▶ What to Take into Account
 - ▶ Requests for Evidence (RFEs)
 - ▶ Photos
 - ▶ 30 Day Signature Issue
 - ▶ E-Verify
 - ▶ Document Employment as to NOT Violate the 90 Days
 - ▶ Changes to the Application, Employer, Etc.



COMPLICATIONS ALONG THE WAY

- ▶ Discovery of status along the way
- ▶ RFEs
 - ▶ Holding up the Application
 - ▶ Can the RFE be Addressed
- ▶ Academic Complications
 - ▶ Failure to Graduate/Complete a Program of Study
- ▶ Personal Issues
 - ▶ Leaving the US with the OPT/STEM Pending, etc.
- ▶ Expedite Process
 - ▶ Employer won't wait for the OPT



ONCE ADJUDICATED

- ▶ Denied or Approved – What Now?
- ▶ Maintaining Status
 - ▶ What's Appropriate
- ▶ 90 Day Rule
- ▶ Self-Employment or Volunteering
- ▶ Leaving the US and Visa Renewal



BEYOND OPT

- ▶ When Should a Student Expect to Transition to a New Status
- ▶ Who Should Pay
- ▶ What to Take into Account
- ▶ What Info. Should We Provide Students



QUESTIONS, ANSWERS, & RESOURCES

- ▶ [Regulations](#)
- ▶ [NAFSA Manual](#)
- ▶ [Advisement Listservs](#)
- ▶ [Peers in the Field](#)
- ▶ [FAQs on OPT](#)



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