

What types of employment are allowed for regular pre- and post-completion OPT?

All OPT employment, including post-completion OPT, must be in a job that is related to the student's degree program. For students on post-completion OPT, this employment may include:

- ♣ Multiple employers. A student may work for more than one employer, but all employment must be related to the student's degree program and, for pre-completion OPT, can not exceed the allowed per week cumulative hours.
- ♣ Short-term multiple employers (performing artists). A student, such as a musician or other type of performing artist, may work for multiple short term employers (gigs). The student should maintain a list of all gigs, the dates and duration.
- ♣ Work for hire. This is also commonly referred to as 1099 employment, where an individual performs a service based on a contractual relationship rather than an employment relationship. If requested by DHS, the student must be prepared to provide evidence showing the duration of the contract period and the name and address of the contracting company.
- ♣ Self-employed business owner. A student on OPT may start a business and be self-employed. 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 or consulting firm. A student on post-completion OPT must be able to provide evidence showing he or she worked an average of at least 20 hours per week while employed by the agency.
- ♣ Paid employment. A student may work part time (at least 20 hours per week when on post-completion OPT) or full time.
- ♣ Unpaid 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 period of employment.

How does a student show that employment is directly related to his or her degree program?

SEVP recommends that the student maintain evidence for each job documenting the position held, proof of the duration of that position, the job title, contact information for the student's supervisor or manager, and a description of the work. If it is not clear from the job description that the work is related to the student's degree, SEVP recommends that the student obtain a signed letter from his or her hiring official, supervisor, or manager stating how the student's degree is related to the work performed.

What are the limits on periods of unemployment?

Students on post-completion OPT may have up to 90 days of unemployment. Students who have OPT extended due to the cap gap provisions continue to accrue unemployment time and are subject to the 90-day limit on unemployment.

What counts as time unemployed?

Each day (including weekends) during the period when OPT authorization begins and ends that the student does not have qualifying employment counts as a day of unemployment. OPT authorization begins on the employment start date shown on the student's EAD.

Can a student in a graduate-level program who has completed all program requirements, aside from thesis or equivalent, apply for either pre-completion OPT or post-completion OPT?

Yes, a student who only has the thesis or equivalent remaining may either apply for pre-completion OPT or post-completion OPT while completing the thesis/dissertation.

If a student in this situation applies for post-completion OPT, he or she:

- May work full time
- Would be eligible for the cap gap extension
- May apply for the extension if otherwise eligible.
- Would be subject to the unemployment provisions.
- Would be unable to receive an extension of his or her course of study

If a student does not complete his or her thesis/dissertation during the 12 months of post-completion OPT, what steps must he or she take?

The student should prepare to change status, change education level and/or transfer, or depart the country prior to the end of the 60-day grace period.