

OPT Allowable Employment Activities & Reporting Requirements

Activity that Constitutes Employment while on OPT

An F-1 nonimmigrant on post-completion OPT avoids "unemployment" when his or her activity constitutes "employment."

SEVP's [OPT Policy Guidance](#) [7.2.1] states that the following activities are considered allowable employment on both pre-completion and standard post-completion OPT, provided that the job is directly related to the student's program of study. While a student engages in such activity during a period of post-completion OPT, he or she is not considered "unemployed":

Regular paid employment in a position directly related to the student's program of study.

- For post-completion OPT, the work must be for at least 20 hours per week
- Students may work for multiple employers, as long as it is directly related to the student's program of study.

Payment by multiple short-term multiple employers. SEVP says that "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. The student should maintain a list of all gigs, the dates and duration."

Work for hire. SEVP says, "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, students should 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. SEVP says, "Students on OPT may start a business and be self-employed. The student should be able to prove that he or she has the proper business licenses and is actively engaged in a business related to his or her degree program."

Employment through an agency. SEVP says, "Students on post-completion OPT must be able to provide evidence showing they worked an average of at least 20 hours per week while employed by the agency."

Volunteers or unpaid interns. SEVP says, "Students may work as volunteers or unpaid interns, where this practice does not violate any labor laws. The work should be at least 20 hours per week for students on post-completion OPT. A student should be able to provide evidence, acquired from the student's employer, to verify that he or she worked at least 20 hours per week during the period of employment."

- Note that a volunteer position or unpaid internship would be a valid option for someone who otherwise might not meet the minimum employment requirement.

Limits on Periods of Unemployment

8 C.F.R. § 214.2(f)(10)(ii)(E) (effective April 8, 2008) states that " During post-completion OPT, F-1 status is dependent upon employment. Students may not accrue an aggregate of more than 90 days of unemployment during any post-completion OPT carried out under the initial post-completion OPT authorization." This limit also applies to students with an automatic extension of an OPT authorization due to the cap gap provisions.

SEVP's [OPT Policy Guidance](#) [7.1.6] establishes a 90 day unemployment limit during a student's OPT authorization period. "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".

Tax Resources

Information regarding filing/paying income taxes as an international student is available online at:

- www.du.edu/iss/cpt-opt-employment/taxes.html
- www.nafsa.org/resourcelibrary/default.aspx?id=18787
- www.irs.gov/Individuals/International-Taxpayers/Foreign-Students-and-Scholars

ISSS does not provide tax information or advice. Please use the resources above or contact a tax attorney or specialist for questions or concerns.

Reporting Your OPT Employment

You must report changes in name, address, email, or employment by updating the information in PioneerWeb

Students must report changes in their name, mailing, residential, or email address as well as changes in employment to International Student and Scholar Services (ISSS) within 10 business days of the change to avoid situations where a DHS official may determine the student is out of status. Please keep a record of all reports made in [PioneerWeb](#) since this provides both evidence of reporting and the date reported.

Please report employment or a change in employment in the following manner:

Situation	Report to ISSS
New job	<ol style="list-style-type: none"> 1. Name of the employer 2. Start date of employment 3. Mailing address for the employer
Change to a new job	<ol style="list-style-type: none"> 1. Name of the previous employer 2. Ending date of employment with the previous employer 3. Name of the employer 4. Start date of employment 5. Mailing address for the employer
Multiple short-term performing gigs in one period with less than 10 days between gigs	<ol style="list-style-type: none"> 1. Report at the beginning of the first gig and indicate "Multiple short term gigs"
Work for hire –Contracted (when starting)	<ol style="list-style-type: none"> 1. Indicate "Self-employed work for hire" 2. Indicate the start date of the contract
Work for hire (more than 10 days between the end of one contract and the beginning of another contract/ new job)	<ol style="list-style-type: none"> 1. Indicate "Self-employed work for hire" 2. Indicate you have no current contract 3. Ending date of the last contract worked
More than 10 days of unemployment	<ol style="list-style-type: none"> 1. Indicate "unemployed" 2. Ending date of last job
Self-employed business owner (when starting)	<ol style="list-style-type: none"> 1. Indicate "Self-employed business owner" 2. Indicate date went into business
Self-employed business owner (end)	<ol style="list-style-type: none"> 1. Indicate "Self-employed business owner" 2. Indicate date business closed or student no longer worked for the business full-time
Student decides to exit the United States and complete his or her F-1 status prior to the end date of OPT	<ol style="list-style-type: none"> 1. Indicate "Completing OPT and exiting the United States" 2. Date of exit

Travel and Re-Entry while on Post-Completion OPT

Once your EAD Card for post-completion OPT has been approved by USCIS, it is possible to travel outside the U.S. and reenter to resume employment. When seeking to reenter, you should be prepared to present the following documents:

- Form I-20 issued by DU with OPT remark on page 3 AND a valid travel signature *less than six months old*
- Unexpired passport which is valid for at least the six months beyond the date of re-entry
- Unexpired F-1 visa stamp in passport*
- Unexpired EAD card
- Evidence that you have a job or a job offer in the United States

* Students may be able to travel to Mexico, Canada and the adjacent islands even with an expired F-1 entry visa. Visit the *Automatic Revalidation of Visa* section of our Travel webpage (<http://www.du.edu/issv/visa-immigration/travel.html>).

If you choose to travel while on OPT without a job or job offer, there is a risk that you will be denied re-entry to the U.S.

If your OPT EAD is still pending with USCIS, please visit the *Travel and F-1 Post-Completion OPT* section of our Travel page for more information on reentering the U.S. (<http://www.du.edu/issv/visa-immigration/travel.html>).