



## General OPT Requirements

- Employment activities must be **directly related to your major**
- Employed at least 20 hours per week
  - \*\* Due to COVID 19 the 20 hour requirement of employment/week is not applicable. This temporary waiver of required hours may change in the future with little notification\*\*
- May not exceed more than 90 days of unemployment within approved dates of OPT as listed on the Employment Authorization Document
- You must report any personal or employment changes/updates using the [OPT Update Form](#) or entering information directly into the SEVP Student Portal. I-20s with updated employer information and travel signature will be processed by request only through the OPT Update Form.

### Optional Practical Training (OPT)

Type of Employment	Description and Action Needed
<b>Regular paid</b>	Employment for at least 20 hours per week.
<b>Residency</b>	A program which you are accepted to for a specific amount of time to produce items and grow skills. Residencies may be paid or unpaid.  <b>**Please indicate employed in the SEVP Portal with the studio name/organization for Employer Information**</b>
<b>Multiple/Short Term Employment</b>	You work as many hours as you'd like (regularly totaling 20 hours/week). Remember to keep a record/documentation of the following: <ul style="list-style-type: none"> <li>* Where you have worked</li> <li>* Who you worked for</li> <li>* Dates and Hours you worked</li> </ul> Payment by multiple short-term employers: Artists may work for multiple short-term employers. You should maintain a list of all employment, including dates/duration and hours worked.  <b>**Please indicate self employed in the SEVP Portal**</b>
<b>Work for hire/Freelance/Contract/Independent Contractor</b>	This is commonly referred to as "1099 Employment" where an individual performs a service based on a contract. You should keep a record of the length of each contract as well as the name and contact information for each contracting company.  <b>**Please indicate self employed in the SEVP Portal**</b>
<b>Self-employed business owner</b>	You must have the proper business licenses and you should consult with a business lawyer familiar with non-immigrant visas.  <b>**Please indicate self employed in the SEVP Portal**</b>  <small>Refer to <a href="https://www.irs.gov/businesses/small-businesses-self-employed/starting-operating-or-closing-a-business">https://www.irs.gov/businesses/small-businesses-self-employed/starting-operating-or-closing-a-business</a> for additional information</small>
<b>Employment through an agency</b>	You must keep proof that you worked at least an average of 20 hours per week while employed by an agency.  <b>**Please indicate the agency name for the employer information in the SEVP Portal. Write the address of where you are physically working in the remarks section **</b>
<b>Volunteers or unpaid interns</b>	You may work as a volunteer or unpaid intern provided that you are not violating any labor laws. You should also keep a record/documentation of when and how many hours you've worked.  Please refer to <a href="https://webapps.dol.gov/elaws/whd/flsa/docs/volunteers.asp">https://webapps.dol.gov/elaws/whd/flsa/docs/volunteers.asp</a> for information from the Department of Labor for additional information.

## Some Additional Notes

You may choose to do freelance, contract, or work for hire employment. It is **your responsibility to document the number of hours worked and work produced**. We highly encourage you to keep contracts and documentation throughout your OPT period. This type of documentation may be needed in the future should you choose to apply for other visas (H-1B, O, E, etc.) or additional benefits (STEM Extension).

Some students also choose to start a business while on OPT. Please keep the following things in mind!

1. The student must have “the proper business licenses.” This means that the student must form a business, secure a Federal Employer Identification Number (EIN), and obtain all necessary business licenses. The amount and type of licensing needed will depend on the exact business the student is starting. Questions to ask yourself.

- \* What type of legal entity should I be
- \* What kind of taxes will I have to pay
- \* How will I get paid
- \* Articles of Incorporation (Decision Making, Board of Directors)
- \* You will be faced with evidentiary criteria

2. The student must be “actively engaged in” the business. This requirement is generally interpreted to mean that the student must work full-time for the business.

3. The business must be “related to the student’s degree program.” This requirement limits the type of businesses a student on OPT may start. The business activities of the company must be related to the student’s major.

OISS cannot advise on the process needed to start one’s business, we highly encourage you to contact a business lawyer who also has experience with non-immigrant visas.

**Operating a business requires that the student have work authorization to undertake that particular employment.**