

TRAVEL ABROAD AND RE-ENTRY TO THE UNITED STATES WHILE ON OPTIONAL PRACTICAL TRAINING

The following addresses F-1 students traveling abroad after graduation and while on post-completion OPT. Keep in mind that policies and regulations can change and that the practices at some Custom and Border Protection varies.

Temporary absence from the United States of F-1 student granted employment authorization. Federal Regulations [8 CFR § 214.2(f) (13) (i)(ii)] states that,

1. “A student returning from a temporary trip abroad with an unexpired off-campus employment authorization on his or her I-20 ID may resume employment only if the student is readmitted to attend the same school which granted the employment authorization.”
2. **“An F-1 student who has an unexpired EAD issued for post-completion practical training and who is otherwise admissible may return to the United States to resume employment after a period of temporary absence. The EAD must be used in combination with an I-20 ID endorsed for reentry by the DSO within the last six months.”** The Form I-766 (EAD), by itself, is not sufficient for reentry.

CAUTION! Traveling abroad while the OPT application is pending **should be given careful thought**. For instance, if there is a problem with a student’s petition and the federal government requires further information, or asks the student to report for an interview and the student is not in the U.S., that could present some challenges in processing the application. Also, if USCIS approves the student’s OPT application, the student will be expected to have the EAD in hand to re-enter the United States. USCIS will only send the EAD to the student’s U.S. address and not to an address overseas. (Note that governmental mail will not be forwarded by Haverford College’s Mail Center to another address, other than what is on the student’s application. If there is a change in the address prior to the **adjudication** of the student’s application, the student should notify the USCIS and the DSO.) Keeping track of one’s petition while abroad to see if it was approved, rejected or denied, might be in the student’s best interest. Students are encouraged to check on their application status before attempting to re-enter the U.S.

Documents Required for Re-Entry (if OPT or STEM Extension Application is Pending):

If you do plan to travel while your application is pending and re-enter the U.S., be sure to have the following documents with you and not in your checked luggage:

1. A valid passport;
2. A valid F-1 visa stamp in your passport;
3. Your original Form I-20 endorsed for reentry by the DSO within the last six (6) months;
4. **If** OPT, or OPT STEM extension was approved, then you should have the **unexpired** practical training (EAD) Employment Authorization Document issued by the U.S. Citizenship and Immigration Services;
5. Proof that you have a job or job offer in the U.S. appropriate for practical training (such as a letter from your employer describing your job);
6. Notice of Action from USCIS (I-797) **if** petition was approved, but you did not receive the EAD card as yet;

Be sure you meet all requirements, that you are not inadmissible due to a crime, you do not have intent to immigrate to the U.S., or you have not been outside of the U.S. for more than 5 (five) months. Here is an article that you might interested: <http://www.nolo.com/legal-encyclopedia/what-happens-when-foreign-student-gets-arrested-the-us.html>

Below are a few questions and answers posed to USCIS. You might find the responses to be helpful.

Can a DSO still grant travel endorsement on an I-20 that the program end date has passed?

“A student who has completed his or her course of study and has been issued an EAD for OPT will have an I-20 whose program end date has passed. DSOs can continue to endorse such I-20s for travel, as long as the student also has a valid EAD.”

Are there risks in travelling outside the United States while on OPT?

“Of course, the only way to be 100% sure that you will be able to stay in the U.S. during your OPT is to not leave. However, we understand that this is not always practical or desirable. You should not be afraid to travel while on OPT but there are risks you have to be aware of:

- **If your F-1 visa is expired**, you will need to apply for a new one at a U.S. embassy abroad before you can come back to the U.S. If you are only travelling to Canada, Mexico, or the adjacent Caribbean islands for 30 days or less, you may be able to re-enter the U.S. even with an expired F-1 visa.
- **If you have no employment to return to**, an officer can legally refuse your entry to the U.S. It is recommended that students who have no employment but need to travel abroad should carry with them some proof that they are looking for a job (e.g. communication with prospective employers such as thank you emails post interviews, career fairs). Additionally, students who have exceeded the 90 days of unemployment are not considered to be maintaining status and should consider that carefully.”

Can I reenter if my request for OPT is pending?

“Yes, traveling during this time should be undertaken with caution. USCIS may send you a request for evidence while you are away, however, so you would want to make sure you have provided a correct U.S. address both to your DSO and on the application and would be able to send in requested documents. Also, if USCIS approves your OPT application, you will be expected to have your EAD in hand to re-enter the United States. Like a request for further information, USCIS can only send the EAD to your U.S. address.”

Can I reenter if I left while on OPT?

“If USCIS has approved your OPT you will be expected to have your EAD in hand to re-enter the United States, in addition to your Form I-20, valid passport and visa, and a letter of employment if you have one. If you exceed the 90-day limits on unemployment while outside the United States, you will not be eligible to re-enter the United States in F-1 status.”

On the bottom of my EAD card, it states, “Not Valid for Re-Entry to the U.S.,” what does that mean?

It means that more documents will be needed beside the EAD card; the card alone is not sufficient.

Can a student on OPT leave the U.S. after the EAD is expired and return during the 60-day grace period?

If a student leaves the U.S. during the 60-day grace period after the EAD is expired, he/she will need to apply for a different visa (for instance a visitor’s visa) in order to return.

Are you currently on post-completion OPT and have a pending or approved H1-B, or OPT Cap-Gap I-20?

Note that the International Student Services office at Haverford College is unable to advise you on such matters other than to consult with the legal counselor, who is processing the H1-B petition and your employer before traveling. In addition, information on Cap-Gap can be found at: <https://studyinthestates.dhs.gov/cap-gap>. If you have any change-of-status petition, including a Green Card application, consult with your legal counselor.

Last, F-1 students should familiarize themselves with Study in the States website on matters surrounding your F-1 Visa and maintaining their status!

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