

**From:** CIS Ombudsman <CIS.ombudsman@messages.dhs.gov>  
**Sent:** Thursday, March 4, 2021 3:43 PM  
**To:**  
**Subject:** USCIS Announces Flexibilities for Certain Foreign Student Applicants Affected by Delayed Receipt Notices for Form I-765, Application for Employment Authorization

March 4, 2021



# Homeland Security

## USCIS Announces Flexibilities for Certain Foreign Student Applicants Affected by Delayed Receipt Notices for Form I-765, Application for Employment Authorization

Dear Stakeholder,

[The Office of the Citizenship and Immigration Services Ombudsman](#) (CIS Ombudsman) is sending this message to inform you that U.S. Citizenship and Immigration Services (USCIS) has announced certain flexibilities for foreign students (F-1 nonimmigrants) affected by delayed receipt notices for Form I-765, Application for Employment Authorization for Optional Practical Training (OPT).

### 14-month Post-Completion OPT Flexibilities

After completion of the academic program, the F-1 student may be granted up to 12 months of OPT. This OPT must be completed within 14 months of the end of the academic program. Delays at USCIS lockbox facilities may have prevented some applicants from accessing their entire OPT allowance within that 14-month period. Therefore, USCIS announced it will allow the 14-month period to

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commence from the **date of approval** of the Form I-765 as opposed to completion of the academic program. Within that 14 month window, USCIS will approve Employment Authorization Documents (EADs) for OPT for the length of time originally recommended by the Designated School Official (DSO) on the Form I-20, Certificate of Eligibility for Nonimmigrant Student Status. F-1 students requesting OPT who receive approval for less than the full amount of OPT time requested (not to exceed 12 months) may [request a correction](#) of the EAD due to USCIS error. USCIS said it will then issue a corrected EAD with a new end date to cover the full amount of OPT time recommended by the DSO on Form I-20.

### **Refiling Following Rejection**

Due to delays at the USCIS lockbox facilities, some applicants who filed Form I-765 for OPT in a timely manner, but had their applications rejected, were unable to refile within the required application timeframes. USCIS announced it will accept a refiled Form I-765 for post-completion OPT, or a re-filed I-765 for Science, Technology, Engineering, and Mathematics (STEM) OPT, if the original application was timely filed between October 1, 2020 and May 1, 2021. Refiled applications must be received by May 31, 2021 for USCIS to treat the application as if it was filed on the original received date. Applicants refiling Form I-765 should include a copy of the USCIS rejection notice. Applicants do not need to obtain a new Form I-20 with an updated OPT recommendation from the DSO, as long as they originally submitted an application for post-completion OPT within 30 days of the DSO's recommendation, or an application for STEM OPT within 60 days of the DSO's recommendation, as required by the regulations.

### **Missing or Deficient Signatures**

The lockbox will generally reject a Form I-765 for OPT or STEM OPT with a missing or deficient signature. If, however, the lockbox has accepted an application containing a deficient or missing signature, USCIS indicated it will issue a Request for Evidence rather than deny the application. This will provide the applicant the opportunity to respond and supply the necessary signature or correct the signature deficiency. USCIS encourages applicants filing Form I-765 to review the form instructions on its website to ensure completeness before filing.

### **Background**

The CIS Ombudsman provided informal recommendations to USCIS regarding lockbox delays in issuing receipt notices for Forms I-765 and communicated the significant adverse impact on nonimmigrant students. USCIS indicated these delays were caused by various factors such as the COVID-19 pandemic; a rise in cases for

certain benefit requests at some lockbox facilities; an increase in mail volume; and delays at the U.S. Postal Service. USCIS requested that applicants wait at least eight weeks before contacting the agency to inquire about missing receipt notices. The CIS Ombudsman recognizes that USCIS has made progress in addressing these issues and is pleased that the agency has also implemented the above-mentioned flexibilities.

### More Information

Please refer to the USCIS website for additional information related to [Optional Practical Training](#) for [F-1 Students](#) and instructions to file [Form I-765](#).

The CIS Ombudsman is committed to meeting with stakeholders and USCIS to address further concerns regarding the impact of delayed receipt notices.

Additional updates on this topic will be shared by the CIS Ombudsman as appropriate. For more information on our office, please visit our [website](#).



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