
From: U.S. Citizenship and Immigration Services <uscis@public.govdelivery.com>
Sent: Friday, February 26, 2021 5:09 PM
To:
Subject: USCIS Extends Flexibilities to Certain Applicants Filing Form I-765 for OPT

USCIS today announced flexibilities for certain foreign students affected by delayed receipt notices for Form I-765, Application for Employment Authorization. These flexibilities apply **only** to applications received on or after Oct. 1, 2020, through May 1, 2021, inclusive.

USCIS has experienced delays at certain lockboxes in issuing receipt notices for Form I-765 for optional practical training (OPT) for F-1 students. These delays are a result of COVID-19 restrictions, a dramatic increase in filings of certain benefit requests, postal service volume and delays, and other external factors. While we have made progress in addressing the problem, we are extending the following flexibilities to assist certain applicants for OPT impacted by the delays.

14-month OPT Period Flexibilities

F-1 students may participate in up to 12 months of post-completion OPT, which must be completed within 14 months from the end of their program. Due to the delays at the lockbox, some applicants may only be eligible for a shortened period of OPT within that 14-month period. To allow F-1 students to complete the full period of requested OPT (up to 12 months), USCIS will allow the 14-month period to commence from the **date of approval** of the Form I-765 for applications for post-completion OPT.

Beginning today, USCIS will approve applications for post-completion OPT with validity dates reflecting the same amount of time originally recommended by the designated school official (DSO) from their school on the Form I-20, Certificate of Eligibility for Nonimmigrant Student Status.

F-1 students requesting post-completion OPT who receive an approval of Form I-765 for less than the full amount of OPT time requested (not to exceed 12 months) due to the requirement that the OPT be completed within 14 months of the program end date may [request a correction](#) of the EAD due to USCIS error. USCIS will issue a corrected EAD with a new end date, as requested, to cover the full amount of OPT time recommended in the original application.

Refiling Following Rejection

Applicants for OPT must file the Form I-765 during certain timeframes. However, we recognize that due to the lockbox delays, some applicants who timely filed Form I-765 for OPT and whose applications were later rejected are unable to timely refile within the required application timeframes.

USCIS will accept a refiled Form I-765 for OPT and STEM OPT as filed on the original filing date if:

- The original, timely filed application was received on or after Oct. 1, 2020, through May 1, 2021, inclusive; and
- USCIS subsequently rejected it.

Refiled applications must be received by May 31, 2021, for USCIS to treat the application as though filed on the original received date.

Applicants refiling a Form I-765 for OPT or STEM OPT 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.

Applicants refiling an application should include a copy of the rejection notice to facilitate review of the case.

Missing or Deficient Signatures

Applications with missing or deficient signatures are generally rejected at the lockbox. This policy remains unchanged. However, if the lockbox accepts a Form I-765 application for OPT or STEM OPT with a missing or deficient signature, USCIS will issue a Request for Evidence rather than deny the application, to give the applicant the opportunity to respond and provide the necessary signature or correct the deficiency. We encourage applicants filing [Form I-765](#) to review the form instructions on our website to ensure their application is complete before filing it.

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