

In-person visa interview not required for OPT status

Ishani Duttgupta | TNN | Sep 29,2022, 12:19 IST



Travel plans of thousands of Indians have been hit by backlogs for important categories of US visas including B-1/B-2 visitors visas and H-1B and H-4 work permit visas. However, the good news for Indian students is that, with valid F-1 student visas, travelling back to the US after visiting India or any other country, is easy and does not require any additional visa stamp or interview.

The same rule applies to students who are on optional practical training (OPT), which is a form of training, often paid, that directly relates to the international students' programme of study in the US. What this means for many young Indians, who are working on OPT, is that even if parents are stuck on a visitors' visa queue and cannot visit the US; the students have the flexibility to plan a vacation in India if they have a valid F-1 visa.

"Students can apply for OPT during their programme of study, which is known as pre-completion OPT, or after they finish their programme of study, known as post-completion OPT," a spokesperson of the US embassy in New Delhi told the Times of India.

The procedure to apply for OPT is that students on F-1 visa must request for an approval from the designated school official (DSO) at their university. The DSO makes the recommendation in the student and exchange visitor information system (SEVIS) by endorsing the student's form I-20, certificate of eligibility for non-immigrant student status. "The student must then file the form I-765, 'application for employment authorisation' and supporting documents with

US Citizenship and Immigration Services (USCIS), and if approved, USCIS will issue a form I-766, employment authorisation document. A student cannot begin their training until they receive the authorisation from USCIS," the US embassy spokesperson said.

The OPT status allows eligible international students and new graduates the opportunity to gain on-the-job-learning that supplements knowledge gained in their academic studies. To participate in the training opportunities, an international student does not need to change their non-immigrant status. The student must work with their designated DSO to ensure eligibility as well as apply for and receive proper authorisation. However, all international students who receive financial compensation of any kind must **apply for a social security number** in the US.

An F-1 student with approved OPT may enter the **United States** using their valid F-1 visa at any time. There is no separate visa category for OPT. However, even if a student has an approved OPT, they still require a valid F-1 visa in order to enter the US. "In the rare event that an OPT-approved student does not hold a current, valid, visa, they should follow the standard guidelines to apply for a valid F-1 student visa," the US embassy spokesperson added.

"At any time, F-1 students need a visa stamped in their passport to be able to return to the USA. It's the same whether they're actively in school or on their OPT," Diya Mathews, partner and attorney at law firm Chugh, LLP, told Times of India. She added that though the students on OPT may be working and getting paid, they are technically still on F-1 student visa status.

“OPT is just the work authorisation period towards the end of the F-1 status after the coursework is completed. There is no separate visa status for OPT,” she added. While most students applying for F-1 visas in India are interviewed before they are granted a visa; due to the current visa processing backlogs in India some students are being granted interview waivers if they have had a prior US visa. “They can apply for a dropbox appointment which means they will likely be exempt from in-person visa interview,” Mathews said.