

Guidance for Travel Outside the U.S. for OPT Students

This handout has been created by the Office of International Student & Scholar Services (ISSS) to provide guidance for traveling outside the U.S. for F-1 students. For more information go to <u>ISSS Travel Resources</u>. For general guidance for traveling outside the U.S. go to <u>SEVP Travel</u>. For information about visa renewal, go to <u>Dept. of State Visa Renewal</u>.

Please note that traveling outside the U.S. may involve policies from multiple entities within different U.S. government agencies including the Student Exchange Visitor Program (SEVP), Immigration and Customs Enforcement (ICE), U.S. Embassy/Consulate, Customs and Border Protection (CBP), and U.S. Citizenship and Immigration Services (USCIS). These policies may not always provide clear guidance and below is the ISSS's general guidance with appropriate links to the relevant government entities.

Travel Documents Guidance:

- I-20- the travel signature for the I-20 is valid for 12 months from the date of the signature. For students on OPT or who have filed for OPT the travel signature is valid for 6 months from the date of the signature for re-entry. To request a travel signature current students will go to Travel Signature Request Form and OPT students will go to www.tamuc.edu/opt.
- I-94 Arrival/Departure Record- the electronic I-94 record is automatically updated when a student enters or departs the U.S. To access your electronic I-94 record go to <u>I-94 Access</u>. Individuals with paper copy I-94's will need to submit the I-94 before they depart the U.S. For more information go to <u>I-94 Fact Sheet</u>.
- Visa- the visa grants permission for an individual to enter the U.S. under the visa category. The visa can expire while an individual is within the U.S. and it will generally not impact the status. For more information on the visa go to Dept. of State Visa.
- Passport- the ISSS strongly recommends that students keep their passport valid at all times. CBP regulations for re-entry require an individual's passport to be valid for at least 6 months beyond the date of re-entry with some exceptions (see <u>Passport Agreement</u>).
- Employment Authorization Document (EAD) Students whose OPT has been approved will be required to present an unexpired EAD card at port of entry to be re-admitted. Students outside the U.S. when their OPT is approved may still be required to present an unexpired EAD card at port of entry to be re-admitted.
- Employment letter- students whose OPT has been approved will be required to present a letter verifying employment or a letter offering employment to be re-admitted. Please see the guidance below for more information.

<u>General Travel Warnings:</u> The U.S. Department of State has a website for <u>Travel Alerts and Warnings</u>. While these alerts and warnings may be for U.S. citizens we recommend students review this website as well as their country's relevant government website for current travel warnings or alerts.

<u>Travel Outside the U.S. while 12-month OPT Application is Pending:</u> Traveling while your OPT application is pending (not approved) with USCIS has some risks. The ISSS does not recommend students travel outside the U.S. while their OPT application is pending (not approved) with USCIS unless absolutely necessary. For more information go to <u>SEVP Travel</u> or <u>SEVP OPT Policy Guidance</u>:

- USCIS may send a request for evidence (RFE) regarding your application while you are outside the U.S. If you are outside the U.S. it may be difficult to secure the necessary documents for a response. RFE's generally have a short timeframe to respond and if you fail to respond by the deadline your application will be denied by USCIS.
- While U.S. Customs Border Protection (CBP) guidelines states a student with a pending OPT application
 may re-enter the U.S. to look for a job but you do not know when your application will be approved.
 Applications take an average of 2-3 months for USCIS to process but they often take less time. Once
 approved, you will need to present proof of employment (employment letter or employment offer letter)
 and your valid EAD card along with the documents listed below.
- If your visa has expired then the U.S. Consulate may not renew your visa until your OPT has been approved.

The documents for traveling outside the U.S. while your OPT application is pending (not approved) with USCIS includes:

- OPT I-20 with travel signature within six months of date of re-entry
- Valid visa (may be exception for students traveling to Canada, Mexico, or adjacent island)
- Passport valid for at least 6 months beyond the date of re-entry (<u>may</u> be exception for students whose country has a <u>Passport Agreement</u> with U.S.)
- It is strongly recommended to have a letter of employment or employment offer letter

<u>Travel Outside the U.S. while on Approved 12-month or 24-month OPT:</u> Traveling while on OPT carries some risk. The ISSS does not recommend students travel outside the U.S. while on approved OPT unless absolutely necessary. Below is a list of documents required for re-entry and for more information you may go to <u>SEVP Travel</u> or <u>SEVP OPT Policy Guidance</u>:

- OPT I-20 with travel signature within six months of date of re-entry
- Valid visa (may be exception for students traveling to Canada, Mexico, or adjacent island)
- Passport valid for at least 6 months beyond the date of re-entry (<u>may</u> be exception for students whose country has a <u>Passport Agreement</u> with U.S.)
- Employment letter or employment offer letter
- Unexpired EAD card

<u>Travel Outside the U.S. in Final Semester:</u> Students traveling outside the U.S. in their final semester <u>after</u> they have filed for OPT may review the section in this handout regarding traveling outside the U.S. with a pending OPT application. Students who choose to travel outside the U.S. during their final semester <u>prior</u> to applying for OPT will need to review the guidance on this handout regarding traveling while classes are in session. The ISSS cannot address how a port of entry officer will evaluate a student's eligibility to return to the U.S. close to the end date of their final semester. There may be inherent risks with port of entry if a student is traveling outside the U.S. and reentering close to the end date of the final semester. While summer is the recognized vacation for international students traveling and re-entering the U.S. so close to the end date of the final semester or session may carry risks. The ISSS would recommend traveling during this timeframe only if absolutely necessary.

Travel Outside the U.S. while 24-month OPT STEM Extension Application is Pending: Students may travel and re-enter the U.S. up until the end date of their current EAD card (12-month OPT) as long as they have all required documents listed on this guidance handout. Students with a pending OPT STEM Extension application with USCIS who are in their 180 day interim period of employment (period *after* end date of 12-month OPT EAD card) *may not re-enter the U.S.* until their OPT STEM Extension application is *approved*. Once approved, the student will need the following documents to re-enter the U.S. For more information go to SEVP OPT Policy Guidance:

- OPT STEM Extension I-20 with travel signature within six months of date of re-entry
- Valid visa (may be exception for students traveling to Canada, Mexico, or adjacent island)
- Passport valid for at least 6 months beyond the date of re-entry (<u>may</u> be exception for students whose country has a <u>Passport Agreement</u> with U.S.)
- Employment letter or employment offer letter
- Unexpired EAD card for OPT STEM Extension

<u>Travel Outside the U.S. during Cap Gap Extension:</u> The U.S. Department of Homeland Security (DHS) regulations for <u>Cap Gap Extension</u> has indicated that a student may generally travel outside the U.S. and seek reentry to the U.S. in F-1 status during the period of cap gap extension if the student meets the following conditions. For more information go to <u>USCIS Cap Gap Extension</u>, <u>CBP FAQ</u>, and <u>SEVP OPT Policy Guidance</u>:

- the student's H1-B petition and request for change of status has been approved
- the student seeks readmission to the U.S. before his or her H1-B employment begins (normally October 1)
- the student is otherwise admissible

If your intention is to travel outside the U.S. and re-enter with an H1-B visa then you will need to consult an immigration attorney for guidance on this process. DHS guidance on travel and reentry during cap gap extension has been contradictory. *The ISSS does not recommend students travel outside during cap gap extension.*