Unemployment during Post-Completion OPT

What is the 90 day rule?

For students on Post-Completion OPT, immigration regulations limit the number of days you may be unemployed before you violate your status. The limit is 89 aggregate days. When 90 days are reached, you violate your F-1 status.

Each day, including weekends, that you are not employed counts as a day of unemployment. You are required by Immigration to report your days of unemployment, along with any legal name change, change in address, and change or loss of employer. Details on the reporting requirements, as well as the online reporting form, are on our website.

How do I stop days of unemployment from accruing?

As long as you are employed for an average of 20 hours per week during a calendar month, you will not accrue any days of unemployment for that month. Please keep in mind:

- You can be employed in multiple positions to make the needed average of 20 hours/week
- Your job can be paid or unpaid
- All jobs must be directly related to your course of study

Do I accrue unemployment if I travel outside the U.S. while on OPT?

You will accrue days of unemployment while outside the US during Post-Completion OPT unless you are either:

- Employed during a period of leave authorized by your employer
- Traveling as part of your employment.

What about when I am on the 17-Month (STEM) Extension?

Students who are on the 17-Month Extension may accrue an additional 30 days, for a sum total of 119 days of unemployment, before violating their status.

What about when I am on the Cap-Gap Extension?

The limits on days on unemployment still apply to students who are on the Cap-Gap Extension.

What happens if I reach 90 days of unemployment (120 days while on the 17- Month Extension)?

If you exceed your limit of days of unemployment, you will lose your lawful F-1 status and the benefits that come with it. To avoid violating status, we recommend you do one of the following BEFORE you reach your 90th day of unemployment:

- Gain admission and transfer to another school or return to SJSU
- File for a change of status (if eligible)
- Depart the U.S.

Questions?

Please see an International Student Advisor if you have further questions.