





Rejections, Denials, and RFEs for Post-Completion OPT



(POSSIBLE) OPT APPLICATION REJECTIONS, DENIALS, AND RFES

Rejections vs. Denials

A <u>rejection</u> occurs when the USCIS Lockbox (mailing) Facility sends back your entire OPT application packet without sending it to a Service Center for processing. Potential reasons why:

- 1. Your check or other payment method failed*
- 2. You did not sign your form I-765
- 3. Your OPT application packet is missing several required documents
- 4. You did not select a reason for applying (the very first question on the I-765)
- 5. Outdated edition of I-765 (please go directly to the USCIS website to download the most recent version of the I-765 each time you apply.)

*Please note that USCIS DOES NOT process your payment for a rejection.

A **denial*** occurs when your OPT application packet is sent to a Service Center for adjudication (processing) and the adjudicator discovers that you're unequivocally ineligible for OPT. Potential reasons why:

- 1. You submitted your application packet to USCIS more than 30 days AFTER the date ISSS issued your I-20.
- 2. You've already been approved for OPT at the same degree level (only one OPT authorization per degree level).
- 3. You clearly have not met your eligibility requirements (i.e., one academic year of full-time studies)
- 4. You applied for OPT after the 60-day grace period expired

*USCIS will process your payment for a denial

RFEs (Requests for Evidence)*

Requests for evidence (RFE) are sent to students when there is a relatively minor correction or clarification (additional information) that needs to be made. These can include:

- 1. Passports that have less than 6 months of validity or expired passports
- 2. You filled out a particular section of the I-765 incorrectly or not at all (e.g., I-94 number was incorrect or you forgot to add your most recent date of entry into the U.S.)
- 3. Information on I-94/I-20 is inconsistent or incorrect (e.g., incorrect name order, wrong visa class, etc.)
- 4. Your photos are older than 30 days or are of poor quality
- You need to prove that you fulfilled your eligibility requirements for OPT (i.e., you will be asked to submit an academic transcript to USCIS)
- 6. Your photo ID could not be confirmed

* It's at USCIS's discretion to issue the student an RFE. The adjudicator (processor of your application) may either issue an RFE or deny your application if there are errors or missing information



HOW TO RESPOND TO AND POSSIBLY RESOLVE REJECTIONS, DENIALS, AND RFES

Rejections vs. Denials

Responding to a Rejection:

- Must refile ENTIRE application with cover letter of rejection notice on top
- Resubmit payment (original check would have been sent back to you so you won't have to pay twice)
- You will be unable to refile an application if your grace period has expired already
- Request another I-20 for OPT from ISSS
- Your 12 months of OPT will most likely be reduced because of this delay

Responding to a Denial:

- Once again, you must refile the entire application AND pay another fee of \$410.00 so long as your grace period has not expired.
- Request another I-20 for OPT from ISSS
- As with a rejection, your 12 months of OPT will most likely be reduced because of the delay

RFEs (Request for Evidence)

Responding to an RFE:

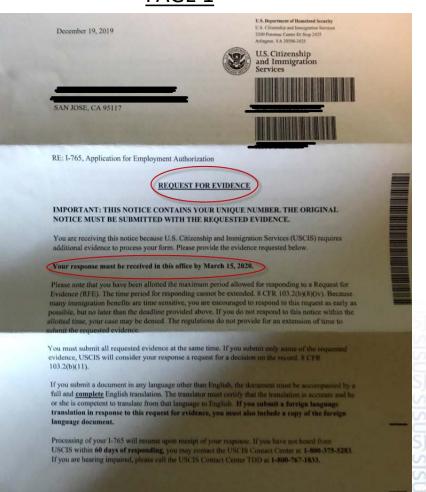
- Do EXACTLY what the RFE instructs (e.g., it will tell you specifically what you need to redo or submit, do not submit more documents than necessary!!)
- Make sure to include the entire cover letter of the RFE on top of your new document submission.
- Submit directly to the address on the RFE
- As with rejections and denials, your OPT application will be delayed as a result and your total OPT authorization period may be reduced
- PLEASE RESPOND WITHIN THE INDICATED TIMEFRAME ON THE RFE, WHICH IS APPROXIMATELY 30 TO 90 DAYS.
- RESPOND AS SOON AS POSSIBLE TO AVOID DELAYING YOUR OPT APPLICATION FURTHER

ALWAYS #TalkToUs BEFORE RESPONDING TO AN RFE, REJECTION, OR DENIAL!!!

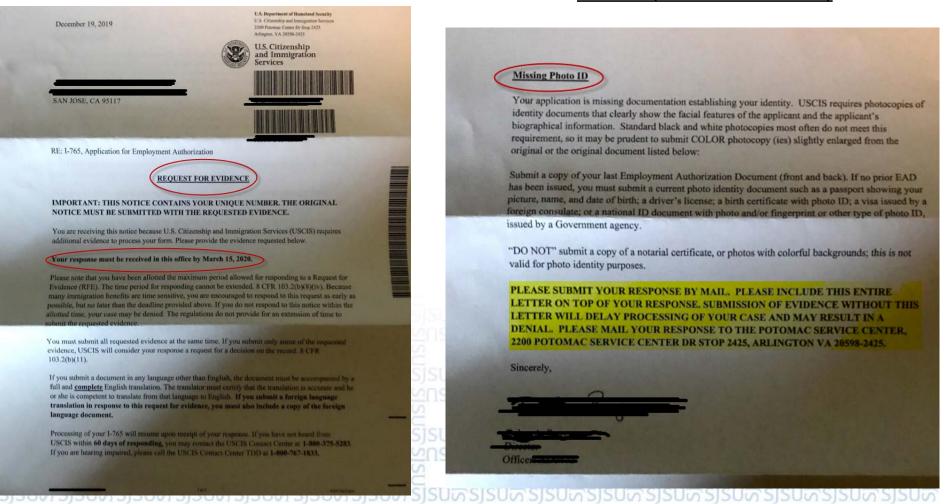


SAMPLE RFE NOTICE

PAGE 1



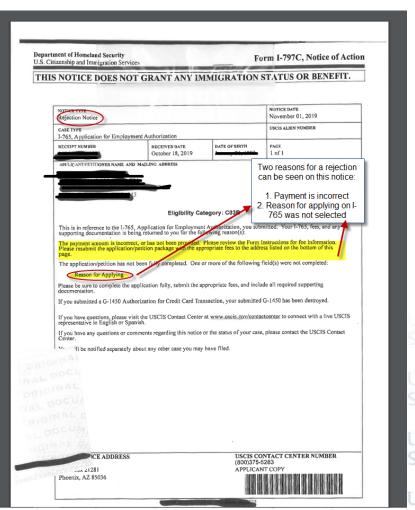
PAGE 2 (REASON FOR RFE)



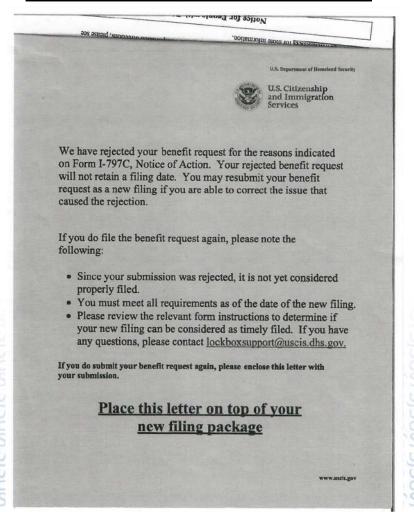


SAMPLE REJECTION NOTICE

REJECTION NOTICE (1-797C)



COVER LETTER (REJECTION NOTICE)





SAMPLE DENIAL NOTICE

September 23, 2019



U.S. Department of Homeland Security U.S. Citizenship and Immigration Services 2200 Potomac Center Dr Stop 2425 Arlington, VA 20598-2425



U.S. Citizenship and Immigration Services



RE: I-765, Application for Employment Authorization

DECISION

This notice refers to your Form I-765, Application for Employment Authorization, filed on May 14, 2019, in which you are requesting employment authorization pursuant to Title 8, Code of Federal Regulations (8 CFR) 274a.12(c)(3)(B). Upon consideration, it is ordered that your application be denied for the following reason(s):

The instructions for the Form I-765 state, in pertinent part:

F-1 Student seeking Optional Practical Training in an Occupation Directly Related to Studies -(c)(3)(i). File your EAD application with a Certificate of Eligibility of Nonimmigrant (F-1) Student Status (Form I-20AB) endorsed by a Designated School Official (DSO) within the past 30 days.

Title 8 Code of Federal Regulations, Part 214.2(f)(11)(i)(B)(2) states:

For post-completion Optional Practical Training (OPT), the student must properly file his or her Form I-765 up to 90 days prior to his or her program end-date and no later than 60 days after his or her program end-date. The student must also file the Form I-765 with USCIS within 30 days of the date the DSO enters the recommendation for OPT into his or her SEVIS

You are applying for post-completion OPT. Your Form I-765 application was receipted by The United States Citizenship and Immigration Services (USCIS) on May 14, 2019 and the date the DSO entered your recommendation for OPT into your SEVIS record was April 2, 2019. You have failed to submit Form I-765 within 30 days of the date the DSO entered the recommendation for OPT in your Student and Exchange Visitor Information System (SEVIS) record.

For this reason, your application must be and hereby is denied.

NOTICE: USCIS regulations do not provide for an appeal to this decision. However, you may file a motion to reopen or reconsider an adverse decision. A motion must be filed using Form 1-290B, Notice of Appeal or Motion. Form 1-290B must be filed within 30 days from the date of this notice (33 days if this notice was received by mail) with the appropriate filing fee and other documentation in support of the motion. Do not send the completed Form 1-290B directly to the Potomac Service

Reason for Denial

Lof2

www.pscis.gov

THANK YOU!

SAN JOSÉ STATE UNIVERSITY powering silicon valley

INTERNATIONAL STUDENT & SCHOLAR SERVICES

STUDENT UNION WEST, 2ND FLOOR

TEL: 408-924-5920

EMAIL: INTERNATIONAL-OFFICE@SJSU.EDU

OFFICE HOURS: MONDAY TO FRIDAY, 9AM TO 4PM