



Questions and Answers

The CIS Ombudsman’s Webinar Series: USCIS Introduces Online Filing for Form I-765, Application for Employment Authorization, for F-1 Students Seeking Optional Practical Training

On May 5, 2021 the Department of Homeland Security’s (DHS) Office of the Citizenship and Immigration Services Ombudsman (CIS Ombudsman) hosted a public webinar to discuss USCIS’ online filing for Form I-765, Application for Employment Authorization.

Below is the list of inquiries received from stakeholders during this webinar and the responses provided by USCIS.

General I-765 Online Filing

Q1. If I get an alert at the end saying I'm missing information, when I go back to change it, my other information gets deleted, so I have to do the whole thing over again (using Chrome when this happened). Is this a known issue? If so, is USCIS working to resolve it? Are there preferred internet browsers that applicants should use to complete the I-765 online?

A1. USCIS has not received any service tickets reporting this or similar issues. Further, it does not appear to be a browser issue, as Chrome is the preferred browser.

Q2. Does the online I-765 form have a character limit for the name fields? If the form has a character limit, what should students do if their name does not fit? Some students have only a first name and no last name, is either the field first name or last name required fields and where should students with one name list their name?

A2. Yes, each name field is limited to 40 characters. If your name does not fit within the character limits, enter as much as you can in the space provided. Do not change your name format. You should list your first name in the “First Name” data field, and your last name in the “Last Name” data field. If you only have one name, list this in the “Last Name” data field. You should upload a letter to the “Additional Information” section explaining which data fields you could not complete because your information was longer than the character limit provided. Your letter should include your full name as well as any other information that appears truncated on the form due to character limits or the use of only one name.

Q3. Does requesting a Social Security Number (SSN) delay the processing of the Form I-765? Will

the Social Security card be sent together to us with the employment authorization card?

A3. No, requesting a Social Security Number does not delay adjudication of Form I-765. If you indicate on the Form I-765 that you want a Social Security card, USCIS transmits your request to the Social Security Administration (SSA). SSA is responsible for issuing your Social Security card. USCIS focuses on adjudicating your Form I-765.

Q4. In the information provided before starting the I-765 application, there is a section that mentions the Employment Authorization Document (EAD) may be mailed to the applicant or the applicant may collect it at a local USCIS office. With the paper-based forms, we are accustomed to USCIS mailing the EADs. Is this expected to change with the online filing process?

A4. USCIS does not anticipate a change in procedure for online filing.

Q5. If when the student submits the photograph it says unvalidated photograph in the electronic I-765 receipt, is that something to cause worry? What triggers this language to be on the receipt notice?

A5. The Form I-765 receipt notice does not address the validity of a photograph submitted online with the application filing and contains no content on validated or unvalidated photos. Although USCIS strongly recommends that applicants submit photographs as initial evidence with their application, photographs are not required for case acceptance.

Q6. In the evidence section "Post-Completion CPT or OPT" if a student has not had prior CPT or OPT, is it okay to leave this section completely blank or is some file upload required to submit the form?

A6. Only evidence of previously authorized Curricular Practical Training (CPT) or Optional Practical Training (OPT) should be uploaded in the section "Previous CPT or OPT." If this section is not applicable to the applicant, no file upload is required. If USCIS needs additional information or evidence from the applicant to adjudicate the case, USCIS will issue a Request for Evidence (RFE), post it to the applicant's online account, and mail a hard copy of the RFE notice to the applicant's mailing address of record. The applicant can respond to the RFE through his or her online account by scanning and uploading any requested evidence.

Q7. What does USCIS recommend for students that file their OPT application online without the I-20 form with the Designated School Official (DSO) recommendation for OPT? Should they cancel or withdraw the application before proceeding with a second application? Are students able to more easily cancel or withdraw their OPT application online? (understanding the filing fee will not be reimbursed)

A7. Users who file their Form I-765 online do not need to withdraw their application or wait for USCIS to issue an RFE if they realize they failed to include the proper Form I-20 with their submission; they can upload Form I-20 as unsolicited evidence under the "Documents" tab in their online account until USCIS has adjudicated their case.

If an OPT application is submitted without the Form I-20 with the Designated School Official (DSO)

recommendation, USCIS may issue the applicant an RFE for the proper Form I-20. The RFE does not alter the requirements for the Form I-20. The DSO must endorse the Form I-20 before the student files the Form I-765. For the (c)(3)(B) eligibility category, the DSO must have entered the recommendation for OPT into the applicant's Student and Exchange Visitor Information System (SEVIS) record within the 30-day-period before the filing of the Form I-765; and for the (c)(3)(C) eligibility category, the DSO must have entered the recommendation for STEM OPT extension into the student's SEVIS record within the 60-day-period before the filing of the Form I-765.

If an applicant wishes to withdraw an OPT application, they should scan and upload to their USCIS online account a letter to USCIS requesting that their applications be withdrawn. The letter should be scanned and uploaded as unsolicited evidence.

Q8. Does the system prevent filing when there is an obvious ineligibility, such as a student who might be outside of the regulatory filing window for post-completion OPT?

A8. No, the online system will not reject an application from someone who may not be eligible. Therefore, applicants need to be sure they are filing under one of the three eligible categories, meet all requirements for OPT, and are filing within regulatory filing windows.

Q9. How are date and time recognized by the system? Does the applicant's time zone control? For example, will an applicant on the U.S. west coast attempting to file at the last minute discover that the filing window has closed because the system recognizes eastern time?

A9. The system recognizes UTC or Coordinated Universal Time.

Q10. Many F-1 students and Designated School Officials (DSOs) are proceeding with caution around the online filing of I-765s, due to past experiences with failed digital rollouts. While students and DSOs alike are eager to embrace new and improved filing systems, there is some hesitation that transparency and data could ease. How was the soft launch assessed? What lessons were learned during the soft launch? Were any issues addressed?

A10. USCIS tests its systems extensively before launching new forms and features and closely monitors that its applications and system integrations to ensure that systems are secure, available, and reliable. The Form I-765 for OPT students is the 10th online, electronic deployment of a USCIS form. Currently, more than seven million online accounts have been created, and USCIS successfully processes and renders decision on these applications. It is important for every applicant to follow all filing instructions to ensure successful submission of his or her benefit request and increased the likelihood of fluid processing.

Q11. What would be an example of a "Yellow Alert" that should be corrected but does not need to be corrected in order to submit the form?

A11. One example is address verification. USCIS uses U.S. Postal Service (USPS) validation, so if an address is not recognized by USPS, a user will receive a yellow alert box. A user may choose to edit the response or ignore the alert.

Q12. Can USCIS explain what documents are accepted for proof of enrollment at SEVP-certified

school?

A12. Applicants should submit their most recent Form I-20 issued from the SEVP-certified school. USCIS will validate enrollment through SEVIS checks at time of adjudication.

Q13. We understand that online-filed applications are assigned Integrated Operating Environment (IOE) receipt numbers and wonder where applications will be processed and on what basis. For example, will all be processed at PSC, will they be assigned to a service center based on the applicant's residence location or service center capacity, etc.? If these applications will be assigned to more than one service center, how may an applicant determine where his or her application is pending? Will they receive transfer notices, or is this not anticipated given the IOE operating environment?

A13. Currently, all online Form I-765 applications for this initial phase of student categories are adjudicated by our Potomac Service Center. USCIS may, in the future, expand processing to other USCIS locations. If that happens, USCIS will issue a transfer notice by posting the notice to the applicant's account and mailing a copy to the student's mailing address of record.

For cases issued an IOE receipt number, USCIS expects to provide location data in addition to current case status in the Case Status Online service later this year.

Form I-20, Certificate of Eligibility of Nonimmigrant (F-1) Student Status

Q14. Current DHS guidance allows DSOs to electronically sign Form I-20. Can you please confirm that you will accept such Form I-20s?

A14. Yes, on March 26, 2020, the Student and Exchange Visitor Program (SEVP) updated the coronavirus (COVID-19) FAQs on <https://www.ice.gov/covid19> to provide the following guidance on signing and delivering Form I-20 electronically:

“Due to COVID-19, DSOs may electronically send Forms I-20 to student email addresses listed in SEVIS. In the case of a minor student, the email address may belong to their parent or legal guardian. Schools do not need to request permission from SEVP or report their plans to electronically send Forms I-20 as part of their COVID-19 procedural changes.

SEVP has identified the following methods to sign and send the Form I-20:

- Email a scanned version of the physically signed Form I-20;
- Email a digitally signed Form I-20 using electronic signature software; or
- Email a digitally signed Form I-20 that contains a digitally reproduced copy of a physical signature.”

USCIS will accept a Form I-20 that was electronically signed by the DSO in accordance with the guidance above. However, due to the fluid nature of this situation, please continue to reference <https://www.ICE.gov/COVID19> for the latest news and updates.

Q15. Some DSOs are concerned that the form language does not clearly specify that the student must upload the specific Form I-20 bearing the OPT recommendation and a student might upload

a prior I-20. Can the form language be clarified to require the I-20 bearing the OPT or STEM OPT recommendation?

A15. We acknowledge your feedback on the form language and will consider it for future revisions to form instructions. USCIS periodically reviews form instructions and updates them as needed to improve clarity, make corrections, or other updates.

Q16. Is there a hard stop in the online application if the student hasn't uploaded the I-20 with OPT recommendation?

A16. No, the USCIS online account does not reject online forms for failure to submit required evidence. However, an applicant must follow all form instructions and regulations when completing an online application. The applicant must upload a copy of Form I-20, Certificate of Eligibility for Nonimmigrant Student Status endorsed by the DSO. For those applicants who file Form I-765 without originally uploading Form I-20, the user can upload Form I-20 as unsolicited evidence under the Documents Tab in their online account case up to the point of adjudication. If you fail to do so, USCIS will deny your OPT request.

For the (c)(3)(B) eligibility category, your DSO must have entered the recommendation for OPT into your SEVIS record within 30 days of you submitting Form I-765. For the (c)(3)(C) eligibility category, the Form I-20 must have been endorsed by the DSO within 60 days of submitting Form I-765.

Q17. Would you please clarify if the info pertaining to previously issued I-20s and OPT/CPT should be entered into the "Additional Information" section in the same manner as on page 7 of the paper I-765?

A17. The procedures for the online application and the paper form are the same. In the “Additional Information” section, applicants must include all previously used SEVIS numbers and evidence of any previously authorized CPT or OPT and academic level at which each was authorized.

Q18. Should a copy of each previously issued Form I-20 record be added to the online application's Form I-20 section or in "Additional Information" section? Should each record be entered separately or in the same entry as it is on page 7 of the paper Form I-765?

A18. Applicants should upload any previously issued Form I-20s under the “Additional Information” section and must upload their current Form I-20 endorsed by the DSO, under the “I-20” section before filing Form I-765. To upload documents into the USCIS online account, the documents must be scanned, and the files must be:

- Clear and readable;
- In an acceptable file format: JPG, JPEG, PDF, TIF, or TIFF;
- Not encrypted or password-protected;
- Written in acceptable characters: English letters, numbers, spaces, periods, hyphens, underscores, and parentheses;
- If originally written in a foreign language, each document must be accompanied by a full English translation and translator’s certification; and
- No larger than 6MB per file.

Additional Instructions, FAQ, and Webinar

Q19. Will you develop and release an FAQ for filing the I-765 online that we can reference and refer our students to?

A19. USCIS will develop an FAQ soon and post it to its website. In the meantime, applicants, legal representatives, and attorneys who intend to file Form I-765 should refer to the form's webpage, the instructions, and its accompanying worksheet.

Q20. Will there be additional webinars or available online instructions on how to file an I-765 online that are not behind the USCIS online firewall? In other words, will instructions be available to those who do not create a USCIS Online account?

A20. The USCIS website is the best place for information about online filing and the Form I-765, *Application for Employment Authorization*. In addition, the USCIS website provides instructions for the Form I-765 in a printable PDF format that customers can reference while completing the online form. USCIS will post a copy of the PowerPoint presentation and script that was used during the most recent engagement on this topic to the USCIS Electronic Reading Room.

Additionally, USCIS has filing checklists available at <https://www.uscis.gov/i-765> under the folder labeled "Checklist of Required Initial Evidence." All interested parties can access the checklist; a USCIS Online account is not required. If the academic community would like to request a presentation on the online I-765 for students, please write to public.engagement@uscis.dhs.gov.

Q21. Are school DSOs allowed to create a USCIS account so we can familiarize ourselves with the online process to be better able to explain it to our students?

A21. No, the only people authorized to create a USCIS online account are applicants, petitioners, H-1B registrants, or attorneys, and accredited representatives.

Requests for Evidence, Blank Spaces, and Payment Processing

Q22. Can a student edit an upload with an RFE response after it is submitted by either adding further documents or removing documents that were incorrectly submitted?

A22. After an application is filed online, users cannot make corrections or changes to the form they submitted. Similarly, after a user responds to an RFE, the user cannot reopen the response to add additional information. However, the user can upload unsolicited evidence including corrected documents, typographical corrections, and letters clarifying any inadvertent error.

Q23. If a question doesn't apply to the student, should they put N/A or leave blank?

A23. The USCIS online account is designed to ensure that all required data fields are completed, the application is signed, and the correct fee is paid. If a required data field is not completed, the system will alert the applicant with a reminder to include the missing information. If any required data field is missing information, the applicant must provide this information before the Form I-765 can be submitted.

Using the USCIS online filing platform allows applicants to address similar questions at the same time. Applicants are encouraged to proceed through the application using the navigation column to ensure completion of every question. Completing the form in this manner employs the technical logic that prompts the applicant to complete all required data fields, including questions that pertain to the applicant.

Q24. What if the fee bounces back through an ACH payment, would that be a subsequent rejection?

A24. You may use Visa, MasterCard, American Express, and Discover to pay the fees for an immigration benefit request. Make sure the card has enough money to cover the fee. USCIS will reject your application, petition, or request if the card is declined, and USCIS will not attempt to process your credit card payment a second time.

Q25. Can an international debit or credit card be used to pay the fee?

A25. No, if you file an application, petition, or request with a USCIS Lockbox facility, you may pay your filing fee and biometric services fee, if applicable, with a credit card issued by a U.S. bank, at no additional cost. USCIS cannot accept a credit card issued by a foreign bank.

Attorney Preparers

Q26. If an attorney prepares the form for a student, how do both applicant and attorney sign?

A26. Attorneys and accredited representatives are authorized to help students submit Form I-765 online. Both the legal representative and the student applicant MUST have USCIS online accounts. There are required steps where the legal representative and the student/client exchange a unique passcode. This serves as a virtual “handshake” to demonstrate that the client has given the legal representative permission to act on his or her behalf.

Q27. Can the attorney file on behalf of a student? Or must this be filed by the applicant only?

A27. Yes, under the following parameters: Once an attorney’s USCIS online account has been linked with his or her client’s USCIS online account, the attorney is authorized to fill out forms on behalf of the client. However, before an attorney may file an immigration benefit request on behalf of his or her client, a draft of the filing is electronically sent to the client’s online account so the client can review the form and notify the attorney of any errors or corrections. If a client notices an error in the filing during review, the client may reject the draft, which returns the draft to the attorney for correction. Once the attorney corrects the application, the draft is sent to the client again for additional review. If a client finds no errors in the submission, the client consents to the filing, which is then routed back to the attorney to submit on the client’s behalf.

Secure Messaging

Q28. What are some examples of when an applicant should use the secure message option?

A28. Applicants can send a secure message to ask a case-specific question, or to let USCIS know about

something unusual or unexpected about their case.

Q29. If a student sends a secure message about their case to USCIS using their online account, who from USCIS is responding to those messages?

A29. Tier 2 Immigration Services Officers at the USCIS Contact Center respond to secure messages. For more information about the USCIS Contact Center and its multi-tiered service model, See Volume 1, Part A, Chapter 3 of the USCIS Policy Manual.