



Rejections, Denials, and RFEs  
for Post-Completion OPT

## Rejections vs. Denials

A **rejection** 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 Outdated edition of I-765 (please go directly to the USCIS website to download the [most recent version of the I-765 each time you apply.](#))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
5. 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!!!**



## PAGE 1

## PAGE 2 (REASON FOR RFE)

December 19, 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

[REDACTED]  
SAN JOSE, CA 95117



RE: I-765, Application for Employment Authorization

### REQUEST FOR EVIDENCE

**IMPORTANT; THIS NOTICE CONTAINS YOUR UNIQUE NUMBER. THE ORIGINAL NOTICE MUST BE SUBMITTED WITH THE REQUESTED EVIDENCE.**

You are receiving this notice because U.S. Citizenship and Immigration Services (USCIS) requires additional evidence to process your form. Please provide the evidence requested below.

**Your response must be received in this office by March 15, 2020.**

Please note that you have been allotted the maximum period allowed for responding to a Request for Evidence (RFE). The time period for responding cannot be extended. 8 CFR 103.2(b)(8)(iv). Because many immigration benefits are time sensitive, you are encouraged to respond to this request as early as possible, but no later than the deadline provided above. If you do not respond to this notice within the allotted time, your case may be denied. The regulations do not provide for an extension of time to submit the requested evidence.

You must submit all requested evidence at the same time. If you submit only some of the requested evidence, USCIS will consider your response a request for a decision on the record. 8 CFR 103.2(b)(11).

If you submit a document in any language other than English, the document must be accompanied by a full and complete English translation. The translator must certify that the translation is accurate and he or she is competent to translate from that language to English. **If you submit a foreign language translation in response to this request for evidence, you must also include a copy of the foreign language document.**

Processing of your I-765 will resume upon receipt of your response. If you have not heard from USCIS within **60 days of responding**, you may contact the USCIS Contact Center at 1-800-375-5283. If you are hearing impaired, please call the USCIS Contact Center TDD at 1-800-767-1833.

### Missing Photo ID

Your application is missing documentation establishing your identity. USCIS requires photocopies of identity documents that clearly show the facial features of the applicant and the applicant's biographical information. Standard black and white photocopies most often do not meet this requirement, so it may be prudent to submit COLOR photocopy (ies) slightly enlarged from the original or the original document listed below:

Submit a copy of your last Employment Authorization Document (front and back). If no prior EAD has been issued, you must submit a current photo identity document such as a passport showing your picture, name, and date of birth; a driver's license; a birth certificate with photo ID; a visa issued by a foreign consulate; or a national ID document with photo and/or fingerprint or other type of photo ID, issued by a Government agency.

"DO NOT" submit a copy of a notarial certificate, or photos with colorful backgrounds; this is not valid for photo identity purposes.

**PLEASE SUBMIT YOUR RESPONSE BY MAIL. PLEASE INCLUDE THIS ENTIRE LETTER ON TOP OF YOUR RESPONSE. SUBMISSION OF EVIDENCE WITHOUT THIS LETTER WILL DELAY PROCESSING OF YOUR CASE AND MAY RESULT IN A DENIAL. PLEASE MAIL YOUR RESPONSE TO THE POTOMAC SERVICE CENTER, 2200 POTOMAC SERVICE CENTER DR STOP 2425, ARLINGTON VA 20598-2425.**

Sincerely,

[REDACTED]

[REDACTED]

Office [REDACTED]

## REJECTION NOTICE (I-797C)

## COVER LETTER (REJECTION NOTICE)

Department of Homeland Security  
U.S. Citizenship and Immigration Services

Form I-797C, Notice of Action

**THIS NOTICE DOES NOT GRANT ANY IMMIGRATION STATUS OR BENEFIT.**

NOTICE TYPE Rejection Notice		NOTICE DATE November 01, 2019	
CASE TYPE I-765, Application for Employment Authorization		USCIS ALIEN NUMBER	
RECEIPT NUMBER	RECEIVED DATE October 18, 2019	DATE OF BIRTH	PAGE 1 of 1

APPLICANT/PETITIONER NAME AND MAILING ADDRESS  
[REDACTED]

Eligibility Category: C03B

This is in reference to the I-765, Application for Employment Authorization, you submitted. Your I-765, fees, and any supporting documentation is being returned to you for the following reason(s):

The payment amount is incorrect, or has not been provided. Please review the Form Instructions for fee information. Please resubmit the application/petition package with the appropriate fees to the address listed on the bottom of this page.

The application/petition has not been fully completed. One or more of the following field(s) were not completed:

Reason for Applying

Please be sure to complete the application fully, submit the appropriate fees, and include all required supporting documentation.

If you submitted a G-1450 Authorization for Credit Card Transaction, your submitted G-1450 has been destroyed.

If you have questions, please visit the USCIS Contact Center at [www.uscis.gov/contactcenter](http://www.uscis.gov/contactcenter) to connect with a live USCIS representative in English or Spanish.

If you have any questions or comments regarding this notice or the status of your case, please contact the USCIS Contact Center.

You will be notified separately about any other case you may have filed.

Two reasons for a rejection can be seen on this notice:

1. Payment is incorrect
2. Reason for applying on I-765 was not selected

ORIGINAL DOCUMENTS  
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ORIGINAL DOCUMENTS

OFFICE ADDRESS  
[REDACTED] 41281  
Phoenix, AZ 85036

USCIS CONTACT CENTER NUMBER  
(800)376-5263  
APPLICANT COPY

U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Services

We have rejected your benefit request for the reasons indicated on Form I-797C, Notice of Action. Your rejected benefit request will not retain a filing date. You may resubmit your benefit request as a new filing if you are able to correct the issue that caused the rejection.

If you do file the benefit request again, please note the following:

- Since your submission was rejected, it is not yet considered properly filed.
- You must meet all requirements as of the date of the new filing.
- Please review the relevant form instructions to determine if your new filing can be considered as timely filed. If you have any questions, please contact [lockboxsupport@uscis.dhs.gov](mailto:lockboxsupport@uscis.dhs.gov).

If you do submit your benefit request again, please enclose this letter with your submission.

**Place this letter on top of your new filing package**

www.uscis.gov

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



[Redacted]

[Redacted]

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 record.

You are applying for post-completion OPT. Your Form I-765 application was received 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 I-290B, Notice of Appeal or Motion. Form I-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 I-290B directly to the Potomac Service

[Redacted]

Reason for Denial





# THANK YOU!

SAN JOSÉ STATE UNIVERSITY *powering* SILICON VALLEY

**INTERNATIONAL STUDENT & SCHOLAR SERVICES**

STUDENT UNION WEST, 2<sup>ND</sup> FLOOR

**TEL:** 408-924-5920

**EMAIL:** [INTERNATIONAL-OFFICE@SJSU.EDU](mailto:INTERNATIONAL-OFFICE@SJSU.EDU)

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