STEM (Science, Technology, Engineering and Math) OPT (Optional Practical Training) Extension

OVERVIEW

❖ The STEM OPT extension allows students with eligible science, technology, engineering, or math degrees to apply to extend their post-completion OPT authorization. Students with eligible STEM degrees and currently in their 12-month OPT period should review the eligibility requirements, application timeline, and instructions below.

ELIGIBILITY

❖ To qualify for the 24-month STEM OPT extension, you must:
  o Be in F-1 status.
  o Be currently working in a period of post-completion OPT.
  o Have a bachelor's degree or higher degree in an eligible STEM field.
    You may be eligible to use a prior eligible STEM degree earned in the U.S. for this requirement. To use a prior STEM degree, you must:
    ✓ Have received your most recent degree (which does not need to be STEM-related) from a currently accredited Student and Exchange Visitor Program (SEVP)-certified school in the U.S.
    ✓ Have received your prior, qualifying STEM degree in the U.S. within 10 years of applying for the STEM OPT extension.
    ✓ The qualifying STEM degree must be on the Department of Homeland Security's STEM Designated Degree Program List at the time you submit your STEM OPT extension application (rather than at the time you received the degree).
  o Have a job offer that meets the following requirements:
    ✓ The job is with an employer enrolled in the USCIS E-Verify program.
    ✓ The job offers at least 20 hours of work per week.
    ✓ The job will provide formal training and learning objectives directly related to your qualifying STEM degree.
  o Work for an employer who meets all the requirements listed below in the STEM OPT Employer Responsibilities section.
  o Submit the Form I-765, Application for Employment Authorization up to 90 days before your current OPT employment authorization expires, and within 60 days of the date your designated school official (DSO) enters the recommendation for OPT into your Student and Exchange Visitor Information System (SEVIS) record.
  o Complete the I-983 Training Plan with your employer.

Note: STEM degrees you obtain in the future: If you enroll in a new academic program in the future and earn another qualifying STEM degree at a **higher** educational level, you may be eligible for one additional 24-month STEM OPT extension. **For example:** If you receive a 24-month STEM OPT extension based on your bachelor's degree in engineering and you later earn a master's degree in engineering, you may apply for an additional 24-month STEM OPT extension based on your master's degree.

STEM OPT EMPLOYER RESPONSIBILITIES

❖ If you are an employer who wants to provide a practical training opportunity to a STEM OPT student during his or her extension, you must:

- o Be enrolled in E-Verify and remain in good standing.
- o Report material changes to the STEM OPT student's employment to the DSO within 5 business days.
- o Implement a formal training program to augment the student's academic learning through practical experience.
- o Provide an OPT opportunity that is commensurate with those of similarly situated U.S. workers in duties, hours, and compensation.
- o Complete the Form I-983, Training Plan for STEM OPT Students. In this form, you must attest that:
  - ✓ You have enough resources and trained personnel available to appropriately train the student;
  - ✓ The student will not replace a full- or part-time, temporary or permanent U.S. worker; and
  - ✓ Working for you will help the student attain his or her training objectives.

U.S. Immigration and Customs Enforcement may visit your worksite(s) to verify whether you are meeting the STEM OPT program requirements, including whether you are maintaining the ability and resources to provide structured and guided work-based learning experiences for the STEM OPT student.

For more information, please refer to the DHS STEM OPT Hub.

EMPLOYMENT REQUIREMENTS

❖ You must work at least 20 hours per week for an employer that a) participates in the E-Verify program, and b) agrees to follow all the employer requirements in the 24-month STEM rule.

❖ Unlike the 12 month OPT, volunteer/unpaid work or self-employment is not permitted under the 24-month STEM OPT Extension regulation.

WHEN TO APPLY

❖ Students with a STEM degree and currently in the 12-month OPT period:

- o **USCIS must receive** your STEM OPT extension application **before** the expiration date on your current 12-month OPT EAD card.
- o Apply as early as 90 days before your current 12-month OPT EAD card expiration date.
- o Take into consideration:
  - ✓ The ISRC needs 7-10 business days for processing your new I-20.
  - ✓ Allow sufficient time to mail your application to USCIS.

HOW TO APPLY

❖ Students with an eligible STEM degree and currently in the 12-month OPT period:

- o STEP 1: Report your employment/training to the ISRC in order to update your SEVIS record before processing your STEM Extension request.

- o STEP 2: Complete and submit your STEM OPT Extension Application to the ISRC either in person, by mail, or e-mail at international@nsula.edu. In order for the ISRC to issue a new I-20 with the recommendation for STEM OPT Extension, the ISRC must receive the following documents:
  - ✓ ISRC STEM OPT Extension I-20 Request Form (available at www.nsula.edu/international).
  - ✓ **I-983 Training Plan**.
  - ✓ **I-765 form** (to confirm that your employer is enrolled in E-Verify).

- ✓ If OPT extension is based on previous U.S. STEM degree, also submit:
  - ▪ Copy of previous U.S. Stem degree.
  - ▪ Copy of I-20 issued for previous U.S. STEM degree.
— An advisor will review your application and issue a new, updated I-20 with a STEM OPT Extension recommendation printed on the back page.
— Allow 7-10 business days for processing. You will receive an e-mail from the ISRC when your new I-20 is ready for pick up.

- o STEP 3: **Gather all your documents and mail your <u>complete</u> application to the USCIS Department of Homeland Security.**
  - ✓ Copy of new STEM Extension I-20 (must be sent within 60 days of issuance). Don't forget to sign it.
  - ✓ Form I-765 (Be sure to include your employer's name as listed in E-Verify and E-Verify Company Identification Number or valid E-Verify Client Company Identification Number)
  - ✓ Copy of your diploma (if your diploma only states the degree and not the program, include a copy of your official transcript with or without the raised seal).
  - ✓ A copy of Form I-94 (which can be obtained at https://i94.cbp.dhs.gov/I94/#/home)
  - ✓ A copy of your current EAD card (front and back)
  - ✓ Passport-style photo. Lightly write your name and I-94 number on the back of each photo. (Review number 2. C on page 8 of the "Required Documentation" section of USCIS photo instructions)
  - ✓ Pay application fee with your online application.

REPORTING REQUIREMENTS DURING OPT STEM EXTENSION PERIOD

- ❖ To maintain legal F-1 status during your 24-month STEM OPT authorization period, you must report the following information to the ISRC:
  - o **Every six months:**
    - ✓ Confirm to the ISRC via e-mail to international@nsula.edu:
      - ▪ Legal name.
      - ▪ Residential or mailing address.
      - ▪ Employer name and address.
      - ▪ Status of current employment.

You must report any changes to the above information, including loss of employment, within **10 days of the change.**

- o **Every Year:**
  - ✓ You must submit an annual self-evaluation to the ISRC about the progress of your training experience. This self-evaluation must be signed by you and your employer in the I-983 Training Plan.
  - ✓ **Within 10 Days of the Following Changes**
    - ▪ Material changes to an existing I-983 Training Plan.
    - ▪ Change in employer.
    - ▪ Unemployment.

o **Employer Noncompliance.**

If you believe your STEM OPT employer is not complying with the terms and conditions of the 24-month STEM OPT extension regulations, the Form I-983 instructions, and the completed Form I-983 on file with the ISRC, you may:

- ✓ Contact the Student and Exchange Visitor Program at the U.S. Immigration and Customs Enforcement (ICE) by following the instructions found on ICE.gov.
- ✓ Report violations through this Homeland Security Investigations tip submission form.

There are a number of enforcement and oversight mechanisms to help ensure compliance, including reporting requirements, employer site visits, periodic evaluation of a student's training and required notification of any material changes to or deviations from the Training Plan.

Please note that if you believe that your employer is not complying with the 24-month STEM OPT extension regulations and Form I-983 instructions, you should consider whether you are still meeting the eligibility requirements of STEM OPT Extension. A period of student unemployment, caused by an employer's failure to comply with program requirements, on its own will not affect your status. Please report changes in employment status and adhere to the overall unemployment limits.

UNEMPLOYMENT DURING THE OPT PERIOD

❖ The law allows you to be unemployed during your OPT period for a limited number of days.

If you received	You may be unemployed for…	For a total of… (during the OPT period)
Initial post-completion OPT only	Up to 90 days	90 days
24-month extension	An additional 60 days	150 days*

FREQUENTLY ASKED QUESTIONS

1. **Where can I find additional government resources about the STEM OPT extension?**
   o STEM OPT Hub - from the Student and Exchange Visitor Program (SEVP) Study in the States.
   o OPT Extension for STEM Students (STEM OPT) - from U.S. Citizenship and Immigration Services (USCIS).

2. **Where can I find my CIP code?**
   o I-20s from June 2015 or earlier: the CIP code is printed at the top of page three of your I-20. The code is 6 digits long (xx.xxxx). Once you find your code, you can consult the entire list of individual eligible CIP codes for the STEM extension available on the SEVP website.
   o I-20s from July 2015 to present: the CIP code is printed next to your major on page one of your I-20.

3. **If I have a dual major, can I qualify for the 24-month extension based on one of the degree programs?**
   Yes, if one of the degrees is on the STEM Designated Degree Program List and any job worked while on the extension is related to your STEM degree.

4. **Can I qualify for the 24-month extension based on my minor or certificate program?**
   No.

5. **When does my 24-month extension of OPT start?**
   If you have properly filed for a 24-month STEM extension, the period of extension starts the day after the expiration of your original OPT period.

6. **Can I work with an expired EAD while my 24-month extension is pending?**
   Yes. Your work authorization is automatically extended for up to 180 days while the 24-month STEM extension application is pending. There is no interim documentation of the extended authorization. If your employer needs information about what documents to collect as proof of extended work authorization, please refer to them to U.S. Citizenship and Immigration Services I-9 Central.

7. **Can I travel outside of the U.S. if my original EAD expires and my 24-month extension is still pending?**
   No. You must wait to receive your new EAD prior to traveling. You may travel if your current EAD card is still valid.

8. **Do I need to use the ISRC address on the I-765?**
   No, you are not required to use the ISRC address. However, be sure to provide an accurate, up to date address where you can receive your EAD card.

9. **Can I change employers while the 24-month extension is pending?**
   o Changing employers while your 24-month STEM OPT Extension is pending can be risky because the regulations do not contemplate such situations.
   o If you must change employers, submit a new I-983 and provide the E-verify number to international@nsula.edu . Then complete a new OPT Reporting Form. Regulations state that employment changes must be reported within 10 days.
   o **Note:** the new employer information will not match the employer information in the STEM OPT Extension application you submitted to the USCIS. There is currently no immigration guidance about how to resolve this conflict. Some students have mailed an additional updated application with a letter explaining their situation. However, errors may occur with additional updated applications to USCIS. USCIS has rejected a few of such applications because they simply think it's a new application missing a filing fee. Another option is to provide the updated I-983 Training Plan, E-Verify number, and OPT employment reporting to ISS, but not mail any additional documents to USCIS unless they send you a "Request for Evidence" (RFE). We hope to receive new guidance soon from USCIS about how to proceed in these situations.