

OPTIONAL PRACTICAL TRAINING: UPDATES

The week of April 7, 2008, the Department of Homeland Security published an Interim Final Rule, which makes changes to post-completion OPT.

What changes have been made for OPT students?

1.) OPT EXTENSION FOR STEM STUDENTS

F-1 students are generally allowed a maximum of 12-months on OPT. Under the interim rule, STEM students have the option of extending their current OPT period by 17 months for a total OPT time of 29 months.

What is STEM*?

S = Science

T = Technology

E = Engineering

M = Mathematics

*For a full list of STEM fields go to: STEM Program Codes

What are the rules regarding the new 17-month extension of OPT?

- i. Student must currently be authorized for a 12-month period of OPT.
- ii. Student must be currently working in a job directly related to his/her program of study
- iii. Student must be working for a U.S. employer
- iv. Student must have successfully completed a bachelor's, master's, or doctoral degree from a SEVIS-certified U.S. college or university in one of the STEM fields
- v. Student must have a job offer or be employed by an employer registered with E-VERIFY
- vi. Student must not have a previous 17-month OPT extension

How do qualified students apply for the 17-month OPT extension?

- i. Apply through your former school's International Education Office (you should file for the OPT extension 90 days prior to the expiration of your current OPT period).
- ii. Submit the Form I-765 with the application fee (\$340) to the United States Citizenship and Immigration Services Processing Center near your area
- iii. While your extension application is pending, you may continue employment until either:
 - a. A decision is made regarding your extension application
 - b. For 180 days (whichever comes first)

More information available on the OPT 17-Month Fact Sheet.

2.) ELIMINATION OF THE H-1B "CAP GAP"

From the NAFSA Website: "Duration of status and work authorization will be extended for a student on OPT, who is the beneficiary of a timely-filed H-1B petition requesting an employment start date of October 1 of the following fiscal year. This would apply to all students on OPT, not just STEM students. The extension of duration of status and work authorization would automatically terminate upon the rejection, denial, or revocation of the H-1B petition filed on the student's behalf."

3.) NEW FILING DEADLINES FOR INITIAL OPT APPLICATIONS

Old Rule:

Students must apply for OPT before their degree completion date

New Rules:

Students applying for the initial 12-month post-completion OPT: Students can submit an I-765 for post-completion OPT up to 90 days before the program end date and up to 60 days after the program end date. Note: The OPT application must be submitted to USCIS within 30 days of the date that the International Education & Programs staff enters the OPT recommendation in SEVIS.

Students applying for the 17-month STEM extension: Students applying for the 17-month extension must file their application before their current OPT period ends.

4.) NEW REPORTING REQUIREMENTS: Students on OPT must report the following information to International Student Services at their former school:

- a. Change of name
- b. Change of address
- c. Employer information, including the name and address of employer
- d. Any changes in employment, including termination, new employment, change of employer address, etc.
- e. Periods of unemployment

5.) UNEMPLOYMENT PERIODS ON OPT: NEW LIMITS

Students in the initial 12-month post-completion OPT may not accrue more than 90 days of unemployment. Days of unemployment will be counted from either the OPT start date or the date the employment authorization is adjudicated, whichever is later. Students must work a minimum of 20 hours per week.

Note: For students in the initial 12-month OPT period, employment does NOT have to be paid. Therefore, students may engage in the following to fulfill their OPT employment requirements:

1. Self Employment
2. Interning or Volunteering (must be related to the student's academic field)

Source: NAFSA Website, April 11, 2008

Students on the 17-month OPT extension may not accrue more than 120 days of unemployment during the 29-month OPT period and all employment must be related to student's program of study with a registered E-Verify employer for a minimum of 20 hours per week.

IMPORTANT NOTE: It is important for you set up an appointment to meet Staff in the International Education & Programs Office (Sisson Hall) to complete the OPT application process successfully.