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NEW OPT REGULATIONS 2008

The Department of Homeland Security on **April 8, 2008** made some changes to the OPT regulations for F-1 Students. This handout highlights and summarizes the changes effective as of April 8, 2008.

INITIAL 12 MONTH PERIOD OF OPT AND REPORTING REQUIREMENTS:

1. Application for OPT can only be made 90 days before your program end date (graduation date) and up to 60 days after that.
2. Your initial period of OPT is still only valid for 12 months.
3. The latest start date you can request is still 60 days after your program end date
4. If your OPT application is approved for the initial 12 months, you must report:
    a. any change of your legal name
    b. any change of your physical address
    c. any interruption of your employment (i.e. you quit, or get laid off)
    d. your employer name and address each time you change employers
    e. report any period of unemployment to ISSS. If you accumulate more than 90 days of unemployment within the 12 months of OPT, you are considered out of status.

EXTENSION OF "DURATION OF STATUS" WHEN AN H1B PETITION HAS BEEN FILED FOR YOU:

The new regulations extend the "duration of status" (D/S) for an F1 student on OPT when their OPT end date expires before the H1 start date, until October 1 of that year, including the extension of your work permission under OPT **ONLY IF ALL** the following conditions are met:

1. you are the beneficiary of an H1b petition
2. an H1b petition has been timely filed for you
3. the employment start date of the H1b petition filed on your behalf has a start date of October 1 of that year
4. the petition was filed for a change of status (**not** consular notification)
5. You have not violated the terms of your F1 visa status i.e. you report to ISSS within 10 days:
    a. any change in your legal name
    b. any change in your physical address
    c. your employer's name and address
    d. any period of unemployment

Note: Your F1 status will be automatically terminated if the H1b petition is rejected, denied, or revoked.

PERIODS OF UNEMPLOYMENT AFFECTING YOUR F1 STATUS WHILE ON OPT:

The new regulation indicates that in order to be maintaining your status during OPT, you will have to be employed. Some periods of unemployment are acceptable but the limatations are:

- no more than 90 days of unemployment during your first 12 months of OPT
- no more than 120 days of unemployment if you qualify for the new additional 17 months of OPT (making a total of 29 months of OPT)

If you accumulate more than 90/120 days of unemployment during your 12/29 months of OPT, you are considered to be out of status and your SEVIS record will be terminated.

17 MONTH EXTENSION OF OPT OPTION AVAILABLE FOR CERTAIN STUDENTS:

- This is only available on a one time basis after earning a STEM (Science, Technology, Engineering, or Math) degree at the Bachelor's, Master's, or Ph.D. level
- Your employer is registered in the government's E-Verify system, as evidenced by a valid E-Verify company identification number, or a valid E-Verify client company identification number and the employer is a participant in good standing in the E-Verify program. Currently only 1% of employers are enrolled in this program.
- The employer must agree to report to ISSS your termination of employment or departure from employment if the termination/departure occurs before the end date of your authorized OPT period. This report to ISSS must occur within 48 hours of your termination of employment.
- You cannot accumulate more than 120 days of unemployment if you have been granted the 17 months extension of your OPT or you will be considered out of status.
- You must report any change of legal name, address, name of your employer, employer address and/or loss of employment within 10 days of the change/loss of employment to ISSS.
- Every 6 months you must report in to ISSS to confirm that the information in SEVIS is current and accurate (with regards to your legal name, address, employer name, employer address, change of loss of employment). This is called a "Validation Report."

TO APPLY FOR THE 17 MONTH EXTENSION OF OPT:

- You must have graduated with a major in STEM**
- Apply for the extension **before** your current OPT end date
- Request a recommendation for an extended period of OPT from ISSS. ISSS will issue you a new I-20.
- Complete a form I-765 (download from www.uscis.gov) with fee and supporting documents. Mail all documentation, including the new I-20 to USCIS within 30 days of ISSS' recommendation for the extended OPT time.
- If the extension OPT is not yet approved by the time of your OPT end date, you will be able to continue working legally for your employer while the extension is pending, up to 180 days.

****STEM MAJORS AT CU BOULDER ARE THE FOLLOWING:**

AEROSPACE ENGINEERING SCIENCES	ENGINEERING PHYSICS
APPLIED MATH & MCD BIOLOGY	ENVIRONMENTAL ENGINEERING
APPLIED MATHEMATICS	GEOLOGY
ARCHITECTURAL ENGINEERING	GEOPHYSICS
ASTRONOMY	INTEGRATIVE PHYSIOLOGY
ASTROPHYSICS, PLANETARY & ATMOSPHERIC SCIENCES	MATHEMATICS
ASTROPHYSICS	MECHANICAL ENGINEERING
ATMOSPHERIC & OCEANIC SCIENCES	MECHANICS
BIOCHEMISTRY	PHYSICS
BIOLOGICAL SCIENCES-MCDB	TELECOMMUNICATIONS
CHEMICAL & BIOLOGICAL ENGINEERING	
CHEMICAL ENGINEERING	
CHEMICAL PHYSICS	
CHEMISTRY	
CIVIL ENGINEERING	
COMPUTER SCIENCE	
ELECTRICAL & COMPUTER ENGINEERING	
ELECTRICAL ENGINEERING	
ENGINEERING	
ENGINEERING MANAGEMENT	