

Key Points of the New OPT STEM Rule

- 24 months of OPT STEM Extension, not just 17 months
- Two periods of 24-month OPT STEM Extension available, not just once in a lifetime
- OPT Training Plan ([Form I-983](#)) is now required
- All employment must be paid employment
- All wages are subject to wage protection
- Up to 150 days of unemployment allowed, extended from 120 days

Key Points of the New OPT STEM Rule

- 24-month OPT STEM Extension available for a *previously* earned STEM degree
 - STEM degree must have been earned within the last 10 years
- Degree must be in a STEM degree at the time of the OPT STEM Extension application
- Previous institution where STEM degree was earned must be accredited at the time of filing
- Students who received their OPT STEM Extension qualifying degree in a status other than F-1 may still qualify for the OPT STEM Extension as long as they are in valid F-1 status in an approved period of OPT at the time they file the OPT STEM Extension

24-month OPT STEM Extension Eligibility

- Must be in a valid period of post-completion OPT at the time of filing the 24-month OPT STEM Extension
- Student must be employed by an E-Verify employer for the duration of the 24-month OPT STEM Extension
- Student must have STEM Designated Degree
<https://www.ice.gov/sites/default/files/documents/Document/2016/stem-list.pdf>
- Students must have completed all the required coursework for the OPT STEM degree
 - If the OPT STEM degree has not yet been earned, ISSS will require documentation from the department that the student is still actively pursuing the STEM degree

Employment Options while on the 24-month OPT STEM Extension

- The new OPT Training Plan requirement significantly limits the employment options as there must be a bona fide employer-employee relationship
 - Restrictions on self employment; volunteer/unpaid employment, work for hire, employment through temp agencies
- The employer must be registered and in good standing with E-Verify
- The OPT Training Plan, [Form I-983](#), must be completed by the party designated in each section (e.g., student in section 1; employer in section 2)
- Work must be for at least 20 hours a week
- All work must be paid

Applying for the OPT STEM Extension

- Students in an approved period of post-completion OPT may apply for the 24-month OPT STEM Extension **up to 90** days prior to their current OPT end date
- Must apply for the 24-month OPT STEM Extension before their current OPT end date
 - Cannot apply in the grace period
- Can work up to 180 days while the OPT STEM Extension is pending with proof of having timely filed
- Must request a 24-month OPT STEM Extension Recommendation I-20 from ISSS

Requesting an OPT STEM Extension I-20 from ISSS

- ISSS will have an online application process for the OPT STEM Extension request (do not need to be in Colorado to apply)
- ISSS will *not* submit the OPT STEM Extension recommendation in SEVIS more than 90 days prior to the current OPT end date
- ISSS must have the completed and signed OPT Training Plan, [Form I-983](#), prior to issuing the OPT STEM Extension recommendation I-20
- ISSS will issue the OPT STEM Extension recommendation I-20 and will send the I-20 to the student based on [Mailing or Third-Party Pick-Up Authorization Form](#)
- The student is responsible for sending the completed OPT STEM Extension application to USCIS

Applying for the OPT STEM Extension

- Submit to USCIS in a timely manner the following:
 - I-20 with OPT STEM Extension Request (issued by ISSS)
 - Completed [Form I-765](#) (requesting renewal of work authorization)
 - Two U.S. passport photos taken in the last 30 days
 - The USCIS [I-765 fee](#) (check or money order)
 - Copy of the current OPT EAD (front and back)
 - Copy of STEM qualifying degree diploma
 - Official transcripts
 - Copy of passport biodata page
 - Copy of your valid passport and your F-1 student visa (or change of status approval notice)
 - G1145 (optional)
 - Proof of all previous OPT employment*
 - Form I-983*

The OPT Training Plan

Form I-983

- The student *and* the employer must complete the Form I-983 and submit the form to ISSS
- ISSS is required by DHS to review the form I-983 prior to issuing the OPT STEM Extension I-20
- The school must keep the completed Form I-983 on file and submit the form to DHS upon request
- If ISSS believes the form I-983 is not complete or is inaccurate, ISSS will return the form for revision
- 6-Month Validity Report: Confirm legal name, home address, employer name and address, status of current employment/practical training experience
- 12 Month and Final Evaluation: Evaluation must be submitted to ISSS in a timely manner

The Form I-983 Student Attestations

SECTION 2: STUDENT CERTIFICATION

I declare and affirm under penalty of perjury that the statements and information made herein are true and correct to the best of my knowledge, information and belief. I understand that the law provides severe penalties for knowingly and willfully falsifying or concealing a material fact, or using any false document in the submission of this form.

I certify that:

1. I have reviewed, understood, and will adhere to this Training Plan for STEM OPT Students ("Plan");
2. I will notify the DSO at the earliest available opportunity if I believe that my employer is not providing me with appropriate training as delineated on this Plan;
3. I understand that the Department of Homeland Security (DHS) may deny, revoke, or terminate the STEM OPT of students whom DHS determines are not engaging in OPT in compliance with the law, including the STEM OPT of students who are not, or whose employers are not, complying with this Plan;
4. My practical training opportunity is directly related to the STEM degree that qualifies me for the STEM OPT extension; and
5. I will notify the DSO at the earliest available opportunity regarding any material changes to or deviations from this Plan, including but not limited to, any change of Employer Identification Number resulting from a corporate restructuring, any nontrivial reduction in compensation from the amount previously submitted on the Plan that is not tied to a reduction in hours worked, any significant decrease in hours per week that I engage in a STEM training opportunity, and any decrease in hours below the 20-hours-per-week minimum required under this rule.

The Form I-983 Employer Attestations

SECTION 4: EMPLOYER CERTIFICATION

I declare and affirm under penalty of perjury that the statements and information made herein are true and correct to the best of my knowledge, information and belief. I understand that the law provides severe penalties for knowingly and willfully falsifying or concealing a material fact, or using any false document in the submission of this form.

I certify on behalf of the employer that this Training Plan for STEM OPT Students ("Plan") is approved and that:

1. I have reviewed and understand this Plan, and I will ensure that the supervising Official follows this Plan;
2. I will notify the DSO at the earliest available opportunity regarding any material changes to this Plan, including but not limited to, any change of Employer Identification Number resulting from a corporate restructuring, any reduction in compensation from the amount previously submitted on the Plan that is not tied to a reduction in hours worked, any significant decrease in hours per week that a student engages in a STEM training opportunity, and any decrease in hours below the 20-hours-per-week minimum required under this rule;
3. Within five business days of the termination or departure of the student during the authorized period of OPT, I will report such termination or departure to the DSO (*Note: business days do not include federal holidays or weekend days; and an employer shall consider a student to have departed when the employer knows the student has left the practical training opportunity, or when the student has not reported for practical training for a period of five consecutive business days without the consent of the employer*); and
4. I will adhere to all applicable regulatory provisions that govern this program (see 8 CFR Part 214), which include, but are not limited to, the following:
 - a. The student's practical training opportunity is directly related to the STEM degree that qualifies the student for the STEM OPT extension, and the position offered to the student achieves the objectives of his or her participation in this training program;
 - b. The student will receive on-site supervision and training, consistent with this Plan, by experienced and knowledgeable staff;
 - c. The employer has sufficient resources and personnel to provide the specified training program set forth in this Plan, and the employer is prepared to implement that program, including at the location(s) identified in this Plan;
 - d. The student on a STEM OPT extension will not replace a full- or part-time, temporary or permanent U.S. worker. The terms and conditions of the STEM practical training opportunity—including duties, hours, and compensation—are commensurate with the terms and conditions applicable to the employer's similarly situated U.S. workers or, if the employer does not employ and has not recently employed more than two similarly situated U.S. workers in the area of employment, the terms and conditions of other similarly situated U.S. workers in the area of employment; and
 - e. The training conducted pursuant to this Plan complies with all applicable Federal and State requirements relating to employment.

Note: DHS may, at its discretion, conduct a site visit of the employer to ensure that program requirements are being met, including that the employer possesses and maintains the ability and resources to provide structured and guided work-based learning experiences consistent with this Plan.

The Form I-983 OPT Training Plan

SECTION 5: TRAINING PLAN FOR STEM OPT STUDENTS (Completed by Student and Employer)
<u>Student Role</u> : Describe the student's role with the employer and how that role is directly related to enhancing the student's knowledge obtained through his or her qualifying STEM degree.
<u>Goals and Objectives</u> : Describe how the assignment(s) with the employer will help the student achieve his or her specific objectives for work-based learning related to his or her STEM degree. The description must both specify the student's goals regarding specific knowledge, skills, or techniques as well as the means by which they will be achieved.
<u>Employer Oversight</u> : Explain how the employer provides oversight and supervision of individuals filling positions such as that being filled by the named F-1 student. If the employer has a training program or related policy in place that controls such oversight and supervision, please describe.
<u>Measures and Assessments</u> : Explain how the employer measures and confirms whether individuals filling positions such as that being filled by the named F-1 student are acquiring new knowledge and skills. If the employer has a training program or related policy in place that controls such measures and assessments, please describe.
<u>Additional Remarks (optional)</u> : Provide additional information pertinent to the Plan.

The Form I-983 OPT Training Plan Evaluation

EVALUATION ON STUDENT PROGRESS

Provide a self-evaluation of your performance, using the measures previously identified, in applying and acquiring new knowledge, skills, and competencies identified in the Training Plan for STEM OPT Students. Discuss accomplishments, successful projects, overall contributions, etc., during this review period. Address whether there are any modifications to the objectives and goals for projects, or new areas for skill and competency development.

Range of Evaluation Dates: (mm-dd-yyyy): From _____ To _____

Signature of Student: _____

Printed Name of Student: _____ Date: (mm-dd-yyyy) _____

Signature of Employer Official with Signatory Authority: _____

Printed Name of Employer Official with Signatory Authority: _____

Submitted after 12 Months

FINAL EVALUATION ON STUDENT PROGRESS

Provide a self-evaluation of your performance, using the measures previously identified, in applying and acquiring new knowledge, skills, and competencies identified in the Training Plan for STEM OPT Students. Discuss accomplishments, successful projects, overall contributions, etc., during this review period. Address whether there are any modifications to the objectives and goals for projects, or new areas for skill and competency development.

Range of Evaluation Dates: (mm-dd-yyyy) From _____ To _____

Signature of Student: _____

Printed Name of Student: _____ Date: (mm-dd-yyyy) _____

Signature of Employer Official with Signatory Authority: _____

Printed Name of Employer Official with Signatory Authority: _____ Date: (mm-dd-yyyy) _____

Submitted after 24 Months

Be Boulder.

Cap-Gap

- The 24-month OPT STEM Extension preserved the cap-gap rule
- Students should request a cap-gap I-20 via the [Cap-Gap I-20 Request Form](#)
- The cap-gap rule automatically extends an F-1 student's status and OPT work authorization through 09/30/2016 if the following conditions are met:
 - The student's employer timely files an H-1B petition (during the April cap subject filing season)
 - The H-1B requests a change of status to start on October 1st of the next federal fiscal year
 - The H-1B requests a change of status, not consular notification
 - The F-1 student's OPT end date is after 04/01/2016
- F-1 students need a valid EAD to re-enter the U.S. while on OPT. Because students will not be issued a valid EAD for the cap-gap period, international travel is not advised

Resources for the OPT STEM Extension Rule



STUDY in the STATES

[STUDENTS](#)[SCHOOLS](#)[BLOG](#)[TOOLS](#)[STEM OPT HUB](#)<https://studyinthestates.dhs.gov/stem-opt-hub>

TRANSITION PLAN

Transition Plan Overview

Students with STEM OPT Applications Pending on May 10, 2016

Students with Existing 17-Month STEM OPT EADs on May 10, 2016

STUDENTS

Students: Determining STEM OPT Extension Eligibility

Students: STEM OPT Reporting Requirements

EMPLOYERS

Why STEM OPT is Good for Small Business

Employer Site Visits

Employers: STEM OPT Reporting Requirements

TRAINING PLAN

Form I-983 Overview

Students and the Form I-983

DSOs and the Form I-983

Employers and the Form I-983

SCHOOLS

DSOs: Recommending Students for the STEM OPT Extension

DSOs: STEM OPT Reporting Requirements

MORE RESOURCES

STEM OPT Frequently Asked Questions

Eligible CIP Codes for the STEM OPT Extension

Understanding E-Verify

Be Boulder.

University of Colorado Boulder

Resources for the OPT STEM Extension Rule

- **24 Month STEM Extension of OPT webpage (ISSS)**

<http://www.colorado.edu/oie/employment/24-month-stem-extension-opt>

- Will have updates on the ISSS OPT STEM Extension Request Process

- **OPT STEM Extension for STEM Students (USCIS)**

<https://www.uscis.gov/working-united-states/students-and-exchange-visitors/students-and-employment/stem-opt>