



International Student Affairs Office

OPT Extension Fact Sheet

The Department of Homeland Security recently published the interim final rule that makes significant changes to the Optional Practical Training option for F1 students. These changes took effect on April 8th 2008.

Summary of Key Provisions:

A 17 month extension for certain STEM degree holders is now permitted increasing the total OPT time from 12 months to 29 months. This rule is applicable to students on OPT who are

Currently employed AND

Who have employers that are registered with the “e-verify” employment verification system (see “NEW reporting requirements for students and employers” for more information on e-verify). To be eligible for continuous benefit under the STEM extension, you must remain employed with an E-verified employer; otherwise, you will accrue unemployment days.

How to Apply for the Extension:

o Students cannot apply for 29 months of OPT employment authorization all at once. You can only apply for the 17 month extension **AFTER** you have been approved for the 12-month OPT period.

o You can apply for the 17 month extension as early as 90 days before the end date of the current 12-month OPT.

o As long as this extension is filed before the end date of the 12-month OPT, you can continue working after the end date listed on your EAD card while your application is pending for 180 days or until a decision is made.

o The extension start date begins the day after the expiration of the initial OPT and ends 17 months later. Your proof of work extension will be indicated on the new I-20 document recommending the extension and the I-797 receipt notice.

o The extension application procedure must be done through ISAO. Your international student advisor will recommend the extension and issue a new I-20 with the recommendation noted.

o Students have to apply for the 17-month extension on the revised form I-765 with fee

□ Item 16 on the I-765 application: (c)(3)(C) is the eligibility code for a 17-month STEM OPT extension.

□ This form is available on the ISAO website and will include the address and eligibility field for your convenience.

The following documents must be submitted along with the I-765:

- A copy of your conferred degree indicating the major field of study.
- A job offer letter from the E-verified employer confirming your continued employment
- A copy of your last EAD card (front and back)
- Copy of immigration documents (Visa, Passport, I-94 card)
- Copy of pre-SEVIS I-20s and I-20's authorizing CPT
- Check or Money Order to the US Department of Homeland Security for \$380
- Two passport style photos taken in the last 30 days
- New I-20 recommending the 17 month extension
- Your supervisor's name, e-mail address and phone number

Because fees can change at the discretion of USCIS, we encourage students to check the USCIS I-765 Application Instructions before filing their OPT Extension Application:

<http://www.uscis.gov/portal/site/uscis/menuitem.5af9bb95919f35e66f614176543f6d1a/?vgnextoid=73ddd59cb7a5d010VgnVCM10000048f3d6a1RCRD&vgnnextchannel=db029c7755cb9010VgnVCM10000045f3d6a1RCRD>

The H1-B “Cap Gap” has been eliminated for ALL OPT participants, no matter what your program of study is, by allowing OPT employment and F1 status to be extended until October 1st for all beneficiaries of an approved H-1B petition. DSOs can extend OPT only until June 1 for students with pending and timely filed petitions to change visa status to H1-B. If a student’s OPT is ending after June 1, DSOs cannot change the end date of their OPT until their H1-B visa petition is approved. The extension of status and work authorization would end upon denial or revocation of the H1-B visa and the 60 day grace period would be allowed. The automatic employment and F-1 status extension to bridge the H1-B cap gap is for only for OPT participants of employers subject to the H1-B cap; typically corporate, for-profit entities.

The filing deadline for initial OPT applications has changed for ALL OPT participants. The new rule states that a post-completion OPT can be filed up to 90 days before the program end-date and up to 60 days after the program end-date. Your employment start date must still remain within the 60 day grace period.

Unemployment periods are limited for ALL OPT participants. Your F-1 status while on OPT is now dependent upon employment. Students may not accrue more than 90 days of unemployment during the 12 month OPT period. STEM Students granted the 17-month extension may not accrue more than 120 days of unemployment during the total 29 month OPT period. In order to maintain F-1 status, unemployed OPT participants must transfer to a new school or leave the country. While you remain in status if you change employers to a non-E-verified employer, you will accrue unemployment days while employed with a non-E-verified employer. Unemployment between jobs does not count towards unemployment unless the gap is more than ten days.

NEW reporting requirements for students and employers.

o **ALL OPT Participants must** report the following information to ISAO within 10 days of the change:

- Change of name or address
- Change of employer’s name or address
- Any interruption of employment

o **OPT Participants with an approved 17-month extension**, in addition to the information change reporting requirements, must submit a **validation report** to ISAO every **6 months** starting from the date the extension begins.

- Report Reporting should be done using ISAO’s Online Services. You will need:
 - o Student’s name and address
 - o Employer name and address
 - o Supervisor’s name, e-mail address and phone number
 - o Any loss of employment
- Report is due within 10 business days of each reporting date.
- Failure to report may mean that your SEVIS record is automatically completed and you will no longer be eligible for employment in the U.S.

o **EMPLOYERS must:**

- Be registered with E-verify if applying for the 17-month extension
- <https://e-verify.uscis.gov/enroll/StartPage.aspx?JS=YES>
- Must report to DSO within 48 hours if student’s employment ends prior to the end of the authorized OPT employment period.