



2016 Rule for F-1 STEM Extension OPT

April 19, 2016

ISO INTERNATIONAL
SERVICES OFFICE
STUDENT SERVICES

UNIVERSITY of ROCHESTER

What are we talking about?

- Background – Current 2008 STEM Rule
 - OPT Extension for recent graduates in eligible STEM fields
 - Additional 17 months, after initial 12-month OPT period
 - May obtain STEM only once, for current degree program
 - Employer(s) must be enrolled in E-Verify database
 - Legal action filed in 2015 on grounds that DHS did not follow rule-making procedures & impedes U.S. workers
 - Judgement postponed until May 2016, to allow for new rule
- 2016 STEM Rule – Effective May 10, 2016
 - STEM benefit remains & Current authorizations still valid

UNIVERSITY of ROCHESTER

Agenda & Discussion

- Overview of 2016 STEM Rule
- Specific Provisions
 - STEM Eligibility & Employment Benefits
 - Form I-983 Training Plan
 - Reporting & Restrictions during STEM
 - Transitioning to new STEM Rule
 - Timing & Application Process
 - ISO Resources & Strategy for different groups
- Time for Questions!



UNIVERSITY of ROCHESTER

Overview: 2016 STEM Rule

- Focus on specific educational/training goals
- New eligibility criteria & options
 - STEM Extensions for additional **24 months** (3 years total)
 - May be based on a **U.S. STEM degree within last 10 years**
 - Benefit can be **granted twice**, following a higher degree level
- Requirements for students *and* employers
 - **Form I-983: Training Plan for STEM OPT Students**
 - Mandates comparable wages, supervision, & evaluations
 - Limits on appropriate employers and activities (vs. OPT)
 - Significant reporting obligations via ISO throughout STEM

UNIVERSITY of ROCHESTER

STEM Eligibility & Employment Benefits



UNIVERSITY of ROCHESTER

Who can apply for STEM?

- F-1 student/grad in a qualified STEM field
 - Per ICE: STEM Designated Degree Programs List (*eff. 5/10*)
www.ice.gov/sites/default/files/documents/Document/2016/stem-list.pdf
- Based on recent UR degree *or* a prior degree
 - Bachelor's, Master's, or Doctoral degree (or excluding thesis)
 - U.S. institution with DOE accreditation & F-1 certification
 - Prior degree was conferred within 10 years preceding STEM
- Additional basic eligibility requirements
 - Currently pursuing active 12-month post-completion OPT
 - No more than one previous STEM authorization period

UNIVERSITY of ROCHESTER

Maintaining Form I-983

- Material changes or deviations
 - Corporate restructuring, new EIN, or other employer details
 - Reduction in compensation, unless subject to reduced hours
 - Any significant decrease in student's training hours per week
 - Revisions to training objectives, methods, supervision, etc.
 - Attestation of self-evaluations (12-months & completion)
- Submission to ISO within set deadlines
 - Prior to issuing new I-20 recommending STEM Extension
 - Within 10 days of completing regular evaluation periods
 - At the "earliest opportunity" to document material changes

Reporting & Restrictions during STEM period



Reporting Requirements

- Reporting for all F-1 OPT, within 10 days
 - Change in name, address, contact details, immigration status
 - Loss of employment and periods of unemployment
 - Change in employer name, address, relationship, etc.
 - Plans to depart the U.S. permanently, ending F-1 status
- Additional reporting during STEM period
 - *Note:* Change in employment details on a new Form I-983!
 - Semi-annual validation report every 6 months, confirming: name, U.S. residential address, employer name & address
 - Provide a copy of Form I-983 to ICE/USCIS, upon request
 - *Employers:* Termination, departure, unauth. absence, in 5 days

Limits on "Employment"

- OPT allows various training relationships
 - Related to field of study, for at least 20 hrs/wk combined
 - Volunteer work, Self-employed, Contractor, Staffing agency
- Nature of STEM & I-983 are more restricted
 - 20 hour/week minimum threshold; Multiple positions rare
 - *Unpaid volunteer work:* Wages, duties are not commensurate
 - *Self-employment:* Cannot supervise own training opportunity
 - *Entrepreneurial work or Start-up company:* Must have bona fide employer-employee relationship & all STEM conditions met
 - *Staffing or Consulting agency:* No direct, on-site supervision
 - Interpretations may be clarified/ revised in months to come!

STEM Unemployment Limit

- Unemployment limit extends to 150 days
 - Cumulative total over entire 36 months work permission
 - 90 day limit during initial 12-month OPT period
 - Extended by additional 60 days over 24-month STEM period, plus whatever remains from current OPT allotment
- SEVIS will closely monitor unemployment
 - New automated functionality expected summer 2016: Terminates record once OPT unemployment limit exceeded
 - Unsure yet how this will be implemented for STEM periods
 - Timely report all employment to maintain valid F-1 record!

Other Considerations

- Significant impact to employers
 - New STEM rule requires more, compared to 2008 regs.
 - I-983: Specific training objectives; Supervision; Reporting
 - Protections for U.S. workers; Subject to DHS site visit
 - Some employers may be less willing/able to support STEM
 - University must evaluate viability of STEM opportunities
 - UR departments should contact ISO Scholar Services
- Changing to H-1B Temp. Worker category
 - Additional time allows for multiple H-1B cycles (each April)
 - Cap-Gap Extension still available following STEM Extension

Transitions to 2016 STEM Rule



Transition Timing

- Still accepting 17-month STEM applications
 - USCIS continues to process and approve under 2008 Rule
 - If *approved* prior to May 10th, all current provisions will hold
 - If still *pending* on May 10th, Request for Evidence issued for new ISO recommendation based on conditions of 2016 Rule
- 24-month STEM for applications after 5/10
 - Plan ahead for new requirements: I-983, new I-20, etc.
- 17-mos. to 24-mos. – Additional 7 months?
 - Some students will be eligible to apply for remaining time
 - Not required to change; 2008 Rule is valid until expiration

STEM Application Process

- 1) Request a new STEM Recommendation
 - ISO must receive the completed I-983 before issuing I-20
 - Form I-983 technically not official until 5/10, but available
 - *New ISO Form*: Request for 24-Month STEM Extension
www.iso.rochester.edu/assets/pdf/Employment/STEMRequest.pdf
 - SEVIS functionality limited until May 10th (tight deadlines?)
- 2) I-765 & supporting documents to USCIS
 - Applications must be received before 12-month OPT expires!
 - File up to **90 days** before end date; Within **60 days** of ISO rec.
 - *New ISO Instructions*: 24-Month STEM Extension Checklist
www.iso.rochester.edu/assets/pdf/Employment/STEMInstructions.pdf

17-mos. STEM → 24-mos.

- Eligibility to apply for additional 7 months
 - 17-month STEM is valid & unexpired, with at least **150 days** remaining when the application is received by USCIS (10/7)
 - Transition applications may *only* be filed **May 10 to August 8**
 - 2016 STEM criteria met & I-983 effective prior to applying
 - Must file I-765 & pay filing fees; Still counts as one lifetime
- Otherwise, current STEM remains valid
 - Whether ineligible *or* choosing to keep 17-month STEM
 - Continue to use current EAD card through end date
 - Employment options; 120 days unemp. limit; Reporting:
www.iso.rochester.edu/employment/students/stem/17months.html

ISO Resources & Strategy

- New information and reporting tools online
 - STEM landing page, with navigation to 2008 & 2016 rules
www.iso.rochester.edu/employment/students/stem/index.html
 - Reporting for OPT & 17-mos. STEM vs. 24-mos. STEM
www.iso.rochester.edu/employment/students/reporting/index.html
 - OPT Mailbox for Form I-983, etc.: opt@iso.rochester.edu
- Targeted communications based on priority
 - Current 17-month STEM cases to specific ISO Advisors
 - Current 12-month OPT with STEM-eligible UR degree
 - Current 12-month OPT with a possible prior STEM degree
 - Please be patient, due to various ISO duties & deadlines!!

Contacting ISO

213 Morey Hall (River Campus) | CPU Box 270446
phone (585) 275-2866 | *fax* (585) 276-2943
questions@iso.rochester.edu | www.iso.rochester.edu

Office Hours: 9:00 am to 4:00 pm, Monday to Friday
Walk-In Advising: 2:00 pm to 4:00 pm (5 minutes only)

Individual Appointments: 30 minutes, one-on-one
Available in person, or by phone remotely
Scheduled at least one day in advance; Please plan ahead!
During STEM transition, certain cases must be prioritized first.

Thank you!!!