Understanding the F-1 STEM OPT Extension

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Agenda

• What is the STEM OPT Extension?

• Key points:
  • Eligibility Considerations
  • Form I-983 Training Plan
  • Reporting During STEM OPT
  • Transitions During & After STEM OPT
  • COVID-19 Updates

• Questions!
What is the STEM OPT Extension?

Extended F-1 OPT work permissions...

- 24-month extension of active post-completion OPT
- Only available for designated fields (STEM)
- Available twice in a lifetime (following a higher degree level)
- Continued F-1 status & UR immigration sponsorship

... with more requirements!

- Limits on appropriate employers and activities (vs. OPT)
- Maintenance of I-983 Training Plan
- Significant reporting obligations throughout STEM period
Eligibility Considerations
Basic Eligibility: Student

- F-1 study in a qualified STEM field
  - CIP Code: ICE STEM Designated Degree Programs List
    [https://studyinthestates.dhs.gov/eligible-cip-codes-for-the-stem-opt-extension](https://studyinthestates.dhs.gov/eligible-cip-codes-for-the-stem-opt-extension)
  - New: CIP codes updated for 2020 – no new STEM list

- Have an eligible job or job offer

- ISO recommendation (new I-20)
  - Request via ISO form + I-983 Training Plan

- USCIS application is timely filed/received
  - Last 90 days of OPT – MUST apply before OPT end date
Basic Eligibility: Employment

• Qualified STEM employer
  • Has an Employer Identification Number (EIN) for tax purposes
  • US address for on-site work*
  • Actively enrolled and in good standing in E-Verify database
  • *Bona fide* employer-employee relationship: Employer hires, controls work, supervises, trains.
  • Sufficient resources & personnel available to provide STEM training goals at the site of activity listed on I-983.*

*Should be the case in a NORMAL state. Remote work/supervision due to COVID-19 is permitted (future guidance may change).
Basic Eligibility: Employment

• Qualified STEM position
  • 20 hours/week or more*, directly related to STEM degree
  • Compensated; comparable duties, hours, wages to US workers

• Eligibility is documented via I-983 Training Plan
  • Contract between student & employer, reviewed by ISO

• Resources:
  • Study in the States (SEVP)
    https://studyinthestates.dhs.gov/stem-opt-hub/students-determining-stem-opt-extension-eligibility
  • USCIS

• *Should be the case in a NORMAL state. A reduction in hours due to the economic effects of COVID-19 is currently permitted (future guidance may change). Contact ISO to discuss your specific situation.
STEM Training Limitations

- Employment arrangements more restricted!
  - Multiple job are rare but permissible: 20 hour/week minimum
  - Unpaid volunteer work is not permissible.
  - Self-employment: Cannot supervise own training opportunity
  - Entrepreneurial work or Start-up company: Must have bona fide employer-employee relationship, cannot provide employer attestation on their own behalf & all STEM conditions met
  - Staffing or Consulting agency: Direct, on-site supervision

- Unemployment limit – additional 60 days
  - 90 days (OPT) + 60 days (STEM OPT) = 150 days total
  - Cumulative total over entire 36 months work permission
  - Reaching unemployment limit ends OPT, no grace period
Application Timeline

• STEM OPT application must be received by USCIS...
  • before 12-month post-completion OPT expires!!
    • Check OPT expiration date on your OPT EAD card directly (might be different from I-20)
  • no earlier than 90 days before OPT expires
  • within 60 days of ISO’s recommendation
  • while you are maintaining status in the US

• Start early
  • Confirm employment meets eligibility criteria well in advance
  • Plan travel as necessary
  • Allow 2-4 weeks to get I-983 Training Plan done/new I-20
    • Some employers are fast, some are slow
    • Allow ISO 1-2 weeks for I-20 processing (once I-983 is satisfactory)
Processing & Benefits

• While application is **pending**...
  • Work authorization automatically extends until decision (up to 180 days)
  • Documentation: STEM Recommendation I-20, Receipt Notice

• Once application is **approved**...
  • New EAD with STEM OPT dates

• Continuous work authorization
  • STEM OPT starts the day after OPT ends – whether application is approved or not
  • STEM rules & reporting apply from first day
  • Additional 60 days of unemployment added from first day
Form I-983
Training Plan
Form I-983 Training Plan

- I-983 Training Plan for STEM OPT Students
  - 5-page document, completed by employer & student
  - Required for every training opportunity during STEM period
  - Must be updated based on any material changes or deviations
  - ISO must review I-983 to ensure training conditions are met
- [https://www.ice.gov/doclib/sevis/pdf/i983.pdf](https://www.ice.gov/doclib/sevis/pdf/i983.pdf)
Qualified Job(s)

• Key details on the I-983 Training Plan
  • Student: Qualifying STEM degree, current F-1 sponsor (UR)
  • Employer: Name, address, EIN, certification of training role
  • Job details: Hours per week, start date, compensation
  • Work site: Location, supervising official, contact info
  • Objectives: Student’s role & goals, oversight, assessment

• Little guidance re: nature/scope of work
  • Training must provide experience related to STEM degree
  • No set criteria or evaluation of posting, job description, etc.

• Be able to articulate & justify the training!
Student & Employer Signatures

- I-983 is like a contract
- Student certification to follow all STEM rules
- Employer certification to follow all STEM rules, ensure job eligibility
Reporting During STEM OPT
Reporting Requirements

• All OPT reporting due **within 10 days of change**
  • Change in name, address, personal contact details
  • Change in employment status (new job, end job)
  • Change in employer details: name, address, etc.
  • Plans to depart the US permanently, or end F-1 status

• Additional STEM OPT reporting
  • Validation reports: Every 6 months (confirm nothing has changed)
  • Self-evaluations: 12 mos., 24 mos., end of any employment
  • [http://iso.rochester.edu/employment/students/stem/reporting.html](http://iso.rochester.edu/employment/students/stem/reporting.html)

• **Employers**: Notify ISO about end of employment relationship within 5 days
Maintaining Form I-983

• Submission to ISO, within set deadlines
  • Prior to issuing initial STEM OPT recommendation
  • Within 10 days of starting new employer
  • Within 10 days of self-evaluation deadlines
  • At the “earliest opportunity” to document material changes

• Material changes, such as:
  • Corporate restructuring, new EIN, or other employer details
  • Reduction in compensation or change in training hours/week
  • Revisions to training objectives, methods, supervision, etc.
  • Change of site location

• ISO must provide to ICE/USCIS on request
Transitions During & After STEM OPT
Changing Employers on STEM

• Challenges identifying viable employers
  • E-Verify enrollment; online search tool is not reliable
  • Direct hire employment relationship, with supervision & on-site training from other employee(s) of the organization
  • Employer varying familiarity with STEM OPT

• Changes in STEM OPT Employment
  • Verify employer eligibility before starting
  • Monitor unemployment time
  • Avoid SEVIS changes while STEM application is pending
  • New I-983 Training Plan, properly executed within 10 days
  • Final Evaluation from previous employer due within 10 days
Immigration Transitions

• Common US immigration path

  F-1 Student, full-time ➔ F-1 Post-Comp OPT (12 mos) ➔ F-1 STEM OPT (24 mos) ➔ H-1B (up to 6 yrs) ➔ Permanent Residence

  Increased scrutiny, travel & mobility limitations

• Changing to H-1B visa category
  • Cap-subject (most) vs. cap-exempt (non-profits, gov orgs, etc)
  • Quota: Lottery in March, filing in April, earliest start in October
  • STEM Extension allows for multiple H-1B cycles, if needed
  • Cap-Gap Extension still available following STEM OPT
Current COVID-19 Guidance

• USCIS remains open for OPT/STEM I-765 application processing. For current USCIS COVID-19 information see: https://www.uscis.gov/aboutus/uscis-response-covid-19

• USCIS has NOT changed application timelines and deadlines due to COVID-19.

• STEM I-765 applications MUST be submitted from inside the U.S. You must be physically present in the US when your application is received by USCIS. USCIS has NOT made an exception to this due to COVID-19.

• USCIS still requires a handwritten “wet” (made with your hand and a pen) signature for the I-765. NO DIGITAL or ELECTRONIC SIGNATURES.

• USCIS has NOT changed the 150 day unemployment rule due to COVID-19. Please refer to ISO website for latest updates.
Current COVID-19 Guidance

• Lockbox address to mail I-765 has been changed to Chicago. Please refer to USCIS or ISO website for a link.

• Students who will be participating in STEM OPT during the validity of this guidance, may work remotely (from abroad) if their employer has an office outside of the United States or within the US if the employer can assess student engagement using electronic means. Students participating in STEM OPT do not need to submit an updated Form I-983 to report remote work. However, requirements to submit an updated Form I-983 for other changes remain in effect.

• This option may not be available in post COVID-19 time, therefore be proactive to choose your employment wisely while on OPT.
Next Steps

- Obtain initial 12-month OPT authorization
  - Apply for post-completion OPT ~90 days before program end
  - If already on OPT, check the end date on your EAD!

- Talk with prospective/current employers
  - Eligibility for F-1 OPT/STEM, work permission up to 3 years
  - E-Verify; experience, & willingness with I-983 Training Plan

- Contact ISO when time to apply for STEM!
  - Consider application timeline, situational factors
  - Must obtain new I-20 BEFORE sending application to USCIS
  
  http://iso.rochester.edu/employment/students/stem/apply.html
Connecting with ISO

Email: questions@iso.rochester.edu
Phone: +1 (585) 371-8736 (temporary)
Web: www.iso.rochester.edu
All advising currently happening via Zoom!

STEM OPT can be one of the most complicated F-1 advising topics!
Appointment is highly recommended, required
(*must be scheduled at least 1 day in advance*)
Questions?