



## SEVP Ask the Experts Webinar: Form I-983

### Frequently Asked Questions and Answers

*Oct. 19, 2016*

- 1. If a student changes employers while on a science, technology, engineering and mathematics (STEM) optional practical training (OPT) extension, at what point do they need to submit the first self-evaluation? For example, if a student changes from one employer to another employer 10 months into the STEM OPT period, when do they need to complete the first self-evaluation?**
  - A. In this situation, the student must submit an evaluation no later than 10 days following the conclusion of the first practical training opportunity.
  
- 2. We understand that a student must complete a self-evaluation at the end of any training period with an employer, regardless of how long the student has been with that employer. If a student cannot obtain a signature from the former employer on the final evaluation, what actions should the student take? What actions should the designated school official (DSO) take? In this situation, does the Student and Exchange Visitor Program (SEVP) consider the student to be in violation of their nonimmigrant status?**
  - A. Not submitting a final evaluation would be a violation of the terms of STEM OPT and may jeopardize the student's nonimmigrant status.

The student may point out page 2 section 4, "Employer Certification," of the Form I-983, "Training Plan for STEM OPT Students" to the employer. By signing the Form I-983, the employer certifies, among other things, that it will adhere to all applicable regulatory provisions that govern STEM OPT. At its discretion, the U.S. Department of Homeland Security (DHS) may conduct a site visit of any employer.



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If a DSO believes that their STEM OPT student's employer is not complying with the terms and conditions of the 24-month STEM OPT extension regulations or the Form I-983 and its instructions, the DSO may contact SEVP by following the instructions on [ICE.gov](https://ice.dhs.gov). Additionally, violations of the regulation may also be reported through the [Homeland Security Investigations Tip Form](#).

### **3. What is the DSO's responsibility for collecting the first and final self-evaluations? Do employers receive a reminder to submit the evaluation to schools? When exactly should the self-evaluations be submitted?**

- A. It is incumbent upon the student to remember to fill out the required evaluations, collect the required signatures and submit them to the DSO. SEVP does not send reminders to employers.

The DSO is responsible for storing the Form I-983 and self-evaluations in the student's record. The DSO may retain these documents in electronic or hard copy. The documents must be accessible to DHS within 30 days of the student's submission to the DSO.

All STEM practical training opportunities require an initial evaluation within 12 months of the approved starting date on the employment authorization document (EAD) granted pursuant to the student's 24-month OPT extension application, and a concluding evaluation. The student is responsible for ensuring the DSO receives his or her 12-month evaluation and final evaluation no later than 10 days following the conclusion of the reporting period or conclusion of his or her practical training opportunity, respectively.

### **4. What happens if a self-evaluation is missing?**



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- A. If a student fails to turn in an evaluation within 10 days following the end of the reporting period, the student's record may be terminated by DHS for failure to fulfill the self-evaluation requirement.

### **5. Does a change in client or employer reset the clock for when the student's self-evaluations are due?**

- A. Concluding evaluations should be completed at the end of each training opportunity, regardless of length of employment, and must be submitted within 10 days of the conclusion of the training opportunity with the employer.

Since the initial 12-month self-evaluation due date is calculated from the approved starting date on the EAD granted for the 24-month extension, the clock does not reset. The student is still responsible for ensuring that the DSO receives the 12-month self-evaluation no later than 10 days following the conclusion of the reporting period. The student must submit the self-evaluation within this time frame, even if the student has not been employed the full 12 months.

### **6. The Form I-983 asks for the signature of a person with signatory authority. SEVIS asks for the supervisor. What if these are two different people? What is required in Student and Exchange Visitor Information System (SEVIS) when these people are different: the supervisor's information, or the information of the person with signatory authority?**

- A. There may be two different individuals from the employer's organization who sign the Form I-983.

Section 4 of the Form I-983, "Employer Certification," is signed by an employer official with signatory authority who can attest to the broad terms of STEM OPT. This includes, but is not limited to, attesting that the supervising official follows the training plan.



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Section 5 of the Form I-983, “Employer Site Information,” asks for “Name of Official.” Per the Form I-983 instructions, this is the name of the appropriate individual in the employer’s organization who is familiar with and will monitor the student’s goals and performance. This may or may not be the same person as Employer Official as in Section 4. DSOs should enter this name in SEVIS as the supervisor.

### **7. What is SEVP’s policy on how to handle placement agencies?**

A. STEM OPT students are permitted to use staffing/placement agencies to find a training opportunity. However:

- All STEM OPT regulatory requirements must be maintained, and
- The staffing/placement agency cannot complete and sign the Form I-983 as an employer, unless:
  - The staffing/placement agency is an E-verified employer of the student, and
  - The staffing/placement agency provides and oversees the training.

### **8. If a student changes employers, the DSO is supposed to receive a new Form I-983, but not the Form I-765, “Application for Employment Authorization.” Whose responsibility is it to ensure the new employer is E-verified? The student’s, the employer’s or the DSO’s?**

A. It is the student’s responsibility to ensure that they are working in accordance to all STEM OPT requirements, including E-Verify.

### **9. Can a student participate in multiple STEM OPT training opportunities, so long as they meet all the requirements?**

A. A student may have multiple STEM OPT employers, as long as all conditions of the STEM OPT extension are met, including proper submission of the Forms I-983 for each training opportunity, the E-Verify requirement for



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employers and the stipulation that the student works no less than 20 hours per week for each employer.

### **10. How should the DSO treat situations where the description of the STEM OPT training opportunity is not directly related to the student's STEM degree (e.g., job is web developer, degree was physics)?**

A. DSOs are not required to conduct additional outside research into a particular employer prior to making a STEM OPT recommendation, nor are DSOs expected to possess technical knowledge of STEM fields of study. The DSO should check the Form I-983 to ensure completeness.

DHS has a number of enforcement and oversight mechanisms to help ensure compliance. These include: reporting requirements, employer site visits, periodic evaluation of a student's training and required notification of any material changes to or deviations from the training plan.