



U.S. Immigration and Customs Enforcement

SEVP Ask the Experts Webinar: Form I-983

Transcript

Oct. 19, 2016

Tandice: Good afternoon, everyone! Thank you for joining us for this webinar on the Form I-983. We have a few housekeeping items before we start the presentation. First of all, a question and answer session will follow this presentation. You can submit questions throughout this presentation using the Questions for SEVP and Technical Difficulties pod. If you experience technical difficulties, please provide a brief description of the issue through that pod. We will do our best to address the issue. Finally, if you haven't already, we'd love to have you complete the webinar attendance poll located on the right side of the screen. After the webinar, a recording and a copy of today's presentation will be available on the Study in the States Stakeholder Webinars page in a few days. You can provide feedback about this presentation at StudyintheStates.dhs.gov/Survey.

Presentation Overview

Tandice: Let's discuss what this webinar will cover today. This webinar will do a deeper dive into the Form I-983 and requirements for stakeholders. Remember that we do have some existing resources on the STEM OPT regulation; please visit the [STEM OPT Hub](#) on Study in the States, or view the SEVP Special Report Webinar: STEM OPT recording from April 2016, also on the [Study in the States Stakeholder Webinars page](#).



U.S. Immigration and Customs Enforcement

What we are going to cover today is an introduction of the Form I-983, how STEM OPT students need to complete the Form I-983 to remain compliant with federal regulations, how DSOs should work with students on their Forms I-983 and how employers are affected by the Form I-983 requirements. Also, we will cover hot topics in STEM OPT, helpful STEM OPT and Form I-983 resources, and, again, we will have a question and answer session at the end of this presentation.

Today's Presenters

Tandice: Now we would like to take a moment and introduce ourselves. Sanna, would you like to go first?

Sanna: Thank you, Tandice. I am Sanna Serspinski. I am a Senior Policy Analyst with SEVP's Policy Unit.

Tandice: And I am Tandice Ghajar, a Management and Program Analyst with SEVP's Strategic Communications Team.

Asking the Audience — Are you a student, DSO or STEM OPT Employer?

Tandice: We would love to get a better idea of who is viewing our webinar. You can take our poll located on the side of the screen. Let us know if you are a student, a DSO or a STEM OPT employer. These poll results really help us increase our STEM OPT outreach. We will give you a minute to do that.



U.S. Immigration and Customs Enforcement

And now, let's turn it over to Sanna.

Recap — STEM OPT Regulation

Sanna: Thank you all for submitting your answers to our poll. To start with, let's talk about the recent regulations related to STEM OPT.

Remember that you had the 17-month STEM OPT regulation. That was in effect until May 9, 2016. All STEM OPT extension applications adjudicated and approved before May 10, 2016, were granted 17-month STEM OPT extensions and were subject to the 17-month STEM OPT regulation. What we have effective May 10, 2016, is our 24-month STEM OPT regulation. STEM OPT applications adjudicated on or after May 10, 2016, are subject to the new 24-month STEM OPT regulation. These regulations include the topic of today's webinar, the Form I-983. As a reminder, employers may be simultaneously subject to both the STEM OPT 17-month regulation and the 24-month regulation.

Asking the Audience — Have you filled out or dealt with the Form I-983?

Sanna: We have another poll for you on the right side of your screen. Before we dive deeper into the Form I-983, we would like to get a better idea of who has worked with the Form I-983 before. As you can see on your screen, you can select yes or no if you have filled out or dealt with the Form I-983. This applies whether you are a student, a DSO or an employer. And again, as with any polls throughout



U.S. Immigration and Customs Enforcement

this webinar, those results will help us increase our STEM OPT outreach so thanks in advance for your input.

Snapshot — Form I-983 Responsibilities

Sanna: Okay! Thank you for submitting your answers. Next, we are going to talk about Form I-983 responsibilities. The Form I-983 affects students, STEM OPT employers and DSOs. We have a brief outline of how each stakeholder group must comply with Form I-983 requirements.

Let's begin with students. Students have the bulk of the responsibilities. Students need to complete the Form I-983 with their prospective employer prior to applying for STEM OPT. Once the student has completed the Form I-983, they will need to return it to their DSO with all required signatures, including the employer's signature. And, as a reminder, students cannot sign the employer part of the form themselves.

So what are the employer's responsibilities? Employers work with students to complete the Form I-983. Students will need a lot of information from their employers. The Form I-983 must identify a student's learning objectives and the employer's commitment to helping the student achieve these objectives. They could be outlined in an existing training plan as well. Also, the employer needs to designate an "Official with Signatory Authority." That is an individual — or potentially two individuals — who signs the Form I-983. Those individuals must be familiar with the STEM OPT student's goals and performance. They also must have the authority to affirm that the statements provided on the Form I-983 are correct. For instance, those individuals must attest that the student will not



U.S. Immigration and Customs Enforcement

replace a U.S. worker, and that the terms and conditions of the STEM OPT opportunity are commensurate with similarly-situated U.S. workers.

And the last player — though not the least — is the DSO. DSOs check for completeness and keep the Form I-983 in the student's records. DSOs are the ones who, of course, recommend STEM OPT for the student in SEVIS if all regulatory requirements are met.

I will now turn this back over to Tandice to talk about student responsibilities in more detail.

Student Responsibilities

Tandice: Alright! Let's dive into students and the Form I-983. Student responsibilities are of course to apply for a STEM OPT extension. Students can only apply for a STEM extension before their initial — usually 12 month — OPT authorization expires, and after they have completed the Form I-983. USCIS must receive the completed Form I-765, "Application for Employment Authorization Application," by the initial OPT end date on the student's Employment Authorization Document, or perhaps they're in Cap-Gap, but it must be before the end of their regular OPT period. Students cannot apply during the 60-day grace period after their post-completion OPT expires. Their other responsibility is to complete all Form I-983 sections. The student is responsible for completing Section 1: Student Information and Section 2: Student Certification by themselves. Then, the student must work with employers to submit Sections 3–9.



U.S. Immigration and Customs Enforcement

Students are encouraged to watch the [Form I-983 tutorial](#) on Study in the States for help with completing the form. The tutorial is available in the [STEM OPT Hub](#).

Material Changes for the Form I-983

Tandice: Both the student and the employer share responsibility in updating the Form I-983 and submitting material changes to the DSO. What is a material change? They can include but are not limited to any change of the employer's Employer Identification Number (EIN) or a reduction in compensation not tied to a reduction in time worked. As you can see on the slide 11, it can be a significant decrease in hours per week that a student is working or engaged in a STEM training opportunity. This includes any decrease below the 20 hour per employer per week minimum employment level. Changes to the employer's commitments or the student's learning objectives would also be a material change. Any changes that render the original Form I-983 inaccurate are material changes. These must be reported by submitting a new Form I-983 to the DSO.

Change in Employers

Tandice: Let's talk about when there is a change in employer - what are the student's responsibilities? Students are responsible for reporting these changes to their DSO. Changes in employment generally do require a new Form I-983. There is a 10-day window during which a student must submit a new Form I-983 if they are beginning a new training opportunity within those 10 days, and they would submit that to the DSO, signed by the new employer.



U.S. Immigration and Customs Enforcement

If there is more than a 10-day window between the previous opportunity and the beginning of the training opportunity, the student must first report loss of employment to the DSO within 10 days of the event. Then the student must submit a new Form I-983 signed by the new employer to the DSO.

DSO Responsibilities — Form I-983 Review

Sanna: Okay, we have talked about the student's responsibilities. What are the DSO's responsibilities when it comes to reviewing the Form I-983? While the DSO plays an important part in the STEM OPT process, Form I-983 responsibilities primarily lay with the student and the STEM OPT employer. It is not the DSO's responsibility to be proactive on material changes to the Form I-983 that we explained a few minutes ago. What the DSO must do is determine completeness of the student's Form I-983. What that really means is that DSOs should verify easily known information. The DSO is not required to conduct additional outside research — for instance, related to the student's specific position — or possess technical knowledge of the student's position. DSOs should also check that all questions on the Form I-983 are answered completely and that there are no blank spaces on the form.

To recap, DSOs should confirm that the Form I-983 explains how training is directly related to a STEM degree, that it identifies goals for the training opportunity — which means specific knowledge, skills or techniques that are acquired during the training opportunity — and explains how goals will be achieved during the STEM OPT training opportunity. DSOs should also confirm that the form describes a performance evaluation process, and that it describes the methods of oversight and supervision that the student is going to be under. The form is going to have to multiple areas for signatures, and DSOs should verify



that there is a signature by an “Official with Signatory Authority.” and that those areas are not left blank.

DSO Responsibilities — Record Keeping

Sanna: Apart from verifying that the form is complete, DSOs also have record-keeping requirements related to STEM OPT. The DSO at a student’s school of most recent enrollment remains responsible for maintaining the student’s SEVIS record during the STEM OPT opportunity, and providing the Form I-983 to SEVP if SEVP requests that form. What that means is that the DSOs must maintain documents in the student’s school record, and that includes all versions of the student’s Form I-983. A little later on, we will discuss evaluations and new forms for different opportunities. All of these versions must be maintained in the student’s school record. Of course, that includes all self-evaluations that the students complete over the course of the STEM OPT opportunity.

All this information, as we mentioned, must be provided to SEVP upon request. SEVP will reach out to DSOs to request student documentation and records if we need additional information. As always, DSOs play a critical role in ensuring data integrity in the program. DSOs should report instances of suspected fraud if the DSO believes that the employer is not complying with terms and conditions of the STEM OPT regulation, or is not complying with Form I-983 instructions. If the DSO suspects fraud, the DSO can report suspected fraud through the HSI Tip Line. That number is 866-DHS-2-ICE or 866-347-2423.



U.S. Immigration and Customs Enforcement

Employer Responsibilities

Sanna: We have talked about student and DSO responsibilities. We now want to turn to employer responsibilities related to Form I-983 completion.

The employer provides critical information for the Form I-983. The employer assists STEM OPT students with Form I-983 completion, and works with the student to make sure they have enough information to complete the Form I-983. We cannot say this enough: the employer must designate an “Official with Signatory Authority” — or two of them — to sign the Form I-983. After the STEM OPT opportunity is approved and the student is actually working for the employer, the employer assists the student with fulfilling reporting requirements. The employer should work with the student to report any material changes that we discussed earlier to the student’s training plan, and should also assist with filling out a new Form I-983, if needed. The employer also assists with the student’s required self-evaluations. The employer reviews the student’s 12-month and concluding self-evaluation at the end of the training period, and the employer signs to attest accuracy of the evaluation.

Employer Expectations

Sanna: There are certain expectations that the Form I-983 sets on employers. The Form I-983 requires employers to answer four main questions.

- The first main question is: How are the student’s assignments with the employer related to the student’s STEM degree?
- The second question is: How will the assignments with the employer contribute to the student making progress toward professional goals and objectives?



U.S. Immigration and Customs Enforcement

- The third question is: How will the employer evaluate the student over the course of the training? Employers can refer to existing employee evaluation processes when responding to this question.
- And the last question is: How will the employer supervise the student? Again, employers can refer to existing employee supervision policies when they respond to that question.

Employer Certification

Sanna: Once the employer has provided all the information needed on the Form I-983, they must attest on the Form I-983 that the student will not replace a U.S. worker. They must also certify that the terms and conditions of the STEM OPT training are commensurate with similarly-situated U.S. workers. In order to do that, employers should show that the duties, hours and compensation offered to a STEM OPT student are consistent with the range of terms and conditions the employer has or currently offers similarly-situated U.S. workers.

And just a little word about a similarly-situated U.S. worker. DHS defines a similarly-situated U.S. worker as a U.S. worker in the area of employment performing similar duties as the student at the training opportunity, subject to similar supervision and with similar qualifications as the student. The qualifications can be educational backgrounds, industry expertise, employment experience, level of responsibility and skill sets. If the employer recently employed more than two similarly-situated U.S. workers, the employer should use their own employees for comparison. Otherwise, employers should compare students to similarly-situated U.S. workers employed by other employers of the same size, industry and in the same geographic area of employment.



Staffing Agencies

Tandice: Thank you, Sanna! And now we will go into some hot topics in STEM OPT.

SEVP has received a lot of questions from stakeholders about a student’s ability to use a staffing agency and engage in STEM OPT. Students may use staffing agencies to find a training opportunity. But all STEM OPT regulatory requirements must be maintained. Also, the agency cannot complete and sign the Form I-983 as the employer unless the agency is, first of all, an E-verified employer of the student. Secondly, the agency must be the one who provides and oversees the training — this means that, typically, the place where the student is actually working or training, but it also has to be the signatory on the Form I-983.

Also, we received questions about short-term training opportunities, and this pertains to situations in which a student may have short assignments with multiple employers. In this case, the student must complete a new Form I-983 for every new training opportunity with each employer. They must meet the 20 hour minimum per week per employer requirement. This is permissible if these requirements — and all the requirements of the STEM OPT extension — are met.

Stakeholders can read more about the staffing agencies on the [Study in the States blog post entitled](#), “Questions from Designated School Officials: Can STEM OPT Students Use Staffing or Temporary Agencies?” You can find that at the URL listed on slide 21.



U.S. Immigration and Customs Enforcement

Remote Employment

Tandice: Another hot topic is remote employment. Can a student work somewhere other than where the main employer is located, for example? Distance or off-site employment is permissible under the new regulation. In this case, students must list the physical location of employment on the Form I-983. The physical location of employment is where the student conducts their day-to-day duties. The physical location may be different from an employer's primary address. Also, DSOs must input the physical employment location in SEVIS when listing the employer.

STEM OPT Hub

Sanna: We have talked about the requirements in detail. We understand that this is new information for everyone — that the Form I-983 has introduced a new workload, perhaps, to our stakeholders. To assist our stakeholders, we have many free resources available including the [STEM OPT Hub on Study in the States](#). We also have an upcoming [SEVP Special Report webinar about the SEVP Portal](#), and we will talk about that a little bit later on. We will also talk about how to provide feedback on this presentation and how to contact SEVP about STEM OPT and other matters, as well.

Let's first talk about the STEM OPT Hub, which has a lot of useful information that answers the bulk of the questions our stakeholders have. The page is accessible on the Study in the States website — that is, StudyintheStates.dhs.gov/STEM-OPT-Hub. On your screen, you should be able to see the landing page of the STEM OPT Hub.



U.S. Immigration and Customs Enforcement

This page includes the overview of the May 2016 regulation implementation. It includes the STEM OPT transition plan for 24-month extension. It includes Form I-983 information and a detailed video tutorial. We have information for employers, students and DSOs, specifically, under those categories. We understand that you still have questions, so DSOs can also contact the SEVP Response Center — we will provide their phone number and email addresses later on in this presentation. Another great resource is the SEVP Field Representative in your territory.

Asking the Audience — Have you used the STEM OPT Hub on Study in the States to learn more about the regulation?

And now we want to hear from you again - we have one last poll for you. We have talked about the resources we have. We would like know about the resources you use to learn about the STEM OPT regulation, including the STEM OPT Hub on Study in the States.

Please take a moment to answer our poll and let us know if you have used the STEM OPT Hub to learn about the regulation.

Stay Informed — Upcoming SEVP Portal Communications

I mentioned earlier the upcoming [SEVP Special Report Webinar: SEVP Portal](#). In May, SEVP announced that we would be launching the SEVP Portal later this year. We will have an SEVP Special Report Webinar on this topic, so if you are interested, save the date for Nov. 17, 2016, and it will take place from 2–3 p.m. EST. (*Note: Webinar has been postponed. Stay tuned to [Study in the States](#) for the*



U.S. Immigration and Customs Enforcement

latest updates on the SEVP Portal) We will communicate portal information at that point. This webinar is open to everyone, but it will be designed for F-1 international students, since those students will be the primary users of the portal. During the webinar, stakeholders will learn about the SEVP Portal, and stakeholders will also have an opportunity to ask SEVP representatives questions related to the portal.

Before the webinar, and leading up to the SEVP Portal launch, Study in the States will share blog posts and social media announcements. There will also be a dedicated section on Study in the States with SEVP Portal information for students and schools. Stay tuned to Study in the States for lots of additional information related to the portal.

Engage with SEVP — Stay Connected

Tandice: That is right, Sanna! People can refer to Study in the States for initial information about what the SEVP Portal is. Let's talk a little more about what you can do to stay connected and learn more. You can read the blog to get key news and content. The [blog](#) on Study in the States is updated regularly — about three times a week — with best practices, current events and more. We also have publications. These include the [quarterly SEVP Spotlight newsletter and the monthly SEVP Outreach Bulletin](#). You can sign up to receive the bulletin.

Also, we encourage you to engage with us through conferences. We welcome the opportunity to participate in your conferences or events. To submit a request for SEVP to attend an upcoming conference, you can use [the Event Request Form](#).



U.S. Immigration and Customs Enforcement

The URL for the form is located on your screen:

StudyintheStates.dhs.gov/Conferences.

Also, we really encourage you to follow Study in the States on [Twitter](#), “Like” Study in the States on [Facebook](#) and connect with SEVP on [LinkedIn](#). If you are a school official, LinkedIn will be particularly great for you.

SEVP Values Your Feedback

Tandice: We also value your feedback on this presentation. We would love to receive that through the survey URL displayed on your screen. You can wait until the end to take the survey, but go ahead and click on [that link](#) and take our survey. We review your feedback throughout the year and it helps guide our content for future presentations and webinars, and lets us know what we are doing right and what we can improve upon. We appreciate your time in taking the survey.

SEVP Contact Information

Tandice: Finally, we want to show you our contact information, for the SEVP Response Center in particular. Here is our phone number (703-603-3400 or 800-892-4829) and our email addresses — a different one for case-specific questions (SEVP@ice.dhs.gov) versus technical issues (SEVISHelpDesk@ice.dhs.gov). You can see our hours of operation are Monday through Friday, 8 a.m. to 6 p.m. ET, except holidays. And of course, we are closed for that brief half-hour window on Wednesdays from 12:50 to 1:20 p.m. ET for system maintenance and testing. And again, as Sanna mentioned, DSOs can feel free to contact their SEVP field



U.S. Immigration and Customs Enforcement

representative for questions about SEVP policies, processes and updates. They are a great resource for you as well.

Question and Answer Session

Now it is time for us to begin diving into the questions and answers. Our colleague Marissa Tinsley is going to join us to read your questions. We will do our best to answer your questions.

Marissa: Hi everyone — this is Marissa. We have tried to organize your questions as they have been coming in according to topic, so we're going to try to do this thematically. We are going to start on questions related to self-evaluations. The first question says: *DSOs have expressed a desire for STEM OPT students to upload their self-evaluations directly into SEVIS. Given SEVIS' current technical capability and the absence of tuition fees, schools are considering requiring fees from students for processing Forms I-983.*

Does SEVP have plans to enhance SEVIS' ability to retain the required reporting documents that are uploaded by students on STEM OPT extensions?

Tandice: Yes, DHS does expect to incorporate enhancements to the SEVIS system that will enable students to submit their Form I-983 electronically into SEVIS at a later date. The proposed SEVP Portal that we have been talking about will — perhaps at a later date — allow students to directly input their training plan into SEVIS for DSO review. That would hopefully reduce burdens on DSOs and their institutions.



U.S. Immigration and Customs Enforcement

Marissa: Thanks, Tandice. Our next question is: *If a student changes employers while on a STEM OPT extension, at what point do they need to submit their first self-evaluation? For example, if a student changes from one employer to another 10 months into the STEM OPT period, when do they need to complete the first self-evaluation?*

Sanna: In this specific situation, the student must submit a final evaluation no later than 10 days following the conclusion of the first practical training opportunity.

Marissa: Okay, on to our next question: *We understand that a student must complete an evaluation at the end of any 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 DSO take? In this situation, does SEVP consider the student to be in violation of their nonimmigrant status?*

Tandice: We encourage students to try to obtain those signatures, if at all possible, because not submitting a final evaluation would be a violation of the terms of STEM OPT, and it might jeopardize the student's nonimmigrant status.

To elaborate a little more, the student may point out Form I-983 page two, "Employer Certification," to the employer. By signing the form, the employer certifies, among other things, that it will adhere to all applicable regulatory



U.S. Immigration and Customs Enforcement

provisions that govern STEM OPT. And also, at its discretion, DHS may conduct a site visit of any employer.

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, Form I-983 instructions and completed Form I-983, then 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 this [Homeland Security Investigations tip form](#).

Marissa: Okay. Our next question says: *What is the DSO's responsibility for collecting the self-evaluation and final evaluation? Do employers receive a reminder to submit the evaluation to schools? When exactly should the Evaluation of Student Progress be submitted?*

Sanna: The onus falls on the students to remember to fill out the required evaluations, collect the required signatures and submit them to the DSO in a timely manner. An employer does not receive a reminder from SEVP.

So what is the DSO's responsibility? We talked a little about that in the presentation. To recap: the DSO is responsible for keeping and storing the Form I-983 and self-evaluations in the student's school record. The DSO may retain these documents in either electronic or hard copy form — it doesn't matter which way — as long as they are accessible to DHS within 30 days of the date that the student submitted that information to the DSO.



U.S. Immigration and Customs Enforcement

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. Also, they are subject to a concluding evaluation. Again, the student is responsible for ensuring the DSO receives his or her 12-month evaluation and the final evaluation no later than 10 days following the conclusion of the reporting period — if it is the 12-month evaluation — or conclusion of his or her practical training opportunity, if it is the concluding or final evaluation.

Marissa: Okay — thanks, Sanna! Next question: *What happens if a self-evaluation is missing?*

Tandice: That is a good question, Marissa. 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 the U.S. Department of Homeland Security for failure to fulfill the requirement.

Marissa: Okay. Our next question is: *Which of the two self-evaluations is the student required to submit when reporting the end of employment during their 24-month STEM OPT extension?*

Tandice: When the student finishes their training opportunity, the student is required to submit a concluding evaluation, again, no later than 10 days following the conclusion of any STEM OPT practical training opportunity.



U.S. Immigration and Customs Enforcement

Here the question referenced two self-evaluations; we just want to clarify that. A student who has multiple training opportunities during the 24-month period — that student would be required to submit more than two self-evaluations, because the concluding evaluation is required at the end of each training opportunity.

Marissa: Okay—next is: *What is the DSO required to do if a student fails to either submit the self-evaluation in a timely fashion or submit it at all?*

Tandice: We at DHS are putting some of the responsibility on ourselves for this, as well as on the student. It is incumbent upon students to remember to fill out the annual self-evaluation. A good practice for you as a DSO may be to remind students of this requirement.

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 the U.S. Department of Homeland Security for failure to fulfill the requirement.

Marissa: Okay — next: *What happens when it is time for the student to submit their annual review, but the student has not been employed for one complete year?*

Sanna: That is a very good question. As we mentioned: All STEM OPT opportunities require an initial self-evaluation within 12 months of the approved starting date on the EAD that was granted for the 24-month extension. The clock really starts from the EAD start date. The student is responsible for ensuring that



U.S. Immigration and Customs Enforcement

the DSO receives the student's 12-month evaluation no later than 10 days following the conclusion of that reporting period — that 12-month reporting period, starting from the EAD start date. The student must submit the evaluation within this time frame, even if the student has not been employed the full 12 months with a specific employer.

Marissa: Okay — thanks Sanna! *What actions should a student or DSO take if an employer refuses to cooperate with filling out the final self-assessment if the employment ended on bad terms?*

Tandice: We have touched on it a little bit, but we will go into the answer here, and this could happen, so it's a great question. If a STEM OPT student believes that their STEM OPT employer is not complying with the terms and conditions of the 24-month STEM OPT extension regulations, the Form I-983 instructions or the completed Form I-983 on file with their DSO, the student can do a couple of things. They can contact the Student and Exchange Visitor Program at ICE by following the [instructions found on ICE.gov](#). They can also report violations through this [Homeland Security Investigations tip submission form](#). They may report to us in these cases.

There are a number of enforcement and oversight mechanisms to help ensure compliance, including 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. We hope these protections are useful to avoid difficult situations like this.



U.S. Immigration and Customs Enforcement

Marissa: Okay — the next question says: *Does a change in client or employer reset the clock for when the student’s self-evaluations are due?*

Sanna: This is kind of a yes and no answer. If the student has not been employed for one full year with one training opportunity, they must still complete the concluding evaluation upon termination of their employment. Concluding evaluations should be completed at the end of each training opportunity — if the student has multiple training opportunities throughout the 24-month period — and concluding evaluations are due regardless of length of employment. They are due within 10 days of ending each training period with the current employer.

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

Marissa: Okay, so I want to switch gears a little because we had some questions coming in about SEVIS functionality. The first one says: *DSOs have expressed a desire for separate SEVIS alert lists for students on STEM OPT extensions, so that they can better track reporting requirements. Does SEVP plan to create additional tracking lists in SEVIS for students applying for, or who already have approved, STEM OPT?*



U.S. Immigration and Customs Enforcement

Tandice: That is a good question, Marissa, and that is a good idea. I cannot say yes or no, but what I can suggest is that you send specific ideas to SEVISTechnicalFeedback@ice.dhs.gov and we will look into whether this is a possibility, to create the alert lists.

Marissa: Okay. The next one says: *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 SEVIS when these people are different — do you put in the supervisor's information or do you give the information of the person with signatory authority?*

Sanna: There may be two different individuals from the employer's organization who sign the Form I-983. That is allowed.

We can look at Section 4 and Section 5 of the Form I-983 to answer this question. Section 4 of the form, entitled "Employer Certification," is — per the form instructions — signed by an employer official with signatory authority who can attest to the broad terms of the STEM OPT training opportunity. This includes, but is not limited to, attesting that the supervising official follows the training plan.

Section 5 of the form, entitled "Employer Site Information," refers more to the supervisor title. This section asks for the "Name of Official" as well. Per the form 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, perhaps closer to the student in the organizational chart than the person who attests to the work terms of STEM OPT. The person who signs in



U.S. Immigration and Customs Enforcement

Section 5 may or may not be the same person as the Employer Official in Section 4. The person in Section 5's name would need to also be indicated in SEVIS as the supervisor.

Marissa: Okay — and our last SEVIS question: *Will SEVIS alert DSOs when Form I-983 self-evaluations are due?*

Tandice: Currently, there is no alert system in SEVIS for this due date, for Form I-983 evaluation reminders. This is mainly because it is incumbent upon students to remember to fill out the annual self-evaluation. They can be strongly encouraged to do that.

Marissa: Okay — so we just got a question in on staffing agencies. *What is SEVP's policy on how to handle placement agencies?*

Sanna: This is definitely a question we are still getting and that we are looking into. As far as staffing or placement agencies, STEM OPT students are permitted to use staffing/placement agencies to find a training opportunity. However, students need to remember that all STEM OPT regulatory requirements must be maintained. The staffing or placement agency cannot complete and sign the Form I-983 as an employer, unless they are meeting two specific conditions: the staffing or placement agency would have to be an E-verified employer of the student, , and the agency would have to provide and oversee the training for the student.

Marissa: Okay I am going to switch gears again. We have some specific questions on the Form I-983 fields. The first one says: *Where are employers supposed to find*



U.S. Immigration and Customs Enforcement

the North American Industry Classification System (NAICS) Code? Could SEVP provide more guidance on how many digits of the code are necessary? We have had situations where some students turn in forms showing only three or four digits. Can we accept such Forms I-983, or do we need to return the form and ask for all six digits?

Tandice: I have a partial answer for you, Marissa. The NAICS codes are accessible at [Census.gov](https://www.census.gov). If you go on [Census.gov](https://www.census.gov) and search for “NAICS codes,” I think you will find it.

The student should really consult with the employer and enter the NAICS code the employer uses, which we hope will be the complete code.

Marissa: Okay — the next one says: *We sometimes have students and employers who submit attachments containing internal company training documents, instead of actually filling out the boxes in Section 5. Can DSOs accept Forms I-983 with attachments, as long as the information in the attachment addresses these questions on the Form? Or, should the employer and student fill out the boxes on the form?*

Sanna: The STEM OPT regulation preamble indicates that the employer may rely on existing training plan requirements, as long as the training plan meets STEM OPT specifications, and existing training plans may align well with the Form I-983 fields. As long as the training plan that the employers already have in place addresses all parts of the Form I-983 fields, they may attach it in lieu of writing in an answer for a specific field that addresses the training plan. SEVP does recommend that, if you are going to attach a form, that you don’t leave a field



U.S. Immigration and Customs Enforcement

blank but that you indicate — for example — “see attached,” so that we can look for the attachments. Also, one thing to note is that an attachment is appropriate for fields that address the training plan; however, the employer and student information and certifications, as well as signature fields, must always be filled out on the actual Form I-983.

Marissa: *Thanks Sanna! If a student changes employers, the DSO should receive a new Form I-983, but not the Form I-765, “Application for Employment Authorization.” Whose responsibility is it to ensure that the new employer is E-verified — the student’s, the employer’s or the DSO’s?*

Tandice: I can firmly tell you that it is the student’s responsibility to ensure that they are working in accordance to all STEM OPT requirements, including working for an E-verified employer, Marissa.

Marissa: Okay, so we just got a good question on record keeping. *How long are DSOs required to keep Forms I-983 on file?*

Sanna: The STEM OPT 24-month regulation specifically indicates that an educational institution must ensure that SEVP has access to each Form I-983 for a period of three years, and that the three years starts following the completion of each STEM practical training opportunity.



U.S. Immigration and Customs Enforcement

Marissa: Okay, so we will now switch to employer questions. *If the employer's address is different than the address where the student physically reports to work, which address should appear on the Form I-983?*

Tandice: Good question: The Form I-983 contains fields for both employer and employment site information. Per the [Form I-983 instructions which are found on ICE.gov](#), Section 3, "Employer Information," must contain the employer or company mailing address, whereas Section 5, "Site Address," is the exact address of the work site where the STEM practical training will take place. It's actually both on different sections of the form.

Marissa: Okay — next up: *Are multiple STEM OPT training opportunities acceptable, so long as the student meets all the requirements?*

Sanna: This is also a frequently asked question we get. Yes, a student may have multiple STEM OPT employers, as long as all conditions of the STEM OPT extension are met with each of those employers. And that includes proper submission of the Form I-983 for each separate training opportunity; each employer and each training opportunity must meet the E-verify requirement; and also, the student works no less than 20 hours per week for each employer, for each training opportunity.

Marissa: Okay — next up: *Can SEVP provide more guidance on who should sign the Form I-983? Should it be the direct supervisors or human resources representative of the company? Can a company's in-house attorney sign the form?*



U.S. Immigration and Customs Enforcement

Tandice: Per the Form I-983 instructions, the “employer certification” section is clarified as “an appropriate individual in the employer’s organization, who is familiar with the student’s goals and performance, and who is an employee who has signatory authority for the employer, should review the certification and affirm the statement by signature.” You can look at that as best you can and decide who best should sign the form.

Marissa: *Okay. How should DSOs treat situations where the employer fills out the Form I-983 incorrectly? As an example, in one particular case, the student drafted the employer’s portion, but the professor changed the form, left it blank and did not write in the goals and objectives, as requested.*

Sanna: In this case, we presume that the professor mentioned in the question is the employer representative, not just a well-meaning professor assisting with the form. As we mentioned earlier, the DSO should review the form for completeness, and should verify information easily known to the DSO. During this review, DSOs should ensure the student and employer properly executed the Form I-983. If the DSO, upon that review, determines that the form is incomplete, if fields are blank or incomplete, the DSO should return the form to the student for completion.

Marissa: *Okay, so we have a couple of questions on completing the application. 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—for example, if the job is web developer, but the degree was in physics?*



U.S. Immigration and Customs Enforcement

Tandice: This is a great question for DSOs to have, and I am sure this will come up in the course of a DSO's career. Basically, DSOs are not required to conduct additional outside research into a particular employer prior to making a STEM OPT recommendation. They are also not expected to possess technical knowledge of STEM fields of study. DSOs just need to check the Form I-983 to ensure completeness and accuracy to the best of the information that they easily know.

DHS has a number of enforcement and oversight mechanisms to help ensure compliance. We have the reporting requirements, the employer site visits, periodic evaluation of a student's training and required notification of any material changes to or deviations from the training plan. DHS has begun completing site visits, so students should be aware that we have all these mechanisms in place to ensure compliance.

Marissa: Okay — we have another question: *Can DSOs still recommend the STEM OPT extension if a student has more than 90 days of unemployment? Can DSOs still go into SEVIS and make the recommendation if the student's SEVIS record is not terminated?*

Sanna: A student on 12-month post-completion OPT has up to 90 unemployment days, as the question references. A student who has exceeded the maximum allowed OPT unemployment time is out of status, and would not be eligible for the STEM OPT extension. Under those circumstances, if the DSO determines that the unemployment limit has been exceeded, the DSO must not make the STEM OPT recommendation. Also as a reminder, the DSO must make sure that student employment time is accurately reflected in SEVIS.



**U.S. Immigration
and Customs
Enforcement**

Marissa: Okay. We have time for a couple more questions. Next question: *Are we required as DSOs to keep the original or the copy of the Form I-983?*

Sanna: That depends on your practices: You can scan and keep the original, or you can keep the electronic copy of that form. If you choose to keep an electronic copy of the form, all of the information must be clear, should DHS request that information from you.

Marissa: Okay — *do students need to include their Form I-983 with their STEM OPT extension application?*

Sanna: USCIS has indicated that at this time, they are not requiring the Form I-983 with the STEM OPT application.

Tandice: Could they send an RFE for it, Sanna, do you think?

Sanna: Yes. Therefore, it is definitely important that the students keep a copy of that form, because USCIS can send a RFE for that form if they require further information to make that adjudication decision.

Marissa: Okay — *do DSOs have any reporting responsibilities for the evaluations in SEVIS, or do they just have to collect them?*



U.S. Immigration and Customs Enforcement

Sanna: At this time, the DSOs just have to collect the self-evaluations and maintain the self-evaluations in the student's record.

Marissa: And there's a follow up question: *Where does the student submit the evaluation? Do they submit them to SEVP?*

Sanna: The student submits the evaluations to their DSO.

Marissa: Okay — so the last question that we are going to be able to take is: *Are DSOs supposed to evaluate the accuracy and robustness of how a training plan is supposed to be related to the STEM degree, and how well thought out the training plan is?*

Sanna: That is a very good question. The DSOs are just required to review that the form is complete and that all questions are answered. The DSO does not have to delve into the technicalities of the form, as long as the questions are answered and the DSO retains the Form I-983 for possible DHS review. That is all the DSOs are required to do.

Tandice: Thank you Sanna! And thank you all for joining us today. As Marissa mentioned, we are about out of time, but we really thank you for your great questions that were submitted today. We enjoyed this time with you, and hope it was beneficial for you as well. Thank you so much!



U.S. Immigration and Customs Enforcement

Marissa: And just as a last note. We got a bunch of questions on the Form I-983. We will be making a Q&A document. You submitted a ton of really good questions, and we want to make sure that you get well thought out answers. So, please keep yourselves glued to [Study in the States](#). Have a great rest of your day!