



U.S. Immigration
and Customs
Enforcement

SEVP
STUDENT AND EXCHANGE VISITOR PROGRAM

**SEVP Special Report:
STEM OPT**

April 14, 2016

Welcome

- **Technical difficulties?**
 - Describe your problems in the Technical Difficulties pod
- **Miss something?**
 - A recording of the presentation will be available on Study in the States today

Presentation Overview

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Important Dates

March 11, 2016

New regulation published in the
Federal Register

May 10, 2016

New regulation replaces current
17-month STEM OPT extension

Aug. 8, 2016

Deadline for certain existing
17-month STEM OPT participants
to apply for seven-month extension

WHAT STAYS THE SAME

DSO Responsibilities

- **DSOs at the student's school of most recent enrollment remain responsible for maintaining the student's record and SEVIS information**
 - DSOs continue to recommend students for STEM OPT extension in SEVIS (if possible) prior to the student submitting an application
 - Applies even if student bases request for an extension on previously obtained STEM degree from another SEVP-certified school

Program Requirements

- **Similar to 17-month STEM OPT extension, conditions of 24-month STEM OPT extension include:**
 - Employers must be enrolled in E-Verify
 - Students must complete at least 20 hours of practical training per week
 - Students receive Cap-Gap relief as long as employers file H-1B petition and change of status requests in a timely manner
 - Students may not apply for STEM OPT extensions during 60-day grace period after initial period of post-completion OPT
 - Students continue to check in with DSOs every six months to validate SEVIS data

WHAT HAS CHANGED

24-month OPT Extension

- 24-months, rather than 17-months, of extended OPT for eligible STEM students
- Qualifying F-1 students are eligible for up to two STEM OPT extensions throughout the duration of their academic career
 - Must receive qualifying STEM degree at a bachelor's degree level or higher
 - Must complete additional period of regular OPT prior to applying for second extension

Form I-983

- **Form I-983, “Training Plan for STEM OPT Students”**
 - Student:
 - Completes form with prospective employer
 - Returns completed form (with employer’s signature) to DSO
 - DSO:
 - Checks for completeness
 - Keeps form in student’s record (outside of SEVIS)
 - Recommends OPT in SEVIS if regulatory requirements for recommendation are addressed
- **STEM OPT Hub on Study in the States has more detail about the Form I-983**

Pre-Submitted Question



Form I-983

Is the Form I-983 final or is it still in draft form?

DSO Responsibilities

- **DSO reviews student's Form I-983 to ensure:**
 - Completeness
 - Signature
 - Program requirements addressed
- **DSOs are not required to:**
 - Conduct outside research into a particular employer prior to making STEM OPT recommendations
 - Possess technical knowledge of STEM fields of study
- **DSOs are responsible for keeping the Form I-983 and self-evaluations in the student's record**

Pre-Submitted Question



**Before or After
May 10**

Does the Form I-983 have to be signed on or after the May 10, 2016, implementation date to be acceptable, or can the form be signed prior to that date, and then submitted after May 10?

Pre-Submitted Question



Form I-983 Submission

When a student applies for STEM OPT, does the DSO keep the Form I-983, submit the Form to USCIS along with the Form I-765, or do both?

If a student submits an amended Form I-983, is the DSO expected to keep these amendments as well?

Site Visits

- **DHS may perform site visits to employer locations that train STEM OPT students**
 - Will give at least 48 hours' notice before most site visits
 - May request compliance information via email or phone in lieu of, or in coordination with, a site visit
- **Objective:**
 - Ensure students and employers are engaged in work-based learning experiences consistent with information in the student's Form I-983

Eligible Degrees

- **STEM degree eligibility requirements:**
 - Bachelor's degree or higher in eligible STEM field from an SEVP-certified and accredited school at the time STEM OPT extension application is submitted
 - Eligible CIP codes: 14, 26, 27, 40 and related fields
 - Eligible fields listed in the updated STEM Designated Degree Program List
 - Current list is similar, but not identical, to previous list under 17-month STEM OPT extension
- **DHS only grants STEM OPT extensions once per degree level, even if student has multiple STEM degrees at the same level**

Prior STEM Degrees

- An F-1 student may use a prior STEM degree from a currently accredited, SEVP-certified school if they:
 - Received their most recent degree from a currently accredited SEVP-certified school
 - Received a prior qualifying STEM degree within 10 years preceding date of application for a STEM OPT extension with USCIS
 - Qualifying STEM degree must be on DHS's STEM Designated Degree Program List at the time the student submits an application for the STEM OPT extension

Pre-Submitted Question



Two STEM Degrees

A student has completed two consecutive STEM degrees—for example, a bachelors and then a masters in math, or a masters and a PhD in engineering—and is currently on an OPT extension for the later degree, and has not completed OPT for the first degree.

Is that student eligible for an additional 24-month extension based on the first STEM degree?

Reporting Requirements

- **Students must check in with DSOs annually to complete self-evaluations**
 - On top of current requirement to check in every six months to validate SEVIS data
- **Students must immediately notify DSOs of:**
 - Material changes to the Form I-983
 - Termination of practical training experience
 - Change in employer
 - Employer noncompliance

Pre-Submitted Question



Incomplete Self Evaluations

How are students reminded to fill out the annual self-evaluation?

What is the recommended course of action for a DSO if this requirement is missing?

What happens if a student fails to turn in the annual self-evaluation?

Unemployment Eligibility

- **Students who obtain a 24-month STEM OPT extension have a total of 150 days of unemployment eligibility**
 - 90 days allotted for regular post-completion OPT
 - Additional 60 days allotted for a STEM OPT extension
 - 150-day unemployment limit applies to students seeking seven-month extension upon approval of extension

TRANSITION PLAN

No Automatic Conversion

- DHS will not automatically convert existing 17-month extensions into 24-month extensions
- To apply for the seven-month extension, students with existing 17-month STEM OPT EADs must:
 - Have at least 150 days remaining on the EAD
 - Fulfill all new eligibility requirements
 - Submit 24-month STEM OPT application and fees on or before Aug. 8, 2016
- Terms and conditions of new requirements apply as of date of receipt of Form I-765 by USCIS

Pre-Submitted Question



Current Student Eligibility

To be eligible under the transition plan, do students need to have 150 days remaining on their extension at the time of filing?

Are only students on 17-month STEM OPT EADs expiring after Oct. 7, 2016, eligible for the extra seven months of STEM OPT?

Transition Date

- **17-month STEM OPT regulations remain in effect until May 10, 2016**
 - DHS will process all STEM OPT extension applications according to previous regulations through May 9, 2016
 - RFEs for applications pending on May 10, 2016
- **Approval or denial of seven-month extension**

Pre-Submitted Question



**Waiting Until
May 10, 2016**

Should students wait until after May 10, 2016 to apply for the STEM OPT extension?

Who should and should not wait until this date to apply for the extension?

Student Eligibility

- **Eligible F-1 students have:**
 - STEM OPT applications pending on May 10, 2016, or
 - Existing 17-month STEM OPT with 150 days remaining on the EAD when applying from May 10 through Aug. 8, 2016
- **Students are ineligible if they have:**
 - A 17-month STEM OPT EAD expiring on or before May 10, 2016, or
 - A 17-month STEM OPT EAD with less than 150 days remaining on May 10, 2016

Pending Applications

- **17-month STEM applications pending on May 10, 2016**
 - USCIS issues RFEs to students with pending applications
 - RFEs allow students to amend application to demonstrate eligibility for 24-month extension
 - No need to incur additional fee
 - No need to refile EAD

Pre-Submitted Question



Responding to an RFE

Are students with pending 17-month STEM OPT extensions on May 10, 2016, required to respond to the RFE from USCIS if they only want to complete an extra 17 months of STEM OPT?

What happens if a student does not respond to the RFE?

Hypothetical Eligible Student Scenarios

- Students on regular post completion OPT with pending STEM OPT extension applications on May 10, 2016
- Students who apply for a STEM OPT extension after May 10, 2016
- Students currently on a 17-month STEM OPT extension are eligible *if* they:
 - Have 150 days left on their EAD before applying for a STEM OPT extension, *and*
 - Apply on or before Aug. 8, 2016

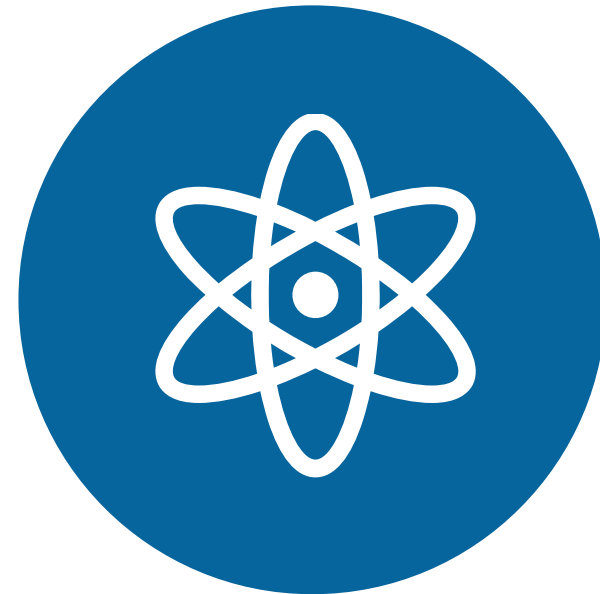
SEVIS FUNCTIONALITY

Overview

- **SEVIS team developing workarounds to capture new STEM OPT extension eligibility requirements**
 - Top priority: prior degrees from other SEVP-certified schools
 - SEVP will communicate workarounds to stakeholders in the coming weeks
 - SEVIS release is May 13, 2016

SEVIS STEM OPT Webinar

- Save the date for SEVIS STEM OPT webinar
- Friday, April 29, 2016, 1 – 2 p.m. EDT
 - Designed for DSOs



RESOURCES

STEM OPT Hub

Official website of the Department of Homeland Security

Homeland Security
STUDY in the STATES

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STEM OPT

Students, designated school officials (DSOs) and employers can use this page to learn about the U.S. Department of Homeland Security's (DHS) rules and regulations for the optional practical training (OPT) extension for F-1 students with science, technology, engineering and mathematics (STEM) degrees. Visit the [STEM OPT Extension Overview](#) to learn more.

Watch the [Form I-983, "Training Plan for STEM OPT Students"](#) Tutorial for a step-by-step guide to completing the Training Plan form.

In March 2016, DHS published amended F-1 nonimmigrant student regulations on OPT for certain students with STEM degrees from U.S. institutions of higher education. The amended regulation, which provides for an extension of the OPT period by 24 months (a STEM OPT extension), will go into effect on May 10, 2016.

Interested F-1 students must apply for and receive an Employment Authorization Document (EAD) from U.S. Citizenship and Immigration Services (USCIS).

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| <h3>TRANSITION PLAN</h3> <p>Transition Plan Overview Students with STEM OPT Applications Pending on May 10, 2016 Students with Existing 17-Month STEM OPT EADs on May 10, 2016</p> | <h3>TRAINING PLAN</h3> <p>Form I-983 Overview Students and the Form I-983 DSOs and the Form I-983 Employers and the Form I-983</p> |
| <h3>STUDENTS</h3> <p>Students: Determining STEM OPT Extension Eligibility Students: STEM OPT Reporting Requirements</p> | <h3>SCHOOLS</h3> <p>DSOs: Recommending Students for the STEM OPT Extension DSOs: STEM OPT Reporting Requirements</p> |
| <h3>EMPLOYERS</h3> <p>Why STEM OPT is Good for Small Business Employer Site Visits Employers: STEM OPT Reporting Requirements</p> | <h3>MORE RESOURCES</h3> <p>STEM OPT Frequently Asked Questions Eligible CIP Codes for the STEM OPT Extension</p> |

QUESTIONS? For general and case-specific questions, call 703-603-3400 or email SEVP@ice.dhs.gov and include STEM OPT in the subject line. Our offices are open Monday through Friday, from 8 a.m. to 6 p.m. ET, except holidays.

Form I-983 video tutorial

May 2016 regulation implementation overview

Transitioning to 24-month extension

Form I-983 information

Information for students and employers

Information for DSOs

Additional resources

PRE-SUBMITTED QUESTIONS

Pre-Submitted Question



Academic Study During STEM

Can SEVP clarify whether a student on STEM OPT can enroll in classes during the OPT period?

What level of academic study, if any, is permissible?

Pre-Submitted Question



Using STEM Degrees

If students are limited to two lifetime OPT extensions, does a current 17-month STEM OPT student's application for an additional seven months count towards the original OPT extension?

Can the two lifetime extensions be based upon the same STEM degree?

Can a student use a STEM degree earned from a school overseas?

Pre-Submitted Question



Training and Prior Degrees

If a student completes a non-STEM degree, is currently on post-completion OPT, and is applying for a STEM OPT extension based upon a previously earned STEM degree, does any future training have to relate to the prior degree, the most recent degree, or both?

Pre-Submitted Question



Dual Degrees

Our university system has several campuses and some of these campuses have different schools, with a separate Forms I-17. Some students are enrolled in dual degree programs from two different schools, but are under the same university system. If a student completes a STEM degree at one school, the school transfers the student's SEVIS record to complete the dual degree at the non-STEM school, and then the student applies for OPT, the student's degree would not be considered STEM. Under the new regulation, will students be eligible to apply for STEM OPT based on their first STEM degree?

Pre-Submitted Question



Dual Degree CIP Codes

When recommending a STEM OPT extension based upon a prior degree, should the DSO refer to the major CIP code in place at the time the degree was conferred, or the major CIP code at the time of the recommendation?

What happens if the prior degree had a CIP code not listed on the STEM Designated Degree Program List, but the school has since modified the degree or formally revised the CIP code?

What documentation is a DSO expected to obtain to verify that the prior degree is eligible?

Pre-Submitted Question



**Applying
Before May 10**

If a student applies for a 17-month extension before May 10, 2016, should the student expect an approval or an RFE?

Pre-Submitted Question



Thesis Students

The new STEM OPT regulation indicates that a copy of the degree needs to be submitted to USCIS and that a “Degree Awarded Date” must be listed on the Form I-983. How does this affect STEM students who are in the process of writing or defending a thesis? What date should be listed on the Form I-983?

Pre-Submitted Question



Reviewing the Form I-983

Can you clarify what is expected of a DSO reviewing the Form I-983? Is the school official expected to verify the accuracy of the information on the Form?

Pre-Submitted Question



Student Entrepreneurs

Can you clarify how students who establish their own start-up companies can meet the new STEM extension eligibility requirements?

Pre-Submitted Question

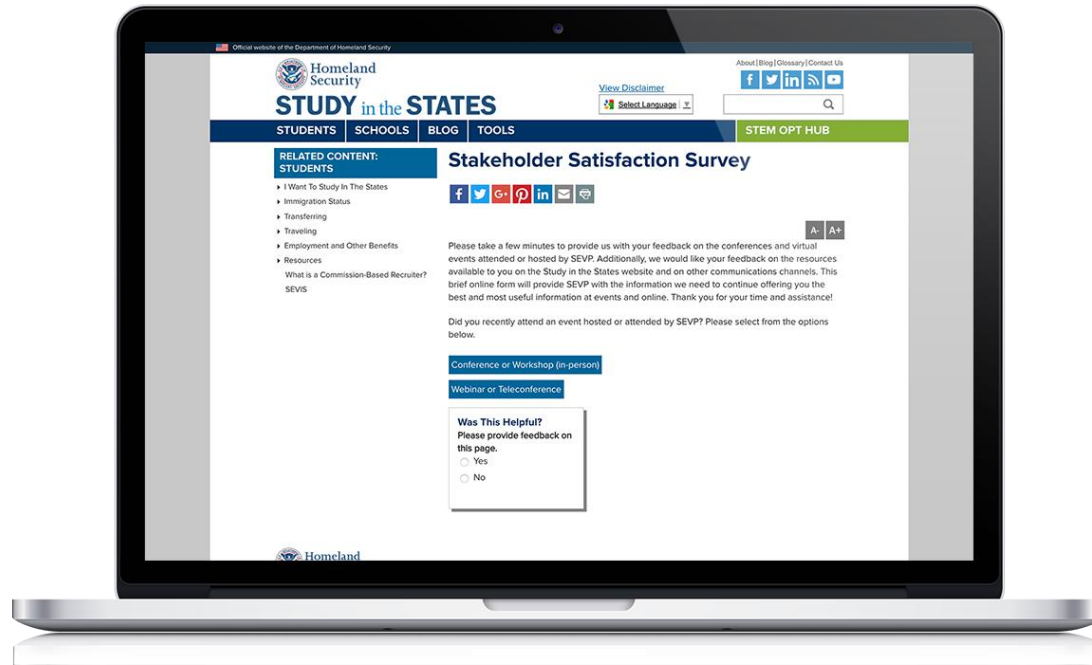


Form I-765 Fee

Will USCIS charge a processing fee for the seven-month or the 24-month extension applications?

SEVP Values Your Feedback

- Provide feedback on this conference presentation
- Comments reviewed throughout the year



StudyintheStates.dhs.gov/Survey

SEVP Response Center



PHONE

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800-892-4829



EMAIL

Case-Specific Questions:

SEVP@ice.dhs.gov

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