

PEPPERDINE UNIVERSITY

OFFICE OF INTERNATIONAL STUDENT SERVICES

Optional Practical Training (OPT) Manual

**Revised
10/31/2018**

You are responsible for filing a proper and timely application for OPT and maintaining your F-1 status while on OPT.

Report to the OISS every notification you receive from USCIS.

Report to the OISS changes in your data or plans immediately, as they may impact your OPT application or F-1 status.



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Table of Contents

Section A: Important information before you apply	4
Section B: How to apply	11
Section C: How to track your case status	18
Section D: How to maintain your status during OPT	24
Section E: H-1B Cap-gap and STEM OPT extension	32

10/31/2018

Section **A**

Important information before you apply

What is Optional Practical Training (OPT)?	5
Apply as early as possible for these reasons	6
Is OPT your Plan B?	7
Deadlines: Your OPT may be denied!	8
How to withdraw your OPT application	9

What is Optional Practical Training (OPT)?

8 C.F.R. § 214.2(f)(10)

Practical training. Practical training may be authorized to an F-1 student who has been lawfully enrolled on a full time basis, in a Service-approved college, university, conservatory, or seminary for one full academic year. This provision also includes students who, during their course of study, were enrolled in a study abroad program, if the student had spent at least one full academic term enrolled in a full course of study in the United States prior to studying abroad. A student may be authorized 12 months of practical training, and becomes eligible for another 12 months of practical training when he or she changes to a higher educational level. Students in English language training programs are ineligible for practical training. An eligible student may request employment authorization for practical training in a position that is directly related to his or her major area of study.

OPT allows F-1 students to get work experience directly related to their field of study, either before or after completion of their program. A job offer is not required in order to apply. There are 3 types of OPT:

- 1. Pre- completion OPT (see note below)**
- 2. Post- completion OPT (total of 12 months)**
- 3. STEM extension OPT (additional 24 months)**

Note: If you apply for part-time (up to 20 hours a week) pre-completion OPT, it will be deducted at the 50% rate. For example, if you were granted 6 months of part-time pre-completion OPT, you will use up 3 months of OPT.

APPLY AS EARLY AS POSSIBLE for these reasons:

Apply as early as possible, but within 90 days before your program end date. If your application is received by USCIS more than 90 days before your program end date, your application will be denied.

- **Lengthy processing time:** It normally takes between 2.5 and 5 months for the United States Citizenship & Immigration Services (USCIS) to process your application! Be aware that if your application is approved after the OPT date you requested, USCIS may push your OPT start date to a later date!
- **You are not allowed to work or even volunteer until you receive your EAD:** Prospective employers are required to obtain proof of employment authorization from you before you can work.
- **Your application may be rejected:** If USCIS sends your application back to you because of errors, you must contact the OISS and request a new I-20 before you refile your application, or your OPT may be denied if the OPT has expired or will expire soon!
- **Your application may be denied:** If your application is denied, you may apply again within your grace period as long as you have not departed the US.
- **You may be asked to send additional evidence:** USCIS may ask you to submit further evidence by a certain deadline.
- **Your mail may get lost:** Your EAD may be lost or undeliverable to your address and returned to the USCIS for some reason.
- **You may have to renew your driver license:** You will need your EAD in order to renew your driver license.

Is OPT your “Plan B?”

- **Going back to school?** If you are planning to apply for admission to another program of study, be aware that you can apply for OPT after each program, as long as each program is at a higher education level than the last. For example, if you are planning to complete two master’s degree programs, you may wish to split your OPT time or save all of your OPT time for the second master’s degree program.
- **Decided not to work in the U.S.?** Even if you decide not to use your OPT, once OPT has been approved, it cannot be canceled (see page 9 regarding how to withdraw your application). If you are going home or otherwise ending your OPT, you must submit an *Exit or Transfer Request* form to the OISS, in order that your SEVIS record may be updated.

Deadlines! Your OPT may be denied!

8 C.F.R. § 214.2(f)(11)(i)(B)

Filing deadlines for pre-completion OPT and post-completion OPT.

(1) Students may file a Form I-765 for **pre-completion** OPT up to 90 days before being enrolled for one full academic year, provided that the period of employment will not start prior to the completion of the full academic year.

(2) For **post-completion** OPT, the student must properly file his or her Form I-765 up to 90 days prior to his or her program end date and no later than 60 days after his or her program end date. The student must also file the Form I-765 with USCIS within 30 days of the date the DSO enters the recommendation of OPT into his or her SEVIS record.

An application is considered to be “**filed**” on the date it is received by USCIS, not on the date it is mailed or postmarked. USCIS will deny your application if it is received:

1. Too early (more than 90 days prior to the program end date)
2. Too late (more than 60 days after the program end date)
3. More than 30 days after the date your OPT I-20 was issued

If you receive a “**rejection**” notice instead of a “**receipt**” notice, **IMMEDIATELY** notify the OISS. You may need a new Form I-20 in order to avoid denial of your application!

How to withdraw your OPT application

SEVP Policy Guidance 1004-03

What happens if a student (excluding those students who have completed all program requirements aside from thesis or equivalent) applied for post-completion OPT before his or her program end date and subsequently fails to complete the requirements for his or her program?

- ✓ The student should contact his or her DSO immediately for guidance.
- ✓ If the employment authorization application has not been adjudicated by USCIS, the student may withdraw the application by notifying the Service Center where the application was filed. The DSO should also withdraw the recommendation for OPT in SEVIS.
- ✓ If the employment authorization application has already been approved, the DSO should extend the student's program end date to the appropriate date. The student may work **part time** while enrolled in courses to complete the requirements for his or her program and full time during breaks and vacations. After successful completion of all the program requirements, the student may work full time.
- ✓ However, even though the student's program end date was extended, because the OPT was granted as post-completion OPT, the student is subject to the 90-day limitation on unemployment.

Source: http://www.ice.gov/doclib/sevis/pdf/opt_policy_guidance_042010.pdf

WARNING: If you decide to withdraw your OPT application, contact the OISS immediately. Please be aware that there is no guarantee that your request will be processed by the USCIS even if it is submitted early. If your OPT is approved, you may choose to use it by submitting to the OISS an *OPT Report*, or you may choose to abandon it by submitting an *Exit or Transfer Request*.

Submit your <i>OPT Request</i> e-form to the OISS	11
OPT checklist	12
How to complete the Form I-765	13
Photo requirements	14
IMPORTANT! Final check before mailing!	15
Where to send your application	16

Submit your *OPT Request e-form* to the OISS

8 C.F.R. § 214.2(f)(11)(i)

Student responsibilities. A student must initiate the OPT application process by requesting a recommendation for OPT from his or her DSO. Upon making the recommendation, the DSO will provide the student a signed Form I-20 indicating that recommendation.

Start of employment. A student may not begin employment prior to the approved starting date on his or her employment authorization except as noted in paragraph (f)(11)(i)(C) of this section. A student may not request a start date that is more than 60 days after the student's program end date. Employment authorization will begin on the date requested or the date the employment authorization is adjudicated, whichever is later.

- Submit the *OPT Request form* to the OISS about four months before your expected program end date (do not mistake this date with the date of your graduation).
- You may select any OPT start date within 60 days after your program end date.
- Enter the name of the academic adviser who will verify when you will complete all of your degree requirements. ***ATTENTION SEAVER UNDERGRADUATE STUDENTS!!** Your academic adviser is one of the following Academic Advising Associates in OneStop:

Lori Miller	(A-Gom)
Anne Marie Avery	(Gon-On)
Yvonne Carroll	(Oo-Z)
- You will receive a new Form I-20 indicating that you have requested OPT. This Form I-20 will expire if you do not file your application on time (see page 8)!
- You may not change the OPT start date after you have mailed your application!

OPT checklist

1. Form I-765, "Application for Employment Authorization," go to <https://www.uscis.gov/>
NOTE: Do not file the I-765 electronically, because you will receive additional instructions from USCIS, including an appointment notice to have your fingerprints taken.

2. Form G-1145, "E-Notification of Application/Petition Acceptance," <https://www.uscis.gov/>

1. A personal check made payable to "US Department of Homeland Security." The fee is \$410 (subject to change; check I-765 instructions to be sure). If you purchase a money order or cashier's check, make sure the financial institution that issued it is able to track and verify payment. In the memo line, write your name, date of birth and I-94 number.

1. Two (2) U.S.-style passport photos taken within 30 days prior to filing the application(see page 13). Gently write your name and I-94 number on the back of each photo with a pencil or a pen with fast-drying ink.

1. Copy of new Form I-20 requesting OPT (remember to file your application within 30 days of the date of the DSO's signature on the Form I-20)

1. Copy of previously issued Form I-20's

2. Copy of previously issued employment authorization cards or approval notices from USCIS

3. Copy of your passport, visa, and most recent Form I-94 (go to www.cbp.gov/I94 to print your Form I-94)

1. **(For STEM OPT extension only)** Copy of your transcript or diploma

How to complete the Form I-765

- Download the current Form I-765 at <https://www.uscis.gov/>. Type or print legibly in black ink. If the question does not apply to you, type or print “N/A.” If the question requires a numeric response, type or print “none.”
- Part 1 Check the “initial permission to accept employment” box. If you are applying for the STEM OPT extension, check “renewal of my permission to accept employment.”
- U.S. Mailing address If you move while your OPT application is pending, immediately report your new address to USCIS (see page 19), as well as to the OISS. You may also enter a U.S. post office address (PO box). If your mail is sent to someone other than yourself, write that person’s name in the “in care of name” space provided.
- Item #8 Alien Registration Number (A-Number) If you are applying for the STEM OPT extension, this number may be listed as the USCIS number on the front of your EAD card.
- Item #27 Eligibility Category:
 - post-completion OPT: (c) (3) (B)
 - STEM OPT extension: (c) (3) (C)
 - pre-completion OPT: (c) (3) (A) - OPT before graduation
- Use Part 6 to report whether or not you have any previously used SEVIS ID numbers, previously authorized CPT, OPT, and any other periods of employment authorization.
- Item #28.a. Degree (for STEM OPT extension ONLY) Write the name of your degree as it appears on your diploma (for example, “master of science in applied finance”). Use Part 6 to enter the name of your major as it appears on your I-20: my degree is associated with the STEM major “financial mathematics, CIP code 27.0305.”

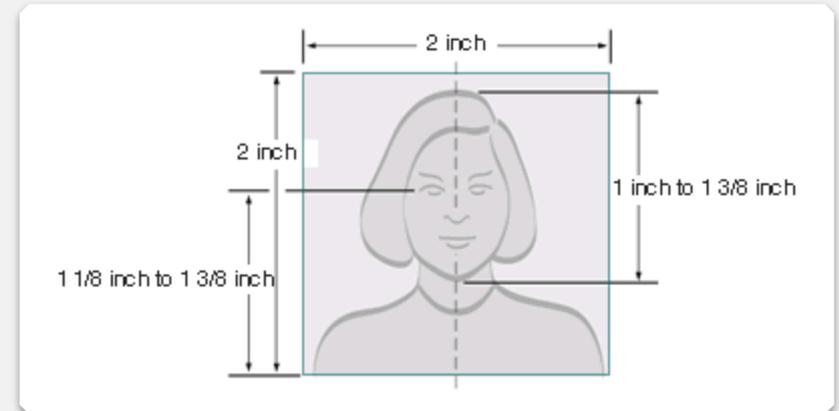
Photo requirements

You must enclose two (2) US –style passport photos. You may be asked to resubmit your photos if they do not meet these specifications. For more information on photo specifications go to:

<http://travel.state.gov/content/passports/english/passports/photos/photo-composition-template.html>

Photos must:

- ✓ Be in color
- ✓ Be taken within 30 days before filing your application
- ✓ Show full face, frontal view on a white to off-white background
- ✓ Have no shadows
- ✓ Measure exactly 2 inches by 2 inches
- ✓ Be printed on thin photo-quality paper with a glossy finish, and be unmounted and un-retouched



- ✓ Photo must be 2 inches by 2 inches
- ✓ The height of the head (top of hair to bottom of chin) should measure 1 inch to 1 3/8 inches (25 mm - 35 mm)
- ✓ Make sure the eye height is between 1 1/8 inches to 1 3/8 inches (28 mm – 35 mm) from the bottom of the photo
- ✓ Using pencil or felt pen, lightly print your name and I-94 number (11 digits) on the back of the photos.

IMPORTANT! Final check before mailing!

- Is your I-20 still valid? Double check your OPT Form I-20 to make sure it has not expired! See “deadlines” on page 8. Your OPT will be **denied** if you “file” your application more than 30 days after the I-20 issue date.
- Is your program end date accurate? Double check your program end date printed on page 1 of your I-20 to make sure it is accurate. If it must be shortened or extended, contact your DSO immediately and request a new I-20!
- Did you make a copy of your application? You may need to refer to or produce a copy of your application in the future.
- Did you sign up for the OPT Workshop? The OISS staff will check your OPT application in case there are any errors.

Where to send your application

If the address on your Form I-765 is in one of the following states, use the address on the right:

Alaska, Arizona, California, Colorado, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, North Dakota, Ohio, Oregon, South Dakota, Utah, Washington, Wisconsin, Wyoming, Guam, or the Commonwealth of Northern Mariana Islands

Be sure to request NEXT-DAY DELIVERY SERVICE and obtain a TRACKING NUMBER!

**USCIS
Attn: AOS
1820 E Skyharbor Circle S
Suite 100
Phoenix AZ 85034**

If the address on your Form I-765 is in one of the following states, use the address on the right:

Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, Oklahoma, Tennessee, Texas, Vermont, Virginia, US Virgin Islands, Or West Virginia

Be sure to request NEXT-DAY DELIVERY SERVICE and obtain a TRACKING NUMBER!

**USCIS
Attn: AOS
2501 S State Hwy 121 Business
Suite 400
Lewisville TX 75067**

Avoid problems with the mail	18
How to change your address	19
You may receive a “Request for Evidence”	20
Still waiting for your employment card?	21

Avoid problems with the mail

- We highly recommend that you go to <https://usps.com> and sign up for *Informed delivery*, a free service that allow you to digitally preview your mail and manage your packages scheduled to arrive soon.
- You should expect an electronic receipt notice from USCIS, containing your case number and instructions on how to check your status. You should also expect an official paper receipt notice.
- If you do not receive a receipt notice within 2 weeks of filing, check the shipping tracking number to make sure your application was delivered to USCIS.
- If your application was delivered, check the status of your fee payment. If your check has not been processed for payment, contact your bank for possible reasons for the delay. Contact the OISS if you do not receive your receipt notice even after your fee payment has been processed.
- Track your case status as often as possible at <https://egov.uscis.gov> using the information provided in the receipt notice.

How to Change Your Mailing Address

If you change your address while your application is pending, immediately report your new address by following these steps:

- Check the status of your application online at <https://www.uscis.gov/> . If your employment card has already been mailed to you, contact the OISS immediately.
- Report your new address to USCIS online at <https://www.uscis.gov/>
- Call the National Customer Service Center (NCSC) at (800) 375-5283 to verify that your new address has been saved by USCIS.
- Make sure you have also reported your new address to the OISS.

You may receive a “Request for Evidence (RFE)”

- If there is a problem with your application or additional information is requested, you will receive a “Request for Evidence (RFE)” from USCIS in the mail (you will not receive an electronic RFE). Immediately send a copy of the RFE to the OISS.
- If you are traveling, make sure someone checks your mail and opens the RFE. If you fail to send the requested information to USCIS by the deadline indicated on the RFE, your application will be denied!

Still waiting for your employment card?

- Call the National Customer Service Center 1-800-375-5283 after you have waited 90 days from the “filing date” on your receipt notice.
- Go to <https://egov.uscis.gov/casestatus> and submit a case inquiry.
- Ask USCIS to provide a USPS shipping tracking number to determine if your employment authorization document was delivered to your address. If the mail was delivered, but you are unable to locate it, contact the OISS for information on applying for a “replacement of a lost employment authorization document.”
- Go to <https://www.uscis.gov/forms/expedite-criteria> to see if you meet the criteria for submitting an expedite request to USCIS for processing of your application.

Section **D** How to maintain your status during OPT

Submit the <i>OPT Report</i>	24
Create your account in the <i>SEVP Portal</i>	25
SEVIS will terminate your status after counting your days of unemployment!	26
What kind of employment is allowed?	27
Can I travel during OPT?	28
Submit the required <i>Exit or Transfer Request</i>	29

Your status may be automatically terminated by SEVIS due to failure to start your OPT on time.

Report to the OISS as soon as you receive your EAD, and continue to report updates regarding your employer, address or contact information!



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Submit the *OPT Report*

8 C.F.R. § 214.2(f)(12)(i)

General. An F-1 student who is authorized by USCIS to engage in optional practical training (OPT) employment is required to report any change of name or address, or interruption of such employment to the DSO for the duration of the optional practical training. A DSO who recommends a student for OPT is responsible for updating the student's record to reflect these reported changes for the duration of the time that training is authorized.

You must submit the *OPT Report* e-form to the OISS as soon as:

1. You receive your EAD. Send a copy of both sides of your employment authorization document (EAD card) and U.S. residential and mailing address and contact information
1. You receive a job offer. You must provide:
 - employer's name, address (your actual work site), and employer identification number (EIN)
 - your job title and number of work hours (**at least 20 required**) per week
 - description of job duties (**must be directly related to your major**)
 - your supervisor's name, phone number and email address
 - the date you last worked for your previous employer

To access the *OPT Report* e-form, log in at <https://oiss.pepperdine.edu> under "Limited Services for Students & Scholars." For STEM OPT reporting requirements, go to Section E.

Create your account in the *SEVP Portal*

The SEVP Portal is a tool launched by the U.S. Department of Homeland Security on March 23, 2018 that gives F-1 students on post-completion OPT access their SEVIS record and report certain information without relying on their school to enter the information in the system. You must confirm with the OISS that your email address is accurately saved in SEVIS so that the Student and Exchange Visitor Program (SEVP) can send you an email containing information on how to create an account. **IMPORTANT!** You must still report all of your information directly to the OISS, even if you choose to use the SEVP Portal to make changes.

You will be able to:

- Update your physical home address
- Update your mailing address
- Update your telephone number
- Update your employer information
- Monitor your employment authorization

STEM OPT students are not be able to add a new employer or change the start date with their employer but can update other information about an employer already in the system. STEM OPT students should refer to Section E of this OPT Manual for additional reporting requirements.

Need help? Contact the OISS if you get locked out of your portal account or need to change your email address in SEVIS. When the SEVP Portal receives the updated email address, your account will be locked, and you will receive an email from SEVP with a temporary password. After you log in using the new email address and the temporary password, you will be prompted to change your password.

For more information on the SEVP Portal visit <https://studyinthestates.dhs.gov>).

SEVIS will terminate your status after counting your days of unemployment!

You are allowed 90 days of unemployment while on the 12-month OPT period, and 60 additional days of unemployment if you are granted the 24-month STEM OPT extension, for a total of 150 days.

SEVIS will keep track of your number of days of unemployment, counting from the OPT start date, and automatically terminate your F-1 status when you accrue the maximum number of days allowed. Before this happens, you should prepare for departure or pursue another option to maintain lawful status in the US.

Upon termination of your status, you will begin to accrue days of unlawful presence, which may cause you to be subject to the 3-year or 10-year bar from admission to the US (see page 37 for more information).

What kind of employment is allowed?

SEVP Policy Guidance 1004-33

- ✓ **Multiple employers.** A student may work for more than one employer, but all employment must be related to the student's degree program and, for pre-completion OPT, can not exceed the allowed per week cumulative hours.
- ✓ **Short-term multiple employers (performing artists).** A student, such as a musician or other type of performing artists, may work for multiple short term employers (gigs). The student should maintain a list of all gigs, the dates and duration.
- ✓ **Work for hire.** This is also commonly referred to as 1099 employment, where an individual performs a service based on a contractual relationship rather than an employment relationship. If requested by DHS, the student must be prepared to provide evidence showing the duration of the contract period and the name and address of the contracting company.
- ✓ **Self-employed business owner.** A student on OPT may start a business and be self-employed. The student must be able to prove that he or she has to proper business licenses and is actively engaged in a business related to the student's degree program.
- ✓ **Employment through an agency or consulting firm.** A student on post-completion OPT must be able to provide evidence showing he or she worked on average of at least 20 hours per week while employed by the agency.
- ✓ **Paid employment.** A student may work part time (at least 20 hours per week when on post-completion OPT) or full time.
- ✓ **Unpaid employment.** A student may work as a volunteer or unpaid intern, where this practice does not violate any labor laws. The work must be at least 20 hours per week for a student on post-completion OPT. A student must be able to provide evidence acquired from the student's employer to verify that the student worked at least 20 hours per week during the period of employment.

Can I travel during OPT?

8 C.F.R. § 214.2(f)(13)

Temporary absence from the United States of F-1 student granted employment authorization.

An F-1 student who has an unexpired EAD issued for post-completion practical training and who is otherwise admissible may return to the United States to resume employment after a period of temporary absence. The EAD must be used in combination with an I-20 ID endorsed for reentry by the DSO within the last six months.

You must fill out a *Travel Permission for OPT* form before departure!

The first four documents are absolutely required for reentry. If your OPT has been approved, you must also present the other documents.

1. I-20 signed less than 6 months before your reentry
2. Passport valid for 6 months beyond your reentry
3. Valid F-1 visa stamp in your passport
4. Form I-797C receipt notice
5. Form I-797 approval notice and/or employment authorization document (card)
6. Proof of employment (if you do not have a job offer and have not exceeded the allowed number of days of unemployment, be prepared to present evidence that you are actively seeking employment)

Warning! Avoid losing your F-1 status and OPT!

1. Do not depart the U.S. without applying for OPT! You can no longer apply for OPT if you depart after completing your program of study!
1. Do not use the B-1/B-2 visa or ESTA to return to the U.S.! Temporary visitors for business or pleasure are not allowed to work!
1. You may not return to the U.S. to continue OPT if you have exceeded 90 days of unemployment during the 12-month OPT or a total of 150 days including the 24-month STEM OPT extension!

Submit the required *Exit or Transfer Request* form

8 C.F.R. § 214.2(f)(10)(ii)

Duration of status while on post-completion OPT. For a student with approved post-completion OPT, the duration of status is defined as the period beginning when the student's application for OPT was properly filed and pending approval, including the authorized period of post-completion OPT, and ending 60 days after the OPT employment authorization expires (allowing the student to prepare for departure, change educational levels at the same school, or transfer in accordance with paragraph (f)(8) of this section).

Termination of practical training. Authorization to engage in optional practical training employment is automatically terminated when the student transfers to another school or begins study at another educational level.

- You are required to submit the ***Exit or Transfer Request*** form to the OISS to report what you intend to do after terminating or completing your OPT (depart the US, transfer to another school, etc.).
- Your grace period after your OPT expires is 60 days, as long as you have not exceeded the allowed days of unemployment (see page 26).
- **IMPORTANT!** Keep all of the documents that prove that you maintained your status throughout your stay in the US!

Section **E** H-1B cap-gap and STEM OPT extension

H-1B cap-gap OPT extension	31
Is your degree a STEM major?	32
Requirements for the STEM OPT extension	33
Submit your request for STEM OPT extension	34
Deadlines! Avoid denial of your STEM OPT application!	35
Reporting requirements during STEM OPT	36
Failure to Maintain Status, Arrests and Unlawful Presence	37

H-1B cap-gap OPT extension

- ✓ Students who wish to continue working after OPT usually apply for the H-1B visa. Go to <https://www.uscis.gov/working-united-states/temporary-nonimmigrant-workers>.
- ✓ Each Fiscal Year (FY) the H-1B visa has a “cap,” or limited supply. Each FY begins with the first day of filing on April 1, with the requested employment date to begin not earlier than October 1. When the demand for H-1B visas exceeds the cap, a lottery system is used to select the petitions to be processed. Petitions that are not selected are returned, and the employer must wait until April 1 of the following year to file a new petition.
- ✓ The following employers are exempt from the cap:
 - institutions of higher education
 - nonprofit entities related to or affiliated with an institution of higher education
 - nonprofit research organizations
 - governmental research organizations
- ✓ If your OPT is still valid at the time you file your H-1B petition, and you receive a notice of receipt from the USCIS, your OPT will be automatically extended to September 30, allowing you to continue working until your status changes to H-1B on October 1 (provided your H-1B petition is approved by that date). This is known as the “cap-gap” OPT extension. If your application is denied, you will immediately start to accrue unlawful presence, unless a grace period is provided by the USCIS. Careful consultation with an immigration attorney is recommended.
- ✓ To request a new Form I-20 with the cap-gap OPT extension, send a copy of the H-1B notice of receipt to oiss@pepperdine.edu.

Is your degree a STEM major?

Students with a STEM degree may apply for an additional 24 months of OPT. The new STEM OPT rule was published at [81 Federal Register 13039 on March 11, 2016](#). The following are STEM (science, technology, engineering, and mathematics) majors offered at Pepperdine:

BA/BS in Biology

BS in Chemistry

BS in Computer Science/Mathematics

BS in Mathematics

BA in Natural Science

BS in Natural Science

BS in Nutritional Science

BS in Physics

MS in Applied Finance

MS in Applied

Analytics

You may use a prior STEM degree to apply for a STEM OPT extension, even if your current 12-month period of OPT is based on a non-STEM major, if the prior degree was earned from a US institution of higher education no more than 10 years before the DSO recommends the extension.

You may apply for two STEM OPT extensions during your lifetime. The second STEM degree must be at a higher degree level.

Requirements for the STEM OPT extension

- Your job must be a paid job, for at least **20 hours** per week.
- The employer completing the Form I-983 must be enrolled in **E-Verify**, as evidenced by either a valid E-Verify Company Identification number or, if the employer is using an employer agent to create its E-Verify cases, a valid E-Verify Client Company Identification number, and the employer remains a participant in good standing with E-Verify, as determined by USCIS.
- Your employer must have an Employer ID Number (**EIN**), also known as the Federal Tax Identification Number.
- You may not be self-employed.
- If you file your application in a timely manner and your 12-month OPT period expires while your extension application is pending, you are authorized to continue employment for up to **180 days** after the expiration of your 12-month OPT.
- If your STEM OPT extension is approved, an additional 60 days of unemployment will be added, allowing up to **150 days** of unemployment.

Submit your request for STEM OPT extension

To obtain a new I-20 requesting the STEM OPT extension, submit the following documents at the same time to the OISS:

1. A *STEM Extension Request* form

1. A Form I-983 completed and signed by you and your employer, following the *Sample Form I-983* provided on the OISS website. A tutorial for the Form I-983 is also available at <https://studyinthestates.dhs.gov>.

Note: A temp or staffing agency cannot complete and sign the Form

I-983. The “official with signatory authority” must be an employee of the E-verified employer that provides the actual training.

1. A letter signed by your employer, using the sample *STEM OPT Employer Letter* found on the OISS website.

NOTE: If you change your employer while your application is pending, immediately notify the OISS. A new I-983 and employer letter must be submitted to the OISS.

Deadlines: Avoid denial of your STEM OPT Application!

USCIS must receive your STEM OPT application:

- **Before** the expiration date of your 12-month OPT
- Not more than 90 days before the expiration date of your 12-month OPT
- Not more than 60 days after the date your new Form I-20 was issued

Follow instructions found at:

- ❖ the “OPT Checklist” on page 12
- ❖ “How to complete the I-765” on page 13

Be sure to include the additional information and documents required for the STEM OPT extension!

Reporting requirements during STEM OPT

Submit the *STEM OPT Report* to report new contact and employer information within 10 days.

Warning! Failure to report information in a timely manner will cause gaps in employment and trigger an **auto-termination** in SEVIS due to unemployment accrual. You must **ALSO** submit:

- “**Validation Reports**”--Every six months, the following: legal name, residential or mailing address, employer name and address, and status of current employment/practical training experience
- Within 10 days, any changes to the above information, as well as any loss of employment
- A new *Form I-983* must be submitted within 10 days of beginning a new practical training opportunity with a new employer, or any time there is a material change in the terms and conditions of the original *Form I-983*.
- “**Self-Evaluations**”-Within 12 months of the STEM OPT start date (Evaluation of Student Progress), and at the end of his or her STEM OPT period (Final Assessment), a self-evaluation must be signed by the student and his or her immediate supervisor for each job. In these evaluations the student must specify the date range or timeline considered during the evaluation and:
 1. Assess their overall performance using the measures identified in the agreed upon training plan
 2. Evaluate their success in applying and acquiring the new knowledge, skills and competencies that were previously identified in the plan
 3. Discuss accomplishments, successful projects, overall contributions, etc., that occurred during the specified review period
 4. Address whether there are any modifications to the objectives and goals for projects or new areas for skill and competency development

Employers must report to the DSO:

- Any material changes to the *Form I-983*, including but not limited to, any change of Employer Identification Number resulting from a corporate restructuring, any reduction in compensation from the amount previously submitted on the *Form I-983* that is not tied to a reduction in hours worked, any significant decrease in hours per week that a student engages in a STEM training opportunity, any decrease in hours below the 20-hours-per-week minimum required under this rule, and any evidence that the student is not receiving appropriate training as delineated in the *Form I-983*.
- The termination or departure of the student, within five business days.

Failure to Maintain Status, Arrests & Unlawful Presence

Arrests: Several cases were reported by other schools in which students with an alcohol-related arrest have had their applications for OPT denied. Currently, any type of arrest can trigger a cancellation of your visa by the Department of State. We strongly recommend that you consult experienced immigration counsel if you have an arrest record. Do not travel abroad until you have been fully counseled and are prepared to apply for a new visa.

Unlawful Presence: On May 10, 2018, United States Citizenship & Immigration Services issued a policy memorandum which changed the way nonimmigrants and their dependents in F, J or M status accrue unlawful presence in the U.S. If you are present unlawfully for more than 180 days but less than one (1) year, and you voluntarily depart the US prior to the initiation of removal proceedings, you will be rendered inadmissible for 3 years. If you are present unlawfully for one (1) year or more, you will be rendered inadmissible for ten (10) years.

F, J or M nonimmigrants who fail to maintain status on or after August 9, 2018 will begin to accrue unlawful presence starting the day after:

- they no longer pursue the course of study or the authorized activity
- they engage in unauthorized activity
- they complete the course of study or authorized activity plus any applicable grace period
- their I-94 expires (only for persons admitted until a specific date)
- an immigration judge or, in certain cases, the BIA (Board of Immigration Appeals) orders the alien excluded, deported, or removed (whether or not the decision is appealed)

Based on this policy, it is important that students on OPT maintain status by:

- NOT exceeding the allowed number of days of unemployment during OPT
- ALWAYS reporting information in a timely manner
- ALWAYS complying with all F-1 requirements

What if your OPT is denied? Students who were denied OPT prior to August 9, 2018 began to accrue unlawful presence on August 9, 2018. Does an OPT denial based on a failure to comply with the filing deadline constitute a case where USCIS made a formal finding of a violation of nonimmigrant status? Whether or not filing on time constitutes a violation, we must interpret this policy cautiously and avoid accruing unlawful presence by departing the US as soon as possible. We strongly recommend that you consult experienced immigration counsel if you wish to apply for reinstatement to F-1 status (unlawful presence accrual will stop while reinstatement is pending) or file a motion to reopen your OPT case.