

Eligibility and Description of 24-month OPT Extension for STEM majors

OPT Extension (c)(3)(C) Eligibility:

- Student must have been granted post-completion OPT and currently be in a valid period of post-completion OPT;
- Student must have earned a bachelor's, master's, or doctoral degree from a school that is accredited by a U.S. Department of Education-recognized accrediting agency and is certified by the Student and Exchange Visitor Program (SEVP) when they submit their STEM OPT extension application;
- Employment must be directly related to the student's course of study; should also be appropriate with the level of the student's study;
- Employer must meet all the requirements listed below in the STEM OPT Employer Responsibilities section;
- Student must agree to all participation and reporting – contact info, employment info, 6-month update, job evaluations;
- OPT Extension application must be received on or before the post-completion OPT EAD expiration date. Student must allow enough time to work with ISS to issue new documents and mail the application to be received by USCIS by the deadline.

OPT Extension Highlights:

- Period of extension is 24 months, allowing a total of 36 months of post-completion OPT;
- OPT Extension is an extension of the post-completion OPT for recipients of Bachelor's, Master's, and Doctoral degrees in approved STEM fields. The approved STEM majors are listed at <http://www.ice.gov/sevis/stemlist.htm> . If your degree CIP major code as noted on your I-20 is not listed, you do not qualify for a STEM extension;
- STEM degree for OPT Extension may be the same that the post-completion OPT is based on, or may be a previous degree from a qualified US institution within the last 10 years;
- Student may have two OPT Extensions in a lifetime. A second petition can be made for an additional degree in a higher degree level than the first. The two extensions may not be used consecutively (must have a new degree earned and post-completion between);
- With OPT Extension, total days of unemployment allowed increases to 150 total for post-completion and extension period;
- Students with approved OPT Extension are eligible for the cap gap extension for submitted H-1B petitions.

STEM OPT Employer Responsibilities:

- Be enrolled in E-Verify and remain in good standing;
- Report material changes to the STEM OPT student's employment to UW ISS staff within 5 business days of the change;
- Implement a formal training program to augment the student's academic learning through practical experience;
- Provide an OPT opportunity that is commensurate with those of similarly situated U.S. workers in duties, hours, and compensation;
- Complete the Form I-983, Training Plan for STEM OPT Students. In this form, you must attest that:
 - You have enough resources and trained personnel available to appropriately train the student;
 - The student will not replace a full- or part-time, temporary or permanent U.S. worker; and
 - Working for you will help the student attain his or her training objectives.

U.S. Immigration and Customs Enforcement may visit the worksite(s) to verify whether all are meeting the STEM OPT program requirements, including maintaining the ability and resources to provide structured and guided work-based learning experiences.

H-1B Cap-Gap

There is an annual limit on the number of new H-1B visas available. This number is commonly referred to as the H-1B Cap. When the available H-1B visas have been issued for the federal fiscal year, which begins October 1 and ends September 30, the cap is considered to have been reached, and no new cap-subject applications can be approved until the next fiscal year.

Any student on post-completion OPT or OPT extension, who meets the below requirements, will have their OPT extended. The extension of status and OPT automatically terminates upon the rejection, denial, or revocation of the H-1B petition filed on the student's behalf. **If an H-1B petition is filed, the student should complete the Cap Gap notification form that can be found on the ISS OPT Information website.**

To qualify for the H-1B Cap-Gap Extension, the student must be the beneficiary of an H-1B petition that

- has been timely filed;
- that requests an employment start date of October 1 of the current year; and
- requests a change of status

Further, the student must not have violated the regulations of their F-1 status.

APPLYING FOR OPT EXTENSION – TIMING AND APPLICATION CHECKLIST

OPT extension application may be filed up to 90 days before the end of the post-completion OPT but MUST be received by USCIS prior to the expiration date of the OPT. Student employment authorization is considered automatically extended for up to 180 days while the EAD card extension application is pending. Please allow time for processing with ISS and mailing time before the expiration of your current post-completion OPT!

Checklist

1. Complete USCIS Form I-765 - included in packet or on the ISS OPT Information webpage. To complete Question #17 you should ask your company's HR department for their name and E-Verify number as it is on the DHS E-Verify registry.
2. Complete the OPT Extension Information form - included in packet or on the ISS OPT Information webpage
3. Completed Form I-983 "Training Plan for STEM OPT Students". Form can be found on the ISS OPT Information webpage and should be filled out on the computer and printed if possible. Form must be signed by you and by your company signing authority. Save a copy of the completed form for your records. A link to the tutorial for completing this form is also available on the ISS OPT Information webpage.
4. Provide the link to the "Employer Reporting Form" on the ISS OPT Information website, or a paper copy of the form, to your employer. Your employer must use this form to report required information to ISS throughout your OPT Extension period.
5. Provide a copy of your official transcript documenting the completion of your STEM degree and major. Graduate students - If degree has not been awarded, provide a letter from your advisor confirming completion of all required coursework. If your STEM degree was not awarded by UW, please include an OFFICIAL transcript showing completion of the degree, and a copy of your Form I-20 from that institution. STEM degree must be from an accredited school in the US.
6. Signed Tips and SEVIS Requirements While on OPT Extension page verifying that you have READ and UNDERSTAND what your reporting requirements are while on OPT Extension. You will be given a copy to keep.
7. A letter of recommendation from your employer(s) also verifying your actual dates of employment during OPT, or a list of all employers and actual dates of employment with each. If you have exceeded 90 days of unemployment during your 12 months of post-completion OPT, your OPT Extension may not be approved.
8. Current passport and visa, I-94 and Travel History printouts from www.cbp.gov/i94, and the Form I-20 issued when you applied for the post-completion OPT.
9. Two (2) passport style photos according to the USCIS regulations, taken within the last 30 days.
10. Filing fee of \$410. A check or money order made payable to "US Department of Homeland Security". Cash or cards cannot be accepted as this must be mailed with the application to USCIS.
11. Make an appointment with ISS to apply for the OPT Extension.
*If you are not in Laramie, or close enough to come to ISS for an appointment: Email I-983, I-765, and OPT Extension Information form to Maria at ISS for review. She will review the documents, ask you to make any necessary corrections, and then instruct you to mail your complete application packet to ISS for processing. Please do not send original passports/visas or I-20s if you mail your application to ISS. Allow extra time for mailing to make sure that your application is received by USCIS before your OPT end date! Late submissions are not allowed by USCIS – NO exceptions!