



STEM OPT Extension FAQs for Employers

1) What is OPT?



OPT stands for “Optional Practical Training.” It is a form of work authorization granted to foreign students who are in the U.S. in temporary F-1 (“student visa”) status. Students granted OPT work authorization may work for any U.S. employer, so long as the opportunity offered to the student is related to the student’s field of academic study. OPT is granted for 12 months initially, and may be extended for up to a total of 36 months for students graduating in STEM fields (Science, Technology, Engineering or Mathematics), provided the student is working for an employer enrolled in the government’s E-Verify program, the employer has developed a training plan for the student, and certain other conditions are met.



2) What requirements do an employer need to meet in order to employ students pursuant to STEM OPT extensions?

In order for an employer to employ a student pursuant to an F-1 STEM OPT extension, the employer must meet the following requirements:

- ▶ **E-Verify Enrollment.** The employer must be enrolled in the Department of Homeland Security (DHS)’s E-Verify program, which requires the employer to electronically verify all new hire employees’ authorization through an automated online system maintained by the government, in addition to completing the I-9 employment verification form. The employer must also comply with additional notice and attestation requirements. See uscis.gov/e-verify for more information about the E-Verify program.
- ▶ **Completion of STEM OPT Training Plan.** The training plan must be completed using [Form I-983](#) and be signed by a person with authority to sign on behalf of the employer. As described in further detail below, the plan must identify the goals for the training, including specific knowledge, skills, or techniques that will be imparted to the student, and explain how those goals will be achieved through the work-based learning opportunity with the employer. The plan must also describe a performance evaluation process, and describe methods of oversight and supervision. Additionally, the plan must demonstrate how the training is related to the student’s STEM field.
- ▶ **Additional Reporting Requirements.** The employer must also agree to report the termination of any student employed pursuant to the STEM OPT extension within 5 days of the student’s departure.



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- ▶ **Additional Attestations to Safeguard U.S. Workers.** The employer must make additional attestations confirming that: (1) it has sufficient resources and trained personnel available to provide appropriate training in connection with the specified opportunity; (2) the student will not replace a full- or part-time, temporary or permanent U.S. worker; and (3) the opportunity will help the student attain his or her training objectives. These attestations are made on the I-983 training plan form.



3) What is the total duration of STEM OPT a student can be granted?

As of May 10, 2016, eligible students may apply for 24-month STEM OPT extensions. In combination with the 12-month standard post-completion OPT that must take place before an application may be made for STEM OPT, qualifying students may be authorized for up to 36 months of post-completion OPT.

3.1) Are there filing deadlines for STEM OPT extensions?

Generally, a student must file a STEM OPT extension request before the expiration of his or her 12-month OPT, and no later than 60 days from the date of the Designated School Official (DSO)'s extension endorsement.



4) What is required for the STEM OPT training program?

Employers are now required to submit a training program in support of the student's STEM OPT extension application. The specific details to be provided by the employer include:

- ▶ **The student's role.** The employer should describe the student's role and training program's direct relationship to the student's qualifying STEM degree;
- ▶ **Goals and objectives.** The employer must describe the specific skills, knowledge, and techniques the student will learn or apply; how the student will achieve the goals set out for his or her training; and the training curriculum including the timeline;
- ▶ **Employer oversight.** The employer must explain how it provides oversight and supervision of individuals filling positions similar to that being filled by the named F-1 student. If the employer has a training program or related policy in place that controls such oversight and supervision, a description of this program or policy may suffice to answer the question; and,



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- ▶ **Measures and assessments.** Explain how the employer measures and confirms whether individuals filling positions such as that being filled by the named F-1 student are acquiring new knowledge and skills. If the employer has a training program or related policy in place that controls such measures and assessments, a description of this program or policy may suffice to answer the question.

We will work with employers to complete Form I-983 and design training plans for students that meet the above listed requirements, as well as templates that may be used for future employees applying for STEM OPT extensions.

4.1) What are the employer's attestation requirements?

The final rule requires that employers sign an attestation and a certification on Form I-983. Among the new attestation requirements, the employer must:

- ▶ Ensure the student's training opportunity is directly related to the STEM degree, the position achieves the objectives of the training program, and the student will receive on-site supervision and training by experienced and knowledgeable staff;
- ▶ Confirm the student will not replace a full- or part-time, temporary or permanent U.S. worker;
- ▶ Confirm the terms and conditions of the training opportunity (including duties, hours, and compensation) are commensurate with those of similarly situated U.S. workers at the company or, if the employer does not employ and has not recently employed more than two similarly situated U.S. workers in the area of employment, the terms and conditions of other similarly situated U.S. workers in the area of employment.
- ▶ Report the termination/departure of a student within 5 business days to the DSO during the authorized period of OPT; and
- ▶ Notify the DSO regarding any material changes to the training plan.

4.2) What are the specific wage and working condition requirements under the training period?

Employers must ensure that the terms and conditions of a practical training opportunity during the 24-month STEM OPT extension period, including duties, hours, and compensation, are commensurate with terms and



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conditions applicable to the employer's similarly situated U.S. workers in the area of employment. We will work with employers to develop a system to document the basis of their attestation to ensure that these conditions are met.

4.3) What can we expect from employer site visits?

DHS has the discretion to conduct site visits to verify whether the training plans, conditions, and terms of employment for STEM-OPT extension employees are being met. DHS visits may include record review, questions for the supervisor, and may take up to five hours per employer.



5) Can a student travel on OPT?

Students on STEM OPT extensions (including those whose application for a STEM OPT extension is pending) may travel abroad and seek reentry in F-1 status during the STEM OPT extension period if they have a valid F-1 visa that permits multiple entries and a current Form I-20 endorsed for reentry by the DSO within the last 6 months.



6) If the employer hires or fires a student on STEM OPT, or the employer faces corporate restructuring, does anyone need to be notified?

Yes. The employer must report the termination or departure of a student within 5 business days to the DSO during the authorized period of OPT. In addition, if there are any material changes or deviations from the training plan described in the Form I-983 or successor form, the student and employer must sign a modified Form I-983 or successor form reflecting the material change(s) or deviation(s). Material changes include any decrease in hours, any change that renders an employer attestation inaccurate, or any information on Form I-983 or successor form inaccurate.



STEM OPT Extension Processing Timeline

GLC INITIATES STEM OPT
EXTENSION PROCESS



EMPLOYER & STUDENT REVIEW
STEM OPT REPORTING
REQUIREMENTS & FAQs



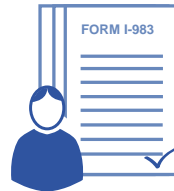
GLC SENDS QUESTIONNAIRES
TO EMPLOYER & STUDENT



UPON COMPLETION OF
QUESTIONNAIRES, GLC
DRAFTS FORM I-983
TRAINING PLAN



EMPLOYER APPROVES FORM
I-983 TRAINING PLAN



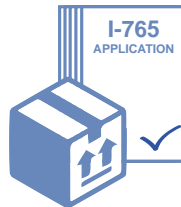
STUDENT SUBMITS TRAINING
PLAN & SUPPORTING MATERIALS
TO DESIGNATED SCHOOL
OFFICIAL (DSO)



DSO ISSUES NEW FORM I-20
RECOMMENDING STEM
OPT EXTENSION



STUDENT OR GLC FILES FORM I-765,
APPLICATION FOR EMPLOYMENT
AUTHORIZATION TO USCIS



USCIS ISSUES RECEIPT NOTICE
CONFIRMING EAD APPLICATION
IS IN PROCESS



EAD APPLICATION
APPROVED BY USCIS



USCIS ISSUES AND MAILS
NEW STEM OPT EXTENSION EAD



STUDENT SENDS GLC
COPY OF NEW EAD

