

Publications

Immigration Alert: 24 Month STEM Extension

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The Department of Homeland Security's new rule on the Science, Technology, Engineering, and Mathematics (STEM) Optional Practical Training (OPT) extension goes into effect on May 10, 2016. Some of the changes that impact employers are highlighted below:

- Extends the available OPT extension from 17 months to 24 months (this is in addition to the 12 months of regular OPT).
- Requires F-1 students and their employers to prepare and execute a formal training plan on Form I-983 that identifies learning objectives and the plan for achieving those objectives. The training plan must be submitted to the Designated School Official (DSO) before the DSO can recommend the STEM extension.
- Adds fields of study that qualify for a STEM extension. Click [here](#) to see the full list.
- Adds reporting requirements for the employer, including but not limited to:
 - Attestations regarding sufficient resources to train the F-1 student, non-displacement of U.S. workers, and that terms and conditions of employment are commensurate with similarly situated U.S. workers;
 - Changes in employment status of the F-1 student; and
 - Material changes to the training plan.
- Allows F-1 students to rely on a previous STEM degree from a U.S. institution to apply for a STEM extension.

Students with current 17-month STEM extensions may apply for an additional 7-month extension by filing an Application for Employment Authorization (Form I-765) with U.S. Citizenship and Immigration Services, along with applicable fees and supporting documentation, on or before August 8, 2016. The student must have at least 150 days of work authorization remaining when the petition is filed, and the application must be filed within 60 days from the date of the DSO recommendation.

Students with currently pending 17-month STEM extensions will be issued a Request for Evidence which will allow the student to amend their application to a 24-month request without a new fee.

If you have any questions or need assistance in obtaining work authorization, please contact your Vorys attorney.