



## U.S. Immigration and Customs Enforcement

### SEVP Special Report: STEM OPT

### Frequently Asked Questions

*April 14, 2016*

*Note: The following questions have been edited for grammar and style. The content has not been changed.*

**Q: Is the Form I-983, "Training Plan for STEM OPT Students," final or still in draft form?**

**A.** The Form I-983 is now final. You can access the form on [ICE.gov](http://ice.gov).

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

**A.** The form may be signed at any time. The student and the employer can sign the form before May 10. However, the designated school official (DSO) may only recommend the 24-month science, technology, engineering and math (STEM) optional practical training (OPT) extension for the student on or after May 10, 2016.

**Q: When a student applies for STEM OPT, does the DSO keep the Form I-983, submit the Form I-983 to U.S. Citizenship and Immigration Services (USCIS) along with the Form I-765, "Application for Employment Authorization," or do both? If a student submits an amended Form I-983, is the DSO expected to keep these amendments?**

**A.** The DSO retains a copy of the Form I-983 in the student's record. The form does not need to be submitted to USCIS unless USCIS requests a copy. If the student submits an amended form, the DSO is expected to keep all versions and copies of the Form I-983.

**Q: If a student has completed two consecutive STEM degrees (e.g., a bachelor's and a master's in math, or a master's and a PhD in engineering), is currently on a STEM 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?**

**A.** The 24-month STEM OPT period must be an extension of a 12-month post-completion OPT period. Therefore in this scenario, the first degree would not be eligible as a basis for the extension.

**Q: Will students be 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 submit the annual self-evaluation?**



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- A. It is incumbent upon the students to remember to fill out the annual self-evaluation. A good practice for DSOs may be to remind students of this requirement.

If a student fails to turn in an evaluation within 10 days following the end of the reporting period, the student's record may be terminated by the U.S. Department of Homeland Security for failure to fulfill the requirement.

**Q: 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 whose 17-month STEM OPT Employment Authorization Documents (EADs) expire after Oct. 7, 2016, eligible for the extra seven months of STEM OPT?**

- A. Students currently on 17-month STEM OPT who want to apply to lengthen their extension to 24 months must meet two eligibility requirements. They must have 150 days remaining on their EAD. They must also submit their applications on or before Aug. 8, 2016.

So if a student currently on 17-month STEM OPT applies on May 10, 2016 (the first day of the eligibility period), that student's EAD must expire on or after Oct. 7, 2016, to meet the 150-day eligibility requirement. Therefore, Oct. 7, 2016, is the earliest possible day the EAD of a student currently on 17-month STEM OPT can expire for that student to apply for the seven-month extension while still meeting the two eligibility requirements. If the student's EAD expires before Oct. 7, 2016, the student will not meet the two eligibility requirements.

**Q: 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?**

- A. Students should apply when they are eligible. Students who apply after May 10, 2016, will be applying for a 24-month STEM OPT extension. If a student applies before May 10, 2016, and USCIS does not make a determination by that date, the application is considered pending, and the student will receive a request for evidence (RFE) to convert to a 24-month STEM OPT application. If a student will be out of the period of eligibility to apply on May 10, 2016, and wishes to apply for the extension, the student should apply earlier.

**Q: 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?**

- A. The student must respond to the RFE to maintain the application for the STEM OPT extension. After May 10, 2016, USCIS will no longer grant 17-month STEM OPT extensions, either for applications pending on that date or for applications submitted after that date. Therefore, the student must answer the RFE to be granted the 24-month STEM OPT extension.



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If the student does not respond to the RFE, USCIS will consider the student's application for STEM OPT abandoned.

**Q: 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?**

- A. Per regulation, OPT is automatically terminated if a student begins study at another educational level.

Recreational and avocational classes are permissible.

**Q: 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?**

- A. The current 17-month period, if extended to a 24-month period, counts as one lifetime STEM OPT extension. Students eligible for a second STEM OPT extension have one extension remaining.

The two lifetime extensions must be based on different degrees.

The STEM degree used as the basis for STEM OPT must be from an SEVP-certified school accredited by an accrediting agency recognized by the U.S. Department of Education. Since SEVP does not certify overseas schools, a degree from a school overseas would not qualify the student for STEM OPT.

**Q: 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 future training have to relate to the prior degree, to the most recent degree, or to both?**

- A. The STEM OPT opportunity must directly relate to the degree that is serving as a basis for the extension. If a student is basing the STEM OPT on a prior degree, the training opportunity must be directly related to the prior STEM degree.

**Q: Our university system has several campuses and some of these campuses have different schools with separate Forms I-17, "Petition for Approval of School for Attendance by Nonimmigrant Student." 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, 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?**



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- A. STEM OPT must be based upon a STEM degree. If a degree was granted in a STEM field on the CIP code list, it may be used as a base for STEM OPT. However, if a student receives one degree with dual majors where one of the majors is in STEM, the student cannot base STEM OPT upon the major if the degree itself is not a STEM degree.

**Q: 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?**

- A. DSOs should refer to the CIP code in place at the time of application and should ensure that the degree is eligible at the time the DSO recommends the student.

DSOs should use their best judgement on the type of documentation a student may use to verify a prior degree.

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

- A. If a student applies before May 10, 2016, they should expect either a determination or an RFE, depending on how quickly USCIS is able to adjudicate the application. If the application is adjudicated before May 10, the student will receive a determination. If the application is pending on May 10, the student will receive an RFE.

**Q: 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?**

- A. Enter the date when the degree is expected to be awarded and specify that it is the expected date.

**Q: 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?**

- A. The DSO should review the form for completeness and should verify information easily known to the DSO. In this review, DSOs should ensure the student and employer properly executed the Form I-983. In addition to being complete, the Form I-983 must reflect compliance with relevant reporting and other requirements of the STEM OPT extension.

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



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- A. There must be a bona fide employer-employee relationship. The student cannot sign as their own employer. If there is another person at the start-up who can sign as the employer, the student may meet the STEM extension eligibility requirements. The purpose of STEM OPT is to provide training.

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

- A. Yes. USCIS will be charging a fee. USCIS will not charge an additional fee, however, if the student's application for STEM OPT is pending on May 10, 2016; these students can expect to receive an RFE.

**Q: Why is there a gap between the 24-month STEM OPT extension implementation date and the SEVIS 6.26 Release date?**

- A. SEVP recognizes that the SEVIS release for STEM OPT workarounds is after the May 10, 2016, implementation date. Unfortunately, the scheduling was beyond the program's control in this case. The process for getting DHS clearance for new SEVIS deployments is lengthy and involves coordination among several government entities.

SEVP had a SEVIS release previously scheduled for May 13, 2016, to improve data sharing with other government systems. We were not able to reschedule the timing of this release without significant disruption to our government partners. With the publication of the final rule and the timing of its effective date, we were able to add the deployment of limited STEM functionality to the pre-existing May 13 release, including workarounds to account for students affected by the three-day delay.

Please note, there is a workaround included in the [April 6, 2016, SEVIS Broadcast Message](#) that addresses those three days that are critical for a student's ability to file on time. We have worked with USCIS to ensure those few students are not penalized by the gap in SEVIS functionality.