F-1 STEM OPT EXTENSION WORKSHOP

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What We Will Cover:

- The key regulatory components of the STEM OPT extension, including eligibility requirements and reporting responsibilities.
- The application process for STEM OPT (how to apply first through ISSS and then through USCIS).
- This presentation is intended as a general overview. Students may still need to consult ISSS and their employers about their individual circumstances. Students are responsible for also reviewing any ICE/USCIS related instructions.
What is the STEM OPT Extension?

- The 24 month STEM OPT extension allows F-1 students who’re currently on an approved post-completion OPT period and maintaining that status to apply for an additional 24 months (2 years) of practical training if:
  - They have a STEM eligible degree
  - They have secured a practical training position which fulfills all of the employment requirements for STEM OPT

How is STEM OPT similar to post-completion OPT?

- Both post-completion OPT and STEM OPT require that the student obtain an I-20 recommending the practical training from their DSO first (i.e. ISSS advisor at UAlbany), and then the student may apply for the authorization through USCIS.
How is STEM OPT different than Post-Completion OPT?

- The STEM extension provides in-depth training in STEM related fields. The eligibility requirements and acceptable employment placements are more specific.
- Students and employers also take on the additional reporting responsibility of maintaining an I-983 training plan.
- Not all students are eligible for the STEM extension, even if they have earned a STEM degree. All eligibility requirements (including suitable employment) must be met prior to applying and students must apply before the post-completion EAD expires.
- Students may apply for up to two STEM extensions during their lifetime. If they earn two STEM degrees the second STEM extension must be based on a degree earned at a higher level than the first (i.e. bachelor’s<master’s<doctorate).
- The two STEM extensions may not be in immediate succession of each other; each STEM extension must follow a separately approved period of post-completion OPT;
  - You cannot do 1 year of post-completion OPT, apply for a 2 year STEM extension, and then apply for another 2 year extension based on another degree. The extensions must be split between 2 approved post-completion OPTs.
Eligibility Requirements

A student must have secured an employment/training offer which meets all eligibility requirements prior to applying for the extension:

1. Student is currently maintaining status on post-completion OPT
2. Student has completed an eligible STEM degree
3. The employer is enrolled in E-Verify
4. The employment is at least 20 hours per week (full-time)
5. The compensation is commensurate with U.S. workers
6. The employment directly relates to the STEM degree
7. An I-983 training plan is completed, signed and maintained by the student and employer, between which there is a direct employer-employee relationship.
1. Student is currently maintaining status on post-completion OPT

- To be eligible for STEM OPT you must be maintaining status on post-completion OPT
- This means your SEVIS record must be active in order for ISSS to issue an I-20 requesting STEM OPT
- If you have been unemployed more than 90 days (cumulatively) while on post-completion OPT you have not maintained status
  - This could result in your SEVIS record being auto-terminated.
  - If you aren’t maintaining status your STEM extension could be denied.
  - If you aren’t maintaining status you could be accruing unlawful presence, which can impact future benefits and requests.
2. Student has an eligible STEM degree

- A STEM degree is determined by the program CIP code (the 6 digit number on your I-20). CIP codes are assigned based on major/program, not concentration or minor.
- Sometimes the name of the CIP code does not exactly match what UAlbany calls the major (or what other schools may call the major).
- Review the DHS STEM Designated Degree list to see if the CIP code listed on your I-20 is eligible.

While the majority of students base their STEM extension application on their most recently earned degree (i.e. the same degree they’re currently on post-completion OPT for), it is possible to apply based on a prior earned STEM degree if:

- The prior degree is in line with the above requirements
- That degree was conferred within the past 10 years by a U.S. educational institution that is currently accredited
- You have not previously been granted a STEM extension for that degree
- You are able to provide ISSS and USCIS proof of that degree (such as a transcript and your prior I-20 with the CIP code listed, or a letter from the DSO at the school which awarded the degree listing the CIP code).
3. Employer is Enrolled in E-Verify

➢ To be eligible to apply for the STEM extension, your employer must be enrolled in E-Verify at the time of your application.

➢ ISSS needs evidence of the E-Verify enrollment before an I-20 can be issued:
  ➢ This could be the company’s E-Verify number (5-7 digits)
  ➢ OR a letter from the employer stating they are enrolled in E-Verify (if they prefer to keep the number private)

➢ Search for employers enrolled in E-Verify

➢ Employers may apply to enroll in E-Verify to allow a student to apply for a STEM extension and continue work with them.
Duties, Hours and Compensation

4. The employment position must be at least 20 hours per week
   - While having multiple employers is not prohibited, every employer must meet every eligibility requirement, so every employment situation must be at least 20 hours per week. Therefore, while not impossible it is rare for students to have multiple employers while on STEM OPT.

5. The compensation is commensurate with U.S. workers
   - Unlike post-completion OPT, the position must be paid.

6. The employment directly relates to the STEM degree
   - This connection needs to be explained through the I-983 training plan. Students are responsible for completing the training plan with their employer clearly describing this connection.
   - See: *Explaining the relationship between your practical training and your field of study*
7. I-983 Training Plan

▷ An I-983 training plan must be completed, signed and maintained by the student and employer.

▷ There must be a direct employer-employee relationship.
  ▷ This means that the employer signing the I-983 is the employer providing the training.
  ▷ For this reason, third-party placements and staffing agencies may draw additional scrutiny from USCIS/ICE, and may not be suitable employment situations for STEM.
  ▷ More information regarding the I-983 is provided later on in this presentation.

▷ Update September 2023: Signatures may be handwritten or electronic.
Maintaining the I-983 on STEM OPT

- The I-983 training plan should clearly and accurately depict the most up-to-date information about your STEM OPT employment.
- Students should always have access to current and prior versions of this form in case a copy is requested by a government agency.
- The student is also required to ensure that the employer and DSO/school have current copies of the form.
- Uploads of the I-983 to SEVIS may be mandatory in the future. For now, uploading of the I-983 is optional. If your SEVP Portal account displays any alerts related to the I-983 that concern you please reach out to ISSS for guidance (please include a screenshot).
- ISSS policy is not to upload the I-983 into SEVIS unless it becomes required to do so. ISSS will keep the I-983 on file as currently required.
Maintaining the I-983 on STEM OPT - Material Changes

➢ If there are any material changes to the information on your I-983 you must submit an updated I-983 to ISSS within 5 business days of the change using the STEM OPT Reporting EForm.

➢ A material change refers to any change in the information originally reported.
  ➢ Examples: change in site location; change in supervisor information; change in compensation; change in duties/responsibilities, etc...

➢ If there are any material changes a new I-983 must be kept by the student, the employer, and the DSO.
Maintaining the I-983 while on STEM OPT

**Evaluations**

- If you change employers you must submit a signed final I-983 evaluation for the employer you are leaving and a new I-983 for the employer you’re joining to ISSS within 10 days (use the STEM OPT Reporting EForm).
  - If you lose employment that must be reported within 5 days.

- I-983 annual self-evaluations must be completed. The first evaluation is due at the end of your first year on STEM OPT. The final evaluation is due at the end of your STEM training employment with that employer (i.e. at the end of the two years, or when the STEM OPT employment terminates, whichever comes first).

- If you’re approved for a change of status you should also submit a signed I-983 final evaluation to ISSS within 10 days.
Limited Unemployment Periods While on STEM OPT

- If the STEM OPT is approved, you are allowed an additional 60 days unemployment (for a cumulative 150 days between the post-completion OPT and STEM OPT periods)
- Students who exceed the allowed unemployment time have violated status.
- Volunteer/unpaid positions and/or part-time positions (less than 20 hours per week) are not options for employment once on STEM OPT
- In order to not violate status you must either find suitable employment, transfer to begin a new full-time degree program (if eligible), or depart the U.S. before your unemployment days are up.
- SEVIS can auto-terminate records that exceed the unemployment time
- Violating status may also have unlawful presence implications for students.
Employment while the STEM OPT application is pending

- Due to processing times a student’s STEM OPT application may still be pending with USCIS after the student’s post-completion EAD expires.

- If you have a receipted, timely filed STEM OPT application pending with USCIS you may continue work for up to 180 days after the post-completion EAD expires.
  - In other words, the STEM OPT application must be pending with USCIS and it must have been received and receipted before your post-completion OPT EAD expires.

- If your STEM OPT application is denied, revoked, or withdrawn your work authorization will end immediately if you’re already past the post-completion OPT EAD end date.

- If your employer has questions about I-9 completion while a STEM OPT application is pending, they may find [this USCIS website](https://www.uscis.gov) useful.
Changing Employers While on STEM OPT

- Students are allowed to change employers on STEM OPT as long as the new employer meets all eligibility requirements (including being enrolled in E-Verify).

- Students are required to report changing employers to ISSS:
  - Complete the STEM OPT Reporting Eform.
  - Submit a signed final evaluation for the employer you are leaving (upload it into the EForm).
  - Submit a signed and completed I-983 form for the employer you’re joining, as well as the new employer’s E-Verify number (upload it into the EForm).

- Students may also change employers while the STEM OPT application is pending with USCIS, however this could result in a delay in their application processing time.
Travel while on STEM OPT

➢ Travel on an approved STEM OPT period is possible if you have the required documentation to return to the U.S.

➢ While traveling on STEM OPT you should have:
  ➢ A valid I-20 signed within the past 6 months of the date you’re re-entering
  ➢ A valid passport (with at least 6 months validity remaining)
  ➢ A valid F-1 visa
  ➢ A valid EAD card
  ➢ Proof of ongoing employment

➢ ISSS does not recommend travel after your post-completion OPT EAD expires if you do not have an approved STEM OPT EAD yet (i.e. while the case is pending). If you choose to travel please understand that you are assuming responsibility for any risk. Be sure to have your I-797 receipt notice for the STEM OPT application.
Reporting Requirements

▷ Students must continue to abide by all reporting requirements for post-completion OPT with a few additions

▷ Students on STEM OPT also must report materials changes to the I-983 to the DSO within 10 days

▷ Students on STEM OPT also must complete annual I-983 self-evaluations

▷ Please read more about your reporting requirements before applying
Reporting Requirements

While on STEM OPT students will still have access to MyUAlbany and must keep their SEVIS USA address, phone number, and email up to date.

*My UAlbany email is expiring, what do I do?*
- Back-up anything you want to keep before it expires
- When the UAlbany expires ISSS will switch your SEVIS email address to whatever you have listed as the alternate email address in MyUAlbany (this will also update your SEVP Portal address).

While on STEM OPT students should use the STEM OPT Reporting Eform to report changes to ISSS.
- Because the student must report employment updates by submitting an updated I-983 training plan to ISSS, students cannot report employment updates directly through the SEVP Portal.
Application Process for STEM OPT

Like the application for post-completion OPT, the application process for STEM OPT is a 2-step process:

1. Request a new I-20 from ISSS using the STEM OPT Request EForm (processing time 5-7 business days) using the STEM OPT EForm

2. Submit an I-765 application to USCIS (processing times average between 3-5 months). There are two ways to file your request for STEM OPT with USCIS:
   - Filing online at uscis.gov (RECOMMENDED)
   - Filing by mail
When to Apply

▷ The earliest a student may apply for a STEM extension is 90 days before the post-completion EAD expires

▷ USCIS must receive your complete application before the post-completion EAD expires

▷ USCIS must also receive the STEM OPT application within 60 days of when ISSS printed you a new I-20 requesting STEM OPT

▷ Failure to submit an application within the required time frames is one of the most common reasons for a denial
Step 1. Apply for a new I-20 from ISSS

Students should submit the following documents to ISSS using our EForm:

1. Copy of the UAlbany ISSS STEM OPT Fee payment receipt
2. A completed and signed I-983 training plan
   - Access the form on ICE’s website
   - Please read the step-by-step ICE instructions
   - Review the Sample I-983 we have available on our website
3. A copy of your current EAD card, front and back
4. Your current I-94 (available at https://i94.cbp.dhs.gov), unless your most recent version of an I-94 is a paper I-94
5. Your employer’s E-Verify number
6. If your application is based on a prior degree you should also upload evidence of that degree to ISSS.
7. If you will file by mail instead of online please also provide a copy of your completed I-765 and G-1145.
UAlbany ISSS STEM OPT Fee

Students/alumni applying for an I-20 requesting STEM OPT are required to pay a fee to UAlbany ISSS. This fee will be charged on a tiered rate system based on the time the completed STEM OPT Request EForm application is submitted to ISSS:

- Students who submit a complete STEM OPT Request Eform 90 to 31 days prior to the expiration of their post-completion OPT EAD card will be charged $200
- Students who submit a complete STEM OPT Request Eform 31 to 7 days prior to the expiration of their post-completion OPT EAD will be charged $300
- Students who submit a complete STEM OPT Request Eform 7 to 1 day prior to the expiration of their post-completion OPT EAD will be charged $300.

ISSS requires 5-7 business days for processing, so students submitting requests with less than 7 days remaining on their post-completion period risk not receiving their I-20 in time to file with USCIS. The assessed charge does not mean the request can or will be expedited; normal processing times should still be expected.
TIP: Save time by ordering your transcript while you wait for your new I-20

› While you’re waiting for ISSS to process your new I-20, you can save time by ordering your transcript to prove you earned a STEM degree
  
  › Order a transcript from the Registrar’s Office
  
  › UAlbany diplomas will not work as evidence for USCIS because they only state the level, not the specific STEM degree earned
Step 2: Submit your complete application to USCIS

- There are two ways to file your request for a STEM OPT with USCIS: by mail or online (preferred).
- Regardless of how you file, USCIS must receive your request within 60 days of the date the I-20 recommending you for STEM OPT was issued by ISSS and/or before your post-completion EAD end date (whichever date comes first). USCIS processing takes approximately 90 days and may take longer.
Filing Online (Recommended)

- You must **create an account** on USCIS.gov. If you already have an account from when you filed for post-completion OPT check to make sure your information is up to date (especially mailing address).

- **Watch ISSS’s Information Video** about filing online (watch time is only 15 minutes).

- Have documents ready that meet the USCIS upload specifications, including: the new I-20 requesting STEM OPT; passport photograph; most recent I-94; your prior EAD card(s); identity page of passport; F-1 visa (optional); prior I-20s with CPT/OPT authorization; your transcript showing proof of the STEM degree earned; letter from employer (optional).
Filing by Mail? Please review the information under Step 2 of the ISSS website application instructions and contact an advisor if you have questions.
The filing fee is for the I-765 form is currently $410 as of July 2022 (check current fees on USCIS’s website).

If you are filing online you will be asked to pay the fee at the time you submit the application. USCIS will direct the applicant to pay.gov to pay by credit/debit card or bank account transfer. Your application is only submitted/receipted by USCIS after paying the fee through pay.gov.

If you are filing by mail checks or money orders preferred. USCIS does not accept cash.

If using a personal check, please be certain that you have sufficient funds in your account to cover the check at all times – the check could be deposited at ANY time.

The check must be payable to U.S. Department of Homeland Security.

For additional instructions on how to complete the check, click here: https://www.uscis.gov/fees
Premium Processing

Students can request and pay for premium processing by filing a form I-907 online.

• The premium processing fee is *optional*.

• The premium processing fee is in addition to the required $410 filing fee for the I-765. The current premium processing fee for F-1 students filing an I-765 is $1500. This means students opting for premium processing of the I-765 would need to pay $1500 in addition to the baseline fee of $410.

• Premium processing means the case will be adjudicated within 30 days, but you still need to wait for the EAD card to be produced.

• Consider also that USCIS allows you to work 180 days after your post-completion EAD expires if your STEM OPT case is still pending (not denied, revoked, or withdrawn).
Notices from USCIS

- USCIS will mail all official notices to the address you have listed as your mailing address on your I-765.
  - If you file online you will still get paper notices but you can view the notice electronically online as well.

- Most students will receive 3 notices:
  - Receipt Notice (usually arrives 3-4 weeks after filing)
  - Approval Notice (usually arrives 3-5 months after received)
  - STEM OPT EAD Card (usually arrives 1-2 weeks after approval notice)

- Keep all official notices form USCIS for your records, forever.

- If you receive a Request for Evidence or Denial notice, contact ISSS immediately for assistance.

- If your STEM OPT is denied you may need to depart the U.S. with no grace period. However, please consult ISSS first to obtain advice or a referral to an immigration attorney as needed.
What happens after STEM OPT?

- If you reach the end of your STEM OPT period and have maintained status you are allowed a 60 day grace period
  - Don’t forget to submit your signed I-983 final evaluation
  - During those 60 days you can make arrangements to leave the U.S., transfer to start a new degree program full-time (your new program must start within 5 months of your EAD end date), or apply for a change of status if eligible (please consult an immigration attorney regarding any questions about change of status applications).

- If you choose to end STEM OPT training early and depart the U.S., please notify ISSS
  - Don’t forget to submit your signed I-983 final evaluation

- If you choose to begin a new degree program, please notify ISSS to request a SEVIS transfer
  - Your STEM OPT work authorization will end on the transfer release date
  - Don’t forget to submit your signed I-983 final evaluation

- If you are approved for a change of status, please notify ISSS and provide documentation of the new status for your record
  - Don’t forget to submit your signed I-983 final evaluation
Additional Resources

- E-Verify Employer Search Tool
- STEM OPT Hub
- MyVisaJobs.com - see which employers have sponsored in the past.

ISSS only provides advise on student visas (F-1 and J-1). If you need advice on other employment based visa categories (immigrant or non-immigrant) we recommend you seek the advice of an experienced immigration attorney. Below are some resources to help you:

- Immigration Art- Arthur Serratelli, Esq. regularly visits the UAlbany campus to provide employment based visa advising to students. You can contact him at immigration.art@gmail.com
  - Also check out his Youtube Channel here: https://www.youtube.com/user/ImmigrationArtVideo
- Search the American Immigration Lawyers Association (AILA) for attorneys: https://www.aila.org/
Questions?
Contact an ISSS advisor!

Email: ISSS@albany.edu
Phone: 518-591-8172
Schedule a Zoom appointment here.