U.S. Citizenship and Immigration Services

Optional Practical Training Extension for STEM Students (STEM OPT)

Versión en español

Certain F-1 students who receive science, technology, engineering, and mathematics (STEM) degrees may apply for a 24-month extension of their post-completion optional practical training (OPT).

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- STEM OPT Employer Requirements and Responsibilities

Eligibility for the STEM OPT Extension

To qualify for the 24-month extension, you must:

- Have been granted OPT and currently be in a valid period of OPT;
- 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) at the time you submit your STEM OPT extension application.
  - **Previously obtained STEM degrees**: If you are an F-1 student participating in a 12-month period of post-completion OPT based on a non-STEM degree, you may be eligible to use a previous STEM degree from a U.S. institution of higher education to apply for a STEM OPT extension. You must have received both degrees from currently accredited and SEVP-certified institutions, and cannot have already received a STEM OPT extension based on this previous degree. The practical training opportunity also must be directly related to the previously obtained STEM degree.
    - For example: If you are currently participating in OPT based on a master's degree in business administration but you previously received a bachelor's degree in mathematics, you may be able to apply for a STEM OPT extension based on your bachelor's degree as long as it is from an accredited U.S. college or university and the OPT employment opportunity is directly related to your bachelor's degree in mathematics.
  - **STEM degrees you obtain in the future**: If you enroll in a new academic program in the future and earn another qualifying STEM degree at a higher educational level, you may be eligible for one additional 24-month STEM OPT extension.
    - For example: If you receive a 24-month STEM OPT extension based on your bachelor's degree in engineering and you later earn a master's degree in engineering, you may apply for an additional 24-month STEM OPT extension based on your master's degree.
- Work for an employer who meets all the requirements listed below in the STEM OPT Employer Responsibilities section.

- Submit the Form I-765, Application for Employment Authorization, up to 90 days before your current OPT employment authorization expires, and within 60 days of the date your designated school official (DSO) enters the recommendation for OPT into your Student and Exchange Visitor Information System (SEVIS) record.

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Applying for a STEM OPT Extension

To apply for an extension, you must properly file:

- Form I-765 with
  - The correct application fee,
  - Your employer's name as listed in E-Verify, and
  - Your employer's E-Verify Company Identification Number or valid E-Verify Client Company Identification Number
- Form I-20, Certificate of Eligibility for Nonimmigrant Student Status, endorsed by your DSO within the last 60 days; and
- A copy of your STEM degree.

If you file your STEM OPT extension application on time and your OPT period expires while your extension application is pending, we will automatically extend your employment authorization for 180 days. This automatic 180-day extension ceases once USCIS adjudicates your STEM OPT extension application.

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After Receiving a STEM OPT Extension

Reporting responsibilities

If you receive a STEM OPT extension, you must:

- Report changes to the following information to your DSO within 10 days of the change:
  - Your legal name
  - Your residential or mailing address
  - Your email address
  - Your employer's name
  - Your employer's address
- Report to your DSO every 6 months to confirm the information listed above, even if none of your information has changed.

For more information, please refer to the DHS STEM OPT Hub.

Unemployment during the OPT period

You may be unemployed during your OPT period for a limited number of days.

If you received…	You may be unemployed for…	For a total of… *(during the OPT period)*

If you received…	You may be unemployed for…	For a total of… *(during the OPT period)*
Initial post-completion OPT only	Up to 90 days	90 days
24-month extension	An additional 60 days	150 days

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STEM OPT Employer Requirements and Responsibilities

If you are an employer who wants to provide a practical training opportunity to a STEM OPT student during their extension, you must:

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- Be enrolled in E-Verify, as evidenced by either a valid E-Verify Company Identification number or, if the employer is using an employer agent to create its E-Verify cases, a valid E-Verify Client Company Identification number.
- Remain a participant in good standing with E-Verify, as determined by USCIS.
- Have a valid Employer Identification Number (EIN) issued by the Internal Revenue Service for tax purposes.
- Report material changes to the STEM OPT student's employment to the DSO within 5 business days.
- 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.

Terms and Conditions for Employer Participation

In order to ensure the integrity of the program and provide safeguards for U.S. workers, any employer wishing to employ a student participating in the STEM OPT extension program must attest that:

- The employer will have a bona fide employer-employee relationship with the student.
- The employer has sufficient resources and personnel available to provide appropriate training in connection with the specified opportunity at the location(s) specified in the Form I-983, *Training Plan for STEM OPT Students*.
- DHS may, at its discretion, conduct a site visit **of the employer** to ensure that program requirements are being met, including that the employer possesses and maintains the ability, personnel, and resources to provide structured and guided work-based learning experiences consistent with this Plan.
- The STEM OPT student will not replace a full- or part-time, temporary or permanent U.S. worker.
- The training opportunity will assist the student in attaining his or her training goals.

The Employer's Training Obligation

As noted above, to be eligible to employ a STEM OPT student, an employer must have a bona fide employer-employee relationship with the student. The employer must attest to this fact by signing the Form I-983, *Training Plan for STEM OPT Students*. In order to establish a bona fide relationship, the employer may not be the student's "employer" in name only, nor may the student work for the employer on a "volunteer" basis. Moreover, the employer that signs the Form I-983 must be the same entity that provides the practical training experience to the student. See 2016 STEM OPT Final Rule (pp. 13072, 13079).

An employer must have sufficient resources and trained or supervisory personnel available to provide appropriate training in connection with the specified training opportunity at the location(s) where the student's practical training experience will take place, as specified in the Form I-983. The "personnel" who may provide and supervise the training experience may be either employees of the employer, or contractors who the employer has retained to provide services to the employer; they may not, however, be employees or contractors of the employer's clients or customers. Again, the employer that signs the Form I-983 must be the same entity that provides the practical training experience to the student, utilizing its own personnel. Additionally, under no circumstances would another F-1 student on OPT or a STEM OPT extension (who is undergoing training in their own right) be qualified to train another F-1 student on a STEM OPT extension. See 8 C.F.R. 214.2.(f)(10)(ii)(C)(10) and 2016 STEM OPT Final Rule (pp. 13041, 13042, 13065, 13079, 13080-81, 13119).

While employers may rely on their otherwise existing training programs or policies to satisfy the requirements relating to performance evaluation and oversight and supervision, the student's Training Plan must nevertheless be customized for the individual student. For instance, every Training Plan must describe the direct relationship between the STEM OPT opportunity and the student's qualifying STEM degree, as well as the relationship between the STEM OPT opportunity and the student's goals and objectives for work-based learning. Moreover, a STEM OPT employer may not assign, or otherwise delegate, its training responsibilities to a non-employer third party (e.g., a client/customer of the employer, employees of the client/customer, or contractors of the client/customer). See 8 C.F.R. 214.2.(f)(10)(ii)(C)(7)(ii) and 2016 STEM OPT Final Rule (pp. 13042, 13079, 13090, 13091, 13092, 13016).

Moreover, the training experience must take place on-site at the employer's place of business or worksite(s) to which U.S. Immigration and Customs Enforcement (ICE) has authority to conduct employer site visits to ensure that the employer is meeting program requirements. This means that ICE must always have access to a student's worksite; if the student is sent to different worksite locations as part of the training opportunity, ICE must be able to access such worksite locations. For instance, the training experience may not take place at the place of business or worksite of the employer's clients or customers because ICE would lack authority to visit such sites.

For the same reason, online or distance learning arrangements may not be used to fulfill the employer's training obligation to the student. For instance, the employer may not fulfill its training obligation to provide a structured and guided work-based learning experience by having the student make periodic visits to the employer's place of business to receive training, while the student is actually working at the place of business or worksite of a client or customer of the employer. Similarly, the employer may not fulfill its training obligation by having the student make periodic telephone calls or send periodic email messages to the employer to describe and discuss their experiences at the place of business or worksite of a client or customer of the employer. See 8 C.F.R. 214.2.(f)(10)(ii)(C)(11) and 2016 STEM OPT Final Rule (p. 13041, 13042, 13049, 13062, 13064-66, 13070, 13071, 13090, 13113).

The Employer's Training Obligation: Staffing and Temporary Agencies

Staffing and temporary agencies may seek to employ students under the STEM OPT program, but only if they will be the entity that provides the practical training experience to the student at its own place of business and they have a bona fide employer-employee relationship with the student. For instance, a

student might possibly receive STEM-related training while working in such an entity's information technology (IT) department.

Such entities may not, however, assign or contract out students to work for one of their customers or clients, and assign, or otherwise delegate, their training responsibilities to the customer or client. As noted above, the employer that signs the Form I-983 must be the same entity that provides the practical training experience to the student. Moreover, the student's practical training experience must be provided by the employer's own trained or supervisory personnel at the employer's own place of business or worksite(s), to which ICE has authority to conduct employer site visits to ensure that the employer is meeting program requirements.

- 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 their training objectives.

For more information, please refer to the DHS STEM OPT Hub.

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