New STEM OPT Regulations

US Department of Homeland Security announced on Friday, March 11, 2016 the publication of the final ruling on new regulations pertaining to the STEM OPT Extension for qualified F-1 International Students.

The new regulations are effective May 10, 2016 and feature the following significant changes:

- **Extends STEM OPT to 24-Months:** The STEM OPT program will be extended from 17-months to 24-months for eligible applicants applying on or after May 10, 2016.

- **Introduces the I-983 Training Plan:** The new STEM OPT rule will require employers to complete a Form I-983 Training Plan for STEM OPT Students, as well as annual and final evaluations on the goals outlined in the Training Plan.

- **Requires E-Verify Employer:** In order to qualify for STEM OPT, students must be employed in a paid job related to their major and for an E-Verify employer.

- **Expands CIP List of Majors:** The new STEM OPT rule expands the list of majors eligible for STEM OPT, as reflected on the list of eligible Classification of Instructional Programs (CIP) codes, and creates a way for new CIP codes to be added in the future.

- **Allows additional periods of STEM OPT:** The new rule allows students to apply for STEM OPT based on a previously-earned STEM degree, and allows for a 2nd lifetime STEM OPT extension after earning a higher degree in a STEM major field.

- **Allows for transition from 17-Month to 24-Month STEM OPT:** The STEM OPT rule outlines a transition plan for students with pending applications for STEM OPT on May 10, 2016, and for students with approved 17-month STEM OPT who wish to extend to the 24-month program.

- **Adds new reporting requirements:** The STEM OPT rule adds several significant new reporting requirements for students, employers and Designated School Officials (DSOs).

- **Continues “Cap-Gap” Protection:** The rule extends “cap-gap” protection for students on F-1 OPT whose employer has filed a timely petition for H-1B sponsorship on their behalf.
New STEM OPT Regulations - How do they affect YOU?

If you are CURRENTLY in a period of the 17 Month STEM Extension:

- You may be able to apply to USCIS for 7 more months, to equal 24 months as allowed by the new regulations. You are eligible to apply if you have 150 days (5 months) or more remaining on your 17 Month STEM Extension at the time you apply. You must apply between May 10, 2016 and August 8, 2016 to qualify. There will be an additional fee to USCIS.

If you are in the process of APPLYING for the 17 Month STEM Extension:

- If you have an APPROVED 17 Month STEM Extension as of May 10, 2016, you may apply for the remaining 7 months as noted above.

- If you have a PENDING 17 Month STEM Extension application with USCIS as of May 10, 2016 you should expect to receive a Request for Evidence (RFE) from USCIS. This RFE could request a number of new documents, including, but not limited to, a new I-20 from UMass Boston showing a 24 Month Extension and the Employer Training Plan (Form I-983).
  - If your 12 Month Post Completion OPT period is not expiring before May 10, 2016 the Immigration Services office recommends that you wait until May 10 to apply for STEM so that you may apply under the new regulation and avoid an RFE. Remember that if your STEM application is pending at the time of your 12 Month OPT expiration you may continue to work while you wait for approval.
  - If you prefer to apply before May 10 you may apply for the 17 Month STEM under the current regulation and work with Immigration Services to complete your RFE when it is sent to you later in the spring.

If you are currently in your 12 Month Post Completion OPT period:

- If you have a STEM eligible major on your I-20, you will apply for the new 24 Month STEM Extension in your 8th month of OPT.
- If you do not have a STEM eligible major on your current I-20, but DO have one from a previous degree program, you may be eligible for STEM. Please see an advisor to discuss your case.

If you are a student completing your program this semester:

- If you are finishing your program this term, you will still apply for the 12 Month Post Completion OPT as it has always existed.