

Optional Practical Training (OPT) STEM 17-month Extension & Cap Gap

What is the 17 month OPT extension?

A regulation, published April 8, 2008, allows F-1 students on OPT who have received a degree in the fields referred to as “STEM” fields (science, technology, engineering, or mathematics), to apply for a one time 17-month extension of their regular 12 month OPT period.

The 17 month extension will allow students to have continuous work authorization at least through October 1st of any given following year, in case they do not get an H1B visa in their first year after graduating. Students who timely file an application for the 17-month OPT extension will be able to continue employment while the extension application is pending, until a final decision on the I-765 or for 180 days, whichever comes first.

Criteria for the 17 Month Extension:

- Your employer must be enrolled in the “E-Verify” program (see information below)
- You must be working in one of the “STEM” fields listed below
- You must have earned your degree in one of the “STEM” fields listed below
- You must have maintained status while on OPT (see Immigration Responsibilities below)

What is “E-Verify”?

E-Verify is an Internet-based system operated by U.S. Citizenship and Immigration Services (USCIS) in partnership with the Social Security Administration (SSA). E-Verify is currently free to employers and is available in all 50 states. E-Verify provides an automated link to federal databases to help employers determine employment eligibility of new hires and the validity of their Social Security numbers.

What are the “STEM” fields?

Actuarial Science, Computer Science Applications, Engineering, Engineering Technologies, Biological and Biomedical Sciences, Mathematics and Statistics, Military Technologies, Physical Sciences, Science Technologies, Medical Scientist (MS, PhD). Not all STEM disciplines qualify – see the list of acceptable CIP codes at: www.ice.gov/sevis/stemlist.htm

What are my Immigration Responsibilities While I am on the 17-month extension?

In addition to reporting address changes and periods of unemployment, you must also report name and address of your employer, any changes in employer AND complete a **report to the school every six months** while on the 17 month extension. Go to www.isso.uncc.edu/OPTStemReportForm.htm

I think I qualify. How & When do I apply for the 17 month extension?

If you meet all of the criteria above, go to www.isso.uncc.edu/OPTStemExtForm.htm so that a new I-20 may be created.

You will then mail the documents listed below to the USCIS service center closest to where you live. See full listing at <http://www.uscis.gov/files/form/I-765instr.pdf> .

It is recommended that you apply within 90 days of completion of your OPT. You must apply prior to the end date on your EAD.

Application Checklist

Please make sure you have all items on this list before submitting your application to USCIS:

- Your completed Form I-765 (please read and follow instructions; print neatly)
- Your check or Money Order for \$340 made payable to “Department of Homeland Security”
- Photocopy of your most recent Form I-20 with STEM extension recommended by the ISSO
- Photocopy of Two passport photos (2” x 2”); http://www.travel.state.gov/visa/temp/info/info_1287.html
- Photocopy of your I-94 Admission-Departure Card, front and back (or I-797)
- Photocopy of your passport ID page with expiration date (valid at least 6 months in to the future)
- Photocopy of your visa page

Photocopy of your current EAD (and any/all previous EADs issued by USCIS if applicable)
Photocopy of your degree (that clearly shows graduation in a STEM field) or transcript

Can I continue working before I receive my EAD for STEM Extension OPT?

Yes. As long as you apply *before* your current EAD expires (USCIS must receipt your application before your current EAD expires), you may continue to work for up to 180 days even if you do not yet have your new EAD.

Can I apply for my STEM extension during my 60 day grace period?

No. You must apply for your extension while your current EAD is still valid. If you miss your deadline, you must stop working when your EAD expires and you should consult with your employer about other options like the H-1B.

What is the “Cap Gap”?

If your company has an approved H-1B petition for you, it is possible to continue working after your EAD expires until October 1 begin date. This is what is called the ‘cap gap’ and although you do not currently need a new EAD for this automatic extension, you may request a new I-20 from the ISSO. Please provide a copy of the H1 approval or waitlist notice.

What if I change employers? What if I lose or quit my job?

It is possible to change employers during any period of OPT, but if you are in your 17 month STEM extension, you are restricted to work for an employer approved in the E-Verify system. If you change your employer, add an employer, move to a new site, or lose your position for any reason, you MUST notify the ISSO immediately. If you accumulate 120 days or more of unemployment during your 29 month total OPT period, you may lose future immigration benefits and encounter other immigration difficulties.

IMPORTANT REPORTING REQUIREMENTS:

1. You are required to report to the ISSO *every SIX months* (starting from the beginning of your STEM extension EAD) so that we can validate your OPT status in SEVIS. Failure to do so in a timely manner will result in the termination of your SEVIS record and the immediate completion of your OPT.

Go to www.isso.uncc.edu/OPTStemReportForm.htm

2. You are required by law to notify and update ISSO (intlssso@uncc.edu) **within 10 calendar days** if any of the following occur:

- ❖ **you change your address**
- ❖ **you change your employment status (quit, lose your job, get fired, etc). Warning: being unemployed for 120 days (cumulative) is a violation of status and will result in termination of your SEVIS record.**
- ❖ **you change employers (company and/or location and/or company name)**
- ❖ **you change your name**
- ❖ **you stop engaging in your OPT and depart the US to return home**

Also, if at any time you change your nonimmigrant visa status (e.g., to H-1B) or wish to “transfer” to another school, you will also need to contact the ISSO. Please send an email to intlssso@uncc.edu .