

OPT 17-Month Extension

What is Optional Practical Training 29 month rule?

The new 29 month OPT rule was published in the federal regulations on April 8, 2008. There are eight main provisions to this rule, some of which will affect all F-1 students on OPT and some of which will only affect those in STEM related industries. This information pertains specifically to the 17-month extension option for those specific STEM students.

Who is eligible for the OPT 17-month extension? Students must meet all of the following requirements:

- Students who have a bachelors, masters or doctoral degree in a STEM (science, technology, engineering, mathematics) in the following fields:
 - Actuarial Science. CIP Code 52.1304.
 - Computer Science Applications: CIP Codes 11.xxxx (except Data Entry/Microcomputer Applications CIP Codes 11.06xx).
 - Engineering. CIP Codes 14.xxxx.
 - Engineering Technologies. CIP Codes 15.xxxx.
 - Biological and Biomedical Sciences. CIP Codes 26.xxxx.
 - Mathematics and Statistics. CIP Codes 27.xxxx.
 - Military Technologies. CIP Codes 29.xxxx.
 - Physical Sciences. CIP Codes 40.xxxx.
 - Science Technologies. CIP Codes 41.xxxx.
 - Medical Scientist (MS, PhD). CIP Code 51.1401.

Specifically excluded from the above codes, however, are all CIP codes ending in xx99, which are “catch-all” categories usually designated by “Other” in the CIP lists. Degrees associated with CIP codes ending in xx99 are not eligible for the 17-month extension.

You can check your program CIP code by going to this site <http://nces.ed.gov/pubs2002/cip2000/> and doing a “full text search” based on your major as it is listed in number 5 on your I-20. Then match the code to one of the categories above.

- Student must be currently participating in a 12-month period of OPT, working for a U.S. employer in a job directly related to the student’s major area of study.
- Student must have successfully completed a bachelors, masters, or doctoral degree in a field on the DHS STEM Designated Degree Program List, from a SEVIS-certified college or university.
- Student must have a job offer from an employer registered with the [E-Verify](#) employment verification system.
- The student has not previously received a 17-month OPT extension after earning a STEM degree.

Important points to remember about the 17-month OPT extension.

- **NEW Student reporting requirements.** While you are on OPT your nonimmigrant status remains F-1. **As long as you are in the United States, and on OPT you are required to update the following to OIE-IS by email within 10 days of any change:**
 - Your residential address.
 - Employer name and address.
 - Change of employment.

In addition, students with an approved 17-month OPT extension:

- Must report to the student's DSO within 10 days any loss of employment.
- Must make a validation report to the DSO every six months starting from the date the extension begins and ending when the student's F-1 status ends. This means when the student:

- Changes educational levels at the same school.
- The student transfers to another school.
- Or the 17-month OPT extension ends, whichever is first.

The validation is a confirmation that the student's name and address, employer name and address, and/or loss of employment is current and accurate. The report is due to the DSO within 10 business days of each reporting date

- **NEW limits to unemployment.** During OPT, F-1 status is dependent upon employment. Students granted a 17-month OPT extension may not accrue an aggregate of more than 120 days of unemployment during the total 29-month OPT period. If this happens, the student's status will be automatically terminated and the student will have to return home.
- **NEW If the extension is filed before the previous OPT expiration, the 17-month OPT extension begins** on the day after the expiration of the initial post-completion OPT employment authorization, and ends 17 months later, regardless of the date the actual extension is approved.
- **NEW "Cap-Gap" exceptions.** Duration of status and work authorization will be extended for any student on OPT, who is the beneficiary of a timely-filed H-1B petition requesting an employment start date of October 1 of the following fiscal year. The extension of duration of status and work authorization would automatically terminate upon the rejection, denial, or revocation of the H-1B petition filed on the student's behalf. At that point, the student would have to leave the U.S. immediately.
- **Travel outside the U.S. once OPT has been approved.** Port of entry (POE) guards will ask for proof of employment from all F-1 students returning using an OPT card. If you plan to travel you will need to take:
 - A letter from your supervisor indicating that you are still working, a summary of what you are doing and that he or she expects you to return to continue working.
 - Two of your most recent pay stubs.
 - Your signed I-20 (signature cannot be older than six months regardless of text above signature line stating that signatures are good for one year).
 - A valid passport with valid F-1 visa and your OPT card.

Applying for the 17-month extension.

Once the student has determined that current employer is registered with E-Verify and has a degree from the designated degree program list the student should submit the following to OIE-IS at least one month before your OPT expires:

1. Complete the attached "OPT 17-Month Extension Application Form" with employer.
2. Complete the I-765 at the USICS Web site www.uscis.gov/files/form/I-765.pdf. Complete section 16, as "(c)(3)(C)". Complete section 17 with the accurate employer E-Verify details.
3. Collect copies (we will not copy them for you)of:
 - a. Passport bio page.
 - b. I-94 card front and back.
 - c. All I-20s front and back.
 - d. Current work authorization card and mailing notice it came with.
 - e. Official transcript showing your field of study and degree name and date of confirmation.
4. Submit a check for \$340 written to "U.S. Citizenship and Immigration Services."
5. Two passport-style photos. **Do not cut** or alter photos!

You will need to sign your new I-20. If you are outside of Richmond, you can fax the "Extension Application Form" to my attention (Ingrid Mercer) at (804) 828-2552 with a mailing address, phone number, credit card number and expiration date. I will create the I-20 and FEDEX it back to you. You can mail the entire extension application to the correct address following the I-765 instructions for OPT.

Updated 2008

V I R G I N I A C O M M O N W E A L T H U N I V E R S I T Y
 O f f i c e o f I n t e r n a t i o n a l E d u c a t i o n
 916 W. Franklin St., P.O. Box 843043, Richmond, VA 23284 Fax: (804) 828-2552 Tel: (804) 828-0595



OPT 17-month extension form

Section A. (To be completed by student.)

Current OPT end date (mm/dd/yyyy) Current job title

Current living address street and number apt. number city state ZIP

Current employer information Name of company

number and street suite, room, office etc.... city state zip

Please read each statement, initial and sign.

As long as I am on OPT I must report the following to my DSO (Ingrid Mercer) by e-mail at iamercer@vcu.edu within 10 days of any change.

- Any loss of employment.
Any changes in my living address.
Any changes in employer.
Any changes in my employer's address.

I will give a legible copy of my employment authorization card to OIE as soon as I receive it.
I have not been unemployed for an aggregate of 90 days during my first 12 months of OPT.

Last name First Middle

Phone E-mail SEVIS # N (above bar code)

Student signature Date

Section B. (To be completed by student's supervisor.)

Company name Supervisor name

Phone E-mail

Please read statement, initial and sign.

An employer must consider a worker to have departed when the employer knows the student has left employment, or if the student has not reported for work for a period of five consecutive business days without the employer's consent.

I agree to report the termination or departure of the student to the DSO (Ingrid Mercer) by e-mail at iamercer@vcu.edu, or through "any other means or process identified by DHS.

Supervisor signature Date

This form must be returned to the student. If you have questions regarding this form, please contact Ingrid Mercer at the number below.