

17-Month OPT Extension Packet

What is the 17 month OPT Extension?

Effective April 8, 2008, the Department of Homeland Security published an interim final rule in the Federal Register/Vol. 73, No. 68 that allows **F-1 students** with a Bachelor's, Master's or Ph.D. in **STEM** (Science, Technology, Engineering and Math) majors to apply for a 17 month extension of OPT, for a total of 29 months.

Who is Eligible?

- F-1 Students who have already been approved for 12 months of post-completion OPT based upon a bachelor's, master's or doctoral degree; **and**
- Who have earned a degree in a field included on the US Government's list of Science, Technology, Engineering, and Mathematics (**STEM**) fields; **and**
- Who are employed in a job directly related to his/her field of study; **and**
- Who are working for or have a job offer from, an employer that is enrolled in the US Government's **E-Verify** program; **and**
- The employer agrees to report the termination or departure of the student to OIS within 48 hours; **and**
- The student makes periodic reports to OIS with name, address or employer changes, and any interruptions in employment

Please Note: All of the above criteria must be met in order for a student to be eligible for the 17-month OPT extension.

When should students apply for the 17 month extension?

Students must apply for the 17-month OPT extension prior to the expiration date of the first OPT period. The start date will automatically be the day after the end date of the initial 12 month OPT authorization. Apply early so you receive the new EAD card before the end of the initial 12-month OPT period. The current processing time is approximately 3 months.

What happens if there are *Periods of Unemployment*

Post completion OPT is dependent upon employment. Students may not accrue a total of more than **120 days** of unemployment during the initial 12-month OPT period and the 17-month extension.

What happens while the application is pending?

If the application for the 17-month OPT extension is successfully received prior to the expiration of the first OPT period, students may continue employment until the application is processed or until 180 days have passed, whichever is sooner.

Is my degree in a **STEM** field?

The 17-month Optional Practical Training (OPT) extension may be approved for students who have earned bachelor's, master's, or doctoral degrees in a **STEM** (Science, Technology, Engineering, Mathematics) field that is on the DHS STEM Designated Degree Program List. That list consists of select **STEM** fields identified by the field's **CIP Code**. Since CIP Codes are also used to designate field of study in SEVIS, the CIP Code in the SEVIS record of the I-20 on which the application for OPT is based will be the point of reference.

http://www.nafsa.org/regulatory_information.sec/29_month_opt_rule_updates/dhs_stem_designated_degree .

What is E-Verify?

E-Verify is a database system operated by the Department of Homeland Security in partnership with the Social Security Administration. It allows participating employers to electronically verify the employment eligibility of newly-hired employees. E-Verify is currently voluntary in most states. For more information see www.dhs.gov/e-verify. Please note that currently less than 1% of employers participate in E-Verify, so make sure you confirm that your employer participates before filing your application.

Additional Requirements & Limitations

Students approved for the 17-month OPT extension have additional reporting requirements in order to maintain their status and work authorization. Students must report to EMU OIS **within 10 days** if there is any change of:

- Legal name
- Residential or mailing address
- Employer name
- Employer address, and/or
- Loss of employment

Students must submit a **validation report** to the EMU OIS **every six months** to confirm name and address, employer name and address, and continuation of employment. The report is due within 10 days of the six-month reporting date.

Employers must agree to report within 48 hours the termination or departure of the student from their employment.

17-Month Extension Available Once

The special 17-month extension of OPT is only available to each student one time. A student who is approved for a 17-month OPT extension can never apply for it again. Please note that this rule is different from the application rules for the "regular" 12-month OPT, under which students could be approved for multiple OPT periods for each higher degree earned in the US (i.e. bachelor's, then master's, then doctoral).

Things to Remember:

- Once your application for OPT has been approved, your Employment Authorization Document (EAD) will be mailed to the address you put on the I-765 form. The post office **WILL NOT FORWARD** mail from USCIS if you change your address after you apply. USCIS will also not deliver your EAD to a PO Box.
- You **MUST** submit a photocopy of your EAD to OIS upon receipt.
- You **MUST** report **all changes of name, address, or employer** to OIS within 10 days
- You **MUST** report all periods of unemployment to OIS within 10 days
- You **MUST** submit a validation report to the EMU OIS every six months to confirm name and address, employer name and address, and continuation of employment. The report is due within 10 days of the six-month reporting date.
- Employers **MUST** agree to report within 48 hours the termination or departure of the student from their employment.
- Remember, while on OPT **you are still an EMU FI student**. Please review the attached handout "While you are on OPT" to learn about your responsibilities during this practical training year.
- While on OPT you may be exempt from Social Security & Medicare Tax (FICA)

17-month OPT Extension Application Procedure

Step 1. Obtain & read the new, 17-month OPT Extension Packet, available at <http://www.emich.edu/ois/intnlstudents/forms.php> or in the OIS office

Step 2. Assemble the documents required for your application (see complete list below)

- a. complete the 17-Month OPT Extension Request Form
- b. obtain an Employment Verification letter from your employer

Step 3. Make an **appointment** to see an OIS advisor to finalize your application - Do not make an appointment unless you have gathered ALL required documents, including forms, photos and a check for \$340

OR

send all required documents to OIS, if there is absolutely no way you can come into the office in person. Packets can be sent by courier mail (ie FEDEX, USPS, UPS) with a self-addressed, pre-paid return courier envelope. OIS will process and return the application in the prepaid envelope. Processing time should be 3 – 5 business days.

Step 4. Mail Application to USCIS – Get Receipt Notice – Track Status

- a. USCIS **MUST** receive the OPT application within 30 days of the new OPT I-20 issuance

Step 5. EAD – Submit Photocopy to OIS (fax, mail, scan, or deliver)

Step 6. Report any change in name, address, or employer and Periods of Unemployment to OIS

- a. Send periodic reports to OIS every six months

OPT Application Required Documents

You need to gather the following documents and forms:

- Completed OIS 17 month OPT Extension request Form
- Original Employment Verification Letter from your current employer; the letter must include all information indicated in the letter to the student's Human Resource Representative – see attached example
- Completed I-765 Form (Application for Employment Authorization); revision date (04/08/08 or later)
- 2 full, frontal passport size photos taken within 30 days of filing this application – gently print your name & SEVIS number on the back of each photo
- Copy of front & back current, valid EAD card
- Copy of Original Passport with visa and I-94
- Copy of Photo Identification (drivers license or student ID)
- Check for \$340 made payable to the *Department of Homeland Security* (do not abbreviate) and include your **SEVIS N#** in the memo field. Must be drawn on a US financial institution.
- Copy of all previous EAD cards
- Proof of Employment while on the first, 12 month OPT period; Original letters from employers on official letterhead will be accepted. Documents **MUST** show dates of employment, employee and employer contact information. Total unemployment days cannot exceed 90!)

OIS will:

- Prepare a new I-20 with 17 month extension OPT request
- Assemble your application materials
- Provide an envelope for you to mail your application

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While you are on the 17-month OPT Extension ...

... you are still considered an EMU F1 student!!!

- You must submit a copy of your new EAD card to OIS upon its receipt
- You cannot begin work until you have your new EAD card in-hand
- **Name, Address, or Employer Changes** - You must report all name, US address, and employer name/address changes to OIS within 10 days. Your address must describe where you live; it cannot be a PO Box or an office address. Failure to keep this information current can jeopardize your immigration status!
- **Periods of Unemployment** - You must report to OIS all periods of unemployment. Failure to report can jeopardize your immigration status. You cannot have more than a total of 120 days of unemployment, including those while on your initial OPT period. During your job search you need to keep an accurate record of your efforts to find employment (company contacted, date, phone number, name of contact person etc.)
- **Validation Reporting** - Students must submit a validation report to the EMU OIS every six months to confirm name and address, employer name and address, and continuation of employment. The report is due within 10 days of the six-month reporting date.
- **Taxes** - Generally, if you've been in the United States less than 5 years, while on OPT you should be exempt from Social Security Tax & Medicare Tax (FICA) (See Internal Revenue Service Publication 519, "US Tax Guide for Aliens"). However, your earnings are subject to applicable federal, state & local taxes unless your country has a tax treaty with the USA exempting you from payment. Tax returns must be filed on or before April 15th each year, for the previous calendar year.
- **Health Insurance** - It is very important that you have health insurance while in the USA. If it is not provided by your employer, you may be eligible to continue your student policy; contact the Snow Health Center for more information. For your own financial wellbeing - BE INSURED at all times!!!
- **Travel while on OPT** - Before you travel, remember to:
 - Make sure your passport is valid at least 6 months into the future
 - Make sure your I-20 has been signed for travel within the past 6 months. If you need a new travel signature, bring or send your I-20 to OIS with a copy of your EAD card
 - Make sure your visa stamp is valid. If your visa is expired, you may need to renew it while overseas. If this is the case, please speak to an OIS advisor before traveling.
 - If you have an expired visa stamp & plan a short trip to Canada, Mexico, or adjacent islands, you may be qualified for Automatic Revalidation. Please contact an OIS advisor before traveling!
 - Carry your EAD card and proof of employment for the EAD time period with you. Proof of employment can include a letter from your employer and recent pay stubs.
 - **Dependent Travel** - Since OPT is not noted on dependent I-20's, an F2 dependent must carry copies of the F1 student's I-20 with OPT recommendation, EAD card & job offer letter in addition to their own F2 I-20 when traveling.
- **Change of Status** - If you change your immigration status during OPT, you are required to send us a copy of the approval document (i.e. H-1B). We recommend you begin this process before your OPT is expired.
- Your OPT will automatically terminate if a you transfer to another school or begin to study at another educational level. Please contact OIS if you plan to apply for another degree program or transfer to another school.
- Remember to depart the USA within the 60 day grace period that follows your last day of OPT. If you are subject to NSEERS special registration, please make sure to use official ports of departure and to complete the exit interview. You may also transfer schools or begin another program of study. Please let us know what you're going to do!

Final Checklist for Mailing 17-month Extension Request to USCIS

Once you've met with an OIS advisor (if possible), you will need to submit the following list of items to USCIS.

- 2 passport size, color photographs
- Personal check for \$340, made payable to the *US Department of Homeland Security* (do not abbreviate) and include your **SEVIS N#** in the memo field.
- I-765 Application for Employment Authorization, completed
- Photocopy of new I-20 requesting 17 month extension OPT (not the original)
- Photocopy of both sides of your original EAD card (s)
- Employer Letter
- Copy of Diploma or transcript showing conferred degree
- Copy of SEVIS Screen: Extend OPT Employment
- Photocopies of all I-20's showing previous CPT and/or OPT authorizations (include copies of previous EAD cards)
- Photocopy of original I-20 with original US entry stamp
- Photocopy of both sides of your current I-94
- Photocopy of your US Visa
- Photocopy of the picture page & expiration date of your Passport
- 1 additional photo identification (driver's license, student ID, etc.)

Mailing Address – varies based upon state of residence. If you live in **Michigan**, submit application to:
USCIS Service Center
PO Box 87765
Lincoln, NE 68501-7765

- The **US Postal Service** is the only expedited delivery service that delivers to a PO Box address. You may need to send your application via express (next day) mail to meet the USCIS deadline.
- If you are using a **non-Michigan return address** on your I-765, you will need to refer to page 11 of the USCIS I-765 instructions for the correct USCIS mailing address.
- If you later decide **NOT to mail your OPT Extension application** to USCIS, you must notify OIS immediately so that we can cancel your OPT recommendation in SEVIS. Failure to inform OIS that you are not applying for OPT can cause future problems.

Tracking your Application Status

Generally, within 2 – 3 weeks of sending your application you will receive a "Notice of Action;" this is proof that you have an application pending with USCIS. This document will contain your **LIN number** which can be used to check your case status on-line at <https://egov.uscis.gov/cris/jsp/index.jsp>.