EXTENSIONS OF OPT

Cap Gap Extension for OPT – H-1B transition

You must remain in contact with Carleton and inform the international student adviser of any possible changes to your status, such as F-1 to H-1B application. Consult with your employer's immigration attorney regarding further H-1B issues.

Those students whose employers have properly filed an H-1B petition and a change of status request (filed under the cap for the next fiscal year) will have their authorized employment period automatically extended until their approved H-1B start date, October 1.

Students whose H-1B petition were filed during the 60-day grace period after the end of their initial 12-month OPT will not be eligible to work, but may be able to stay in the US until October 1 if the H-1B petition is approved.

The cap-gap extension of F-1 status and OPT work authorization automatically ends on September 30. If the H-1B petition is rejected, denied, or withdrawn, the student's automatic OPT work extension and F-1 status will immediately end and the student will have 60 days (from notification of denial) to depart the US or change status.

Students **should not travel internationally** when an H-1B petition and a change of status application is pending.

The cap-gap extension is automatically granted to all students who meet the above criteria, and your employer may require proof of employment eligibility in the form of a new I-20. Please contact Carleton College and provide proof of H-1B application, including letter of employment and H-1B receipt notification.

Student must still report all the required changes, including unemployment period and address changes during the extension period, within 10 days of their occurrence. Students who have OPT extended due to the cap gap provisions continue to accrue unemployment time and are subject to the 90-day limit on unemployment.

In order to maintain your status and work authorization, students must report to Carleton the following within 10 days of any changes:

- Legal name
- Residential or mailing address
- Employer name and/or address
- Any periods of unemployment

STEM OPT 24-month Extension

Eligibility Requirements
https://www.uscis.gov/working-united-states/students-and-exchange-visitors/students-and-employment/stem-opt

Recipients of bachelor, master, and doctoral degrees in certain science, technology, engineering or mathematics (STEM) fields may be eligible for a one-time 24-month extension of post-completion Optional Practical Training (12-month), for a total of 36 months.

Student and the employer must meet and follow certain requirements in order to apply for and receive this authorized employment extension. Student must file a From I-765 <u>Application for Employment Authorization</u> to the United States Citizenship and Immigration Services (USCIS) similar to their initial 12-month OPT application for an Employment Authorization Document (EAD).

STEM Extension employer must participate in the U.S. Government E-Verify employment verification program and must report any termination of employment within 48 hours to Carleton College.

<u>Requirements for 24-month STEM Extension</u>
- Hold a degree in a major (no concentrations) included in the U.S. Government's list of STEM fields
- Currently participating in 12-months post-completion OPT
- Employed or will accept employment in a job directly related to his/her major area of study (minimum of 20 hours/week paid)
- STEM Extension Employer must be enrolled in U.S. Government's E-Verify program, www.dhs.gov/e-verify, and must report termination to Carleton within 48 hours
- Properly maintain F-1 status

<u>STEM Extension Additional Information</u>
- Must apply before expiration of the initial 12-month OPT, but no earlier than 90 days before the expiration date.
- STEM Extension EAD begins from the end date of initial 12-month EAD, regardless when STEM Extension was decided, and is only for one continuous 24 month period.
- Eligible employers can only be changed after student has received extension EAD, and new employer must also be E-Verify participant. Student must submit final evaluation for previous employer and new I-983 for updated employer.
- If the STEM extension is successfully received prior to the expiration of the initial OPT, students may continue employment until the application is processed or until 180 days have passed, whichever is earlier.

Types of Eligible Employment

STEM 24-month Extension Employment must be at least 20 hours/week for an E-Verify employer in a position directly related to his or her DHS-approved STEM Major CIP code.
- <u>Multiple employers</u>. Work for one or more employer, but all employment must relate to student's degree program and each employer must be enrolled in E-Verify and must complete I-983 training plan.
- <u>Work for hire</u>. Referred to as 1099 employment, where an individual performs a serviced on a contractual relationship rather than an employment relationship. The company for whom the student is providing service to must be E-Verify participant and employment must also be related to student's degree. If requested by DHS, student must provide evidence showing duration of the contract period and the name and address of the contracting company.
- <u>Self-employed business owner.</u> Student on STEM extension may start a business and be self-employed, but the student's business must be registered with E-Verify and the student must be actively engaged full-time in the business that relates to student's degree. Student must prove that s/he has the proper business licenses(s).
- <u>Employment through an agency or consulting firm</u>. Student's STEM Extension may be through employment agency or consulting firm but either must be E-Verify participant, but the third party contracting with the agency or firm (which the student is providing services) need not be.

It is recommended the student maintains evidence for each job documenting the position held, proof of the duration of that position, the job title, contact information for the student's supervisor or manager, and description of the work.

If it is not clear from the job description that the work is related to the student's degree, SEVP recommends that the student obtain a signed letter from his or her hiring official, supervisor, or manager stating how the student's degree is related to the work performed.

Application Procedures

Students and the Form I-983

Before applying to USCIS for a STEM OPT extension, a STEM OPT student must download, complete, sign and submit the Form I-983 to their DSO. The STEM OPT student and their prospective employer must work together to complete this form. STEM OPT students and their employers are subject to the terms of the 24-month STEM OPT extension regulations and Form I-983 instructions, effective as of the start date requested for STEM OPT, as indicated on the form.

Students are responsible for facilitating the completion of this form, submitting it with their STEM OPT application and returning it to their DSO, who will keep it in the student's record. DHS maintains the discretion to request and review all documentation for eligibility concerns.

The STEM OPT student must complete Section 1 of the Form I-983 and work with their prospective employer to complete Sections 2-6. For more information about these sections, please visit the Employers and the Form I-983 resource page. STEM OPT students are also responsible for completing annual self-evaluations.

Applying for STEM OPT I-20
1. Prepare the following documents (which you will also send to USCIS, unless otherwise indicated) and send them to Carleton by regular mail, email attachment or fax:
    a. Complete Carleton's OPT form (no need for professor's information), employer letter, and I-983 (these will not need to be sent to USCIS).
    b. Copy of each of these:
        i. Form I-765 for Employment Authorization Document (EAD), (https://www.uscis.gov/sites/default/files/document/forms/i-765.pdf)
            1. mark the 1.c box "Renewal of my permission to accept employment" and note:
            2. For items #5a-e, use own mailing address or one where mail can be received
            3. For item #12, Mark "Yes" since you previously applied for an EAD
            4. For item #27, enter (c) (3) (C) for 24month STEM OPT extension
            5. For item #28b-c, enter your employer's name and E-Verify number or a valid E-Verify Client Company Identification Number
        ii. Front and back of your current EAD (and any previous EAD cards).
        iii. (Un)Official Carleton transcript with degree and STEM major listed on it
        iv. Passport photo page and your current visa page
        v. Copy of your most recent I-94
    c. Carleton will prepare a new I-20 for you, and mail it back to you by regular mail for no charge or via prepaid express mail envelope that you provide. **Send copy of I-20 to USCIS. You will need to keep the original I-20 as proof of status.**
    d. Additional items that must be submitted with items in Section b. to USCIS in this order:
        i. $410 Payment by money order or cashier/personal check (make sure your checking account has enough money in it and is not closed)
        ii. Two (2) recent, no more than 30 days, passport photos in an envelope with your name and SEVIS ID written in pencil on the back of each photo. See for requirements – https://travel.state.gov/content/travel/en/us-visas/visa-information-resources/photos.html. *Make sure that you have not previously used these photos on any other legal document.*
        iii. Original Form G-1145: https://www.uscis.gov/g-1145. Be sure to complete the form clearly so that you can receive your filing number.

       iv.   Photocopy of pages 1 and 2 of your new I-20 endorsed for 24-month OPT extension. (Note: Make sure you sign the new I-20 and keep the original with your passport. I-20 signed by Carleton should be less than 30 days old before mailing application.) You will also need to include copies of all of your previous I-20s.

2.   Follow the directions published on the USCIS website for filing I-765, and file it with the USCIS Service center serving the area of your current residence. Use a trackable delivery service, i.e. FedEx, UPS, or DHL-- do not use USPS. In 2-3 weeks you will receive a Receipt Notification from USCIS to the address you listed in your application. You can track your case status at their My Case Status site, https://egov.uscis.gov/casestatus/landing.do.

    a.   Send Carleton a copy of your Receipt Notice from USCIS

    b.   Once you get your new EAD card, you must send a copy to Carleton

    c.   If you successfully file your 24-month OPT extension application before the expiration date listed on your current 12-month OPT period, you may continue your employment even if your previous EAD card is expired until your OPT extension is processed or until 180 days has passed, whichever is sooner.

Reporting Requirements to Carleton College during 24-month STEM Extension
Email Liz, ecody@carleton.edu, with all STEM OPT employment updates.

In order to maintain your status and work authorization, students must report the following within 10 days of any changes via email or fax:

- Legal name
- Residential or mailing address
- Employer name and/or address
- Loss of employment – EMPLOYER MUST REPORT to CARLETON within 48 hours after student leaves employer with student's name, SEVIS ID number (if available), and date of departure or termination on company letterhead.

In addition, students must submit a validation report to Carleton College every six (6) months, starting from the date the 24-month extension starts and ending when the student's F-1 status ends or the 24-month extension ends, whichever is first.

The validation report must include:
- Legal name
- Current mailing and residential address
- Name and address of the current E-Verify employer
- Date student began working for the current E-Verify employer

I-983 12 Month Evaluation- Due at one-year anniversary of your employment. You must submit an evaluation of your progress on your I-983 that is signed by you and your supervisor and submit it to Carleton via email.

I-983 Final Evaluation- Due at the end of your employment with your I-983 employer. You must submit a final evaluation of your work on STEM OPT that is signed by you and your supervisor and submit it to Carleton via email.

Unemployment Period

The 90 days permitted on 12-month OPT increases by 60 days for F-1 students who are on approved 24-month STEM OPT extension for a maximum of 150 days. Student must report to Carleton when unemployment begins and ends.

Travel during OPT

Student must not travel outside the US while the 24-month extension request is pending.

Once your STEM OPT extension has been approved, you should make sure you have the following documents with you in order to re-enter the US:

- Valid passport (at least 6 months pass the date of re-entry)
- Valid F-1 visa (apply for new one if it has expired)
- I-20 endorsed for OPT with travel signature less than 6 months old
- Unexpired EAD card
- Confirmation of employment letter from your E-Verify employer

Completion of OPT

After the expiration of your employment period on your EAD, you have a 60-day grace period during which you cannot work but may depart the US, change your status, or transfer to another school for further studies before end of the 60-day grace period.