

**DHS publishes proposed changes to the 17-month (STEM)
extension of OPT and Cap-Gap**

On October 19, 2015 the Department of Homeland Security (DHS) published proposed changes to the 17-month extension of OPT and Cap-Gap extension. These changes come in response to a U.S. District Court ruling invalidating the existing regulations. The court found that DHS did not follow the correct procedures for allowing for public comment when they issued the regulations in 2008. DHS was given until February 12, 2016 to republish the regulations with an appropriate notice and call for comments.

The proposed regulations include significant changes to the 17-month extension of OPT. If published as proposed, these changes will affect students currently on the 17-month extension, as well as students applying in the future. The proposed regulations were available for public review and comment at the [U.S. Federal Register](#) until November 18, 2015.

On January, 23, 2016, DHS was granted an extension through May 10, 2016 to publish the final regulations. For more information, read the Court's [order and memorandum opinion](#).

Eligible F-1 students can continue to apply for, and work on 17-month extension through the May 10th deadline. ISS will provide more information as it becomes available.

Read the proposed regulation in its entirety: [Improving and Expanding Training Opportunities for F-1 Nonimmigrant Students with STEM Degrees and Cap-Gap Relief for All Eligible F-1 Students](#)

Application Packet for the OPT 17-Month Extension for Designated Science, Technology, Engineering, and Math (STEM) Degrees

Eligibility Requirements

A qualified student may apply for a one-time extension of OPT while in a valid period of post-completion OPT. Only one 17-Month Extension is allowed so be sure to consider at which degree level you wish to utilize this option. The extension will be for an additional 17-months, for a maximum of 29 months of OPT, if all the following requirements are met:

- The F-1 nonimmigrant has not previously received a 17-month extension after earning a STEM degree.

The F-1 nonimmigrant must be currently participating in a period of standard OPT based on a bachelor's, master's, or doctoral degree on the [DHS STEM Designated Degree Program List](#). Please contact an international student advisor regarding the CIP code assigned to your UA major and whether it qualifies for the 17-month extension of OPT.

- Currently working for, or have job offer from, a U.S. employer in a job directly related to the student's major area of study and,
 - The employer is registered in the [E-Verify](#) program, as evidenced by either a valid E-Verify company identification number or, if the employer is using a designated agent to perform the E-Verify queries, a valid E-Verify client company identification number, and the employer is a participant in good standing in the E-Verify program, as determined by USCIS. A search tool with currently enrolled employers and contractors in E-Verify available [here](#).
 - The employer agrees to report the termination or departure of an OPT employee to the DSO at the student's school or through any other means or process identified by DHS if the termination or departure is prior to end of the authorized period of OPT. Such reporting must be made within 48 hours of the event. An employer shall consider a worker to have departed when the employer knows the student has left the employment or if the student has not reported for work for a period of 5 consecutive business days without the consent of the employer, whichever occurs earlier. The employer can report the termination or departure by emailing intl-opt@email.arizona.edu.
 - The student must also agree to submit a validation report to ISS every 6 months. Refer to the OPT 17-month Extension Reporting Agreement for more details.

Applications for the 17-month extension of OPT 214.2(f)(11)(i)(C) A student meeting the eligibility requirement may file for a 17-month extension of employment authorization by filing Form I-765, Application for Employment Authorization, with the appropriate USCIS fee and I-20 (including recommendation), **prior to the expiration date of the student's current OPT employment authorization document**. The student's employment authorization is considered automatically extended for up to 180 days while the 17-month extension EAD application is pending if a student's regular post-completion OPT expires after a 17-month extension of OPT I-765 is properly and timely filed. The employment authorization period for the 17-month extension begins on the day after the expiration of the initial post-completion OPT employment authorization and ends 17 months thereafter, regardless of the date the actual extension is approved.

Obtain form I-20 with DSO (Designated School Official) Recommendation for 17 month extension of OPT

To obtain recommendation of 17 month extension, a case management fee payment of \$150 to International Student Services (ISS) is required. The fee will be utilized to cover the cost associated with mandatory SEVIS compliance and record management. Submit the receipt confirming fee payment with your request to International Student Services. Initiate the payment process and obtain the receipt from the [OPT Case Management Fee](#) page.

Refund Information: Refunds are allowed if an ISS advisor rejects the request due to ineligibility for 17 month extension.

The reasons for a rejection and subsequent refund by ISS include, but are not limited to:

1. Late applications
2. Students that are determined to be out of status

3. Students that did not satisfy the eligibility requirements, as listed above
No refunds are provided:

1. After an I-20 is issued with recommendation for 17 month extension of OPT.
2. As a result of I-765 denial or delays of adjudication by USCIS.

The fee is separate from the \$380 processing fee required by USCIS when students submit Form I-765 to USCIS. For more information about the USCIS processing fee, please refer to step 2 of the OPT instructions outlined in this packet.

Periods of unemployment during post-completion OPT 214.2(f)(10)(ii)(E)

Students granted a 17-month extension may not accrue an aggregate of more than 120 days of unemployment during the total OPT period comprising any post-completion OPT carried out under the initial post-completion OPT authorization and the subsequent 17-month extension period. During post-completion OPT, F-1 status is dependent upon employment. Students may not accrue an aggregate of more than 90 days of unemployment during any post-completion OPT carried out under the initial post-completion OPT authorization.

Travel Outside of the United States 214.2(f)(13)(ii)

An F-1 student who has an unexpired EAD issued for post-completion practical training and who is otherwise admissible may return to the United States to resume employment after a period of temporary absence. The EAD must be used in combination with an I-20 ID **endorsed for reentry by the DSO within the last six months.** 214.2(f)(13)(ii). You still need a valid F1 visa and passport valid for at least 6 months into the future. Be sure to also bring a letter from your employer that they expect you to resume to work upon returning to the U.S.

Address changes while applying for OPT

When filling out the Form I-765, you should use the address where you currently reside. This address should also match your current UA Street Address in UAccess Student. If you will be moving while your OPT is pending, USCIS has provided instructions on how to update your address online or by mail. For a complete list of instructions, go to go to the [USCIS](#) homepage and type "Change of Address Information" in the search field.

Step 1: File Form AR-11 ([online](#) OR [by mail](#)). The AR-11 mailing address can be found on the AR-11 form.

Step 2: Change your address on any pending or recently approved applications or petitions ([online](#) OR by phone at 1-800-375-5283). Use the USCIS [Online Change of Address](#) system to complete steps 1 and 2 at the same time. **If you use the Online Change of Address to complete Form AR-11, you do NOT need to file a paper Form AR-11.** USCIS will confirm the receipt of your application by sending the I-797 "Notice of Receipt" form in 3-5 weeks. You should keep this receipt for future reference. It will also contain your receipt number, which you will need to change your address.

Note: If you have already received your EAD card and would like to report a change in address, you can do so with the OPT Reporting e-form. Instructions for OPT reporting are located on page 4 of this OPT packet.

Tax Concerns

In general, students who have been in the United States less than five years are exempt from Social Security (F.I.C.A.) taxes. Your earnings are subject to applicable federal, state, and local taxes. Students must file a tax return on or before April 15 of each year. Students may be entitled to a refund of taxes withheld from their wages if the amount of tax owed is less than the amount withheld. Please see ISS tax filing webpage for resources available to assist with completing your tax return at: [Tax Filing Resources for UA students](#)

Health Insurance

While regulations do not indicate that students are required to carry health insurance after graduation and participating in OPT, it is nonetheless extremely important that you enroll in an insurance plan. Some employers offer this as part of a benefits package, while others do not. Either way, please be sure to seek appropriate health insurance coverage while on OPT.

OPT 17-Month Extension Request Form

Name: _____
 (Please print) Last First Middle
Student ID: _____ **Phone:** _____ **Email:** _____
Date of Birth: ___/___/___ **Gender:** Male Female
Country of Citizenship: _____ **Country of Birth:** _____
Method of Pickup: In Person Friend/Relative (fill out **Authorization**) eShip Global (see **Mailing Information** below)

Authorization for Pickup:

I authorize _____ to **drop off** / **pick up** my document on my behalf. Please copy the above person via e-mail when my document is ready at _____.
 Signature: _____ Date: _____

Mailing Information:

If you are currently outside of Tucson or will not be in Tucson to pick up your documents, you can arrange to have your documents mailed to you by FedEx at your own expense. The International Student Services office uses an outside company, eShipGlobal to arrange payment and shipping via FedEx. **Even though eShipGlobal offers DHL as an option for express mail, ISS can only send mail through FedEx.** Click [here](#) for instructions on how to use eShipGlobal (full link: <http://global.arizona.edu/international-students/shipping-your-document>).

Step 1.

- Read all information above to understand eligibility and responsibility before proceeding.
- Read, sign and submit the OPT 17-month Extension Reporting Agreement (Page 4 of the OPT packet).
- Complete the OPT 17-month Extension Request Form.
- Complete the [I-765 form](#) (sign and date the form). Please read the instructions for the I-765 carefully to properly complete the form.
- Make sure you have already submitted [OPT Reporting e-form](#) to ISS within two weeks of submitting request for the 17-month extension.
- Make a photocopy of the front and back of your **I-94** admission card.
- Make a photocopy of the front and back of your current EAD card.
- Obtain a letter from your employer confirming your continued employment. Be sure it includes Company name, address, E-Verify number, supervisor's name & email address, and a statement confirming they understand their obligation to report the termination or departure of an OPT employee by sending an email to intl-opt@email.arizona.edu.
- Initiate the ISS [OPT 17-month Extension case management fee](#) payment process, and obtain a receipt confirming fee payment of \$150 (Full link: https://shop.global.arizona.edu/opt-case-management-fee?_ga=1.213290644.1822393349.1438543456)
- Submit the completed documents above with your original Form I-20, and fee payment receipt, to ISS.

If you are not living in the Tucson area, you may mail these items to:

International Student Services
 University of Arizona
 915 North Tyndall Avenue
 Tucson, AZ 85721

Provided you are eligible for the OPT 17-month extension, ISS will return your documentation in preparation for Step 2 within ten (10) business days from the date you submitted your **complete** application.

OPT Supplemental Information: I am have completed: Bachelor Master Doctorate in the following STEM major _____

(FOR OFFICE USE ONLY)

Date Received: _____ Date Prepped: _____ Date Completed: _____ Date Emailed: _____
 By: _____ By: _____ By: _____ By: _____

Notes:

OPT 17-MONTH EXTENSION REPORTING AGREEMENT

(You will receive a copy of this page when you pick up or receive your documents from ISS)

OPT REPORTING REQUIREMENTS: All students on OPT must report the following within 10 days of change:

Name (if your name has changed, send a copy of your new passport), street address, employer name, employer worksite address, periods of unemployment (see page 2 of OPT packet)

Once you have received your EAD card, you must submit a copy of your card and report the information above using the OPT Reporting e-form. The OPT reporting e-form is accessible on the [Forms page](#) of the ISS website (full link: <https://global.arizona.edu/international-students/opt-reporting>). Please send any questions to intl-opt@email.arizona.edu.

Students on the 17-month OPT extension must also make a validation report to ISS **every six months** starting from the date the extension begins and ending when the student’s F-1 status ends, the student changes educational levels at the same school, or the student transfers to another school or program, or the 17-month extension ends, whichever is first. The validation is a confirmation that the student’s information in SEVIS for the items in [sic] listed in paragraph (f)(12)(ii)(A) of this section is current and accurate. This report is due to the student’s DSO within 10 business days of each reporting date. **For most students, you will receive an email from an ISS advisor reminding you of this obligation each six months.**

By signing below, I acknowledge that I understand these new reporting requirements as mandated by the Department of Homeland Security and that I am responsible for my immigration status as it pertains to my F-1 student visa. I understand that ISS holds no responsibility for verifying accuracy or content of data on the I-765 form. Signing below does not guarantee an ISS recommendation for OPT or USCIS approval of OPT.

SIGNATURE

DATE

STUDENT ID NUMBER

Step 2

Once you receive your OPT documentation back from ISS, (including two I-20s: one is now your current form and the other will be stamped “COPY” for mailing) you will need to mail the following materials to USCIS:

- Proof of degree earned as requested on Form I-765 (such as official transcript or copy of diploma indicating level of degree and field of study).
- Form I-765, current version, completed and signed, marked with the appropriate code at Item 16: (c) (3) (c) for 17-month extension
- I-765 filing fee for **\$380** in the form of a check or money order payable to Department of Homeland Security. The I-765 must be received by USCIS BEFORE the end date of your current EAD card issued for standard post-completion OPT.
- Two (2) identical passport-style photos – for specifications, refer to page 7, item C, of the I-765 instructions you downloaded from USCIS. **The photos must have been taken within 30 days of filing your application.**
- The I-20 stamped “COPY” with original signatures (don’t forget to sign bottom of page 1). USCIS must receive your application within 30 days of when ISS issued your OPT I-20 and BEFORE the end date of your current EAD card issued for standard post-completion OPT.
- Photocopy of any previously I-20s issued to you from all US schools attended.
- A photocopy of your I-94 card, front and back.
- A photocopy of your current EAD card.
- Photocopies of the following passport pages:
 - o Passport ID pages: photo page, page with passport validity dates, including renewal page if original has expired, and pages showing amendments such as name changes, corrections, etc.
 - o Photocopy of the F-1 visa page (if any)
- PLEASE REMEMBER TO MAKE A COPY OF YOUR APPLICATION FOR YOUR RECORDS BEFORE SENDING TO USCIS.
- Optional: Use form G-1145 “E-Notification of Application Petition/Acceptance” to receive an email or text message notification of the status of your application. Note: USCIS states the form does not grant any status or benefit, and USCIS is not responsible for any cost associated with email/text message. View the instructions on the [USCIS e-notification](#) page (full link: www.uscis.gov/files/form/g-1145.pdf).
- If you live in Arizona and would like to send your documents express mail (recommended), send all materials to the address below. **If you do not live in Arizona, check the I-765 instructions for the appropriate mailing address for the Service Center serving the state in which you are residing.** To locate the correct mailing address, go to the [Direct Filing Addresses for I-765](#) website and scroll down to the (c)(3)(i) row and then to the bottom of the page.

USCIS
Attn: AOS
1820 E. Skyharbor Circle S
Suite 100
Phoenix, AZ 85034