



University at Buffalo
The State University of New York

Office of International Education
International Student and Scholar Services

OPTIONAL PRACTICAL TRAINING FOR F-1 STUDENTS APPLYING FOR THE 17-MONTH EXTENSION

On April 8, 2008, the Interim Final Rule “Extending Period of Optional Practical Training by 17 Months for F-1 Nonimmigrant Students with STEM Degrees and Expanding Cap-Gap Relief for All F-1 Students with Pending H-1B Petitions” was published in the U.S. Government’s Federal Register. Although a 60-day comment period followed the publication of the rule and the rule will certainly undergo changes after the comments are reviewed, the Interim Final Rule went into effect immediately. Therefore, some F-1 students are eligible to apply for the 17-Month Extension of OPT.

Who is eligible for the 17-month OPT extension?

F-1 students with STEM (Science, Technology, Engineering, Mathematics) degrees in the following fields are eligible for the 17-month OPT extension. [The STEM Designated Degree Program List is based on the “Classification of Instructional Programs” (CIP) developed by the U.S. Department of Education and is available at www.ice.gov/sevis/stemlist.htm]

- Actuarial Science - CIP Code 52.1304
- Computer Science Applications - CIP Codes 11.xxxx (except Data Entry / Microcomputer Applications, which are 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

Note: All CIP codes ending in “xx99” are currently excluded (they are “catch-all” categories usually designated by “Other” in the CIP lists).

What requirements must I meet to be eligible for the 17-month OPT extension?

- You must be currently authorized for a 12-month period of OPT and working for a U.S. employer in a job directly related to your field of study.

- You must have successfully completed a bachelor's, master's or doctoral degree in a field on the STEM Designated Degree Program list. A SEVIS-certified U.S. college or university must have conferred your degree.
- At the time of application for the 17-month extension, you must have a job offer or be employed by an employer registered with the "E-Verify" system.

What Is E-Verify?

E-Verify is an Internet-based system operated by the Department of Homeland Security (DHS) in partnership with the Social Security Administration (SSA). It allows participating employers to electronically verify the employment eligibility of their newly hired employees.

E-Verify is free and voluntary. However, there are concerns whether employers will want to join E-Verify. There have been reports of data discrepancies that resulted in verification errors, indicating a worker's ineligibility for employment when that is not true. Participating employers must also permit visits by DHS and SSA to review their employment records and interview employees.

For more information on E-Verify, visit:

www.dhs.gov/ximgtn/programs/gc_1185221678150.shtm

What must the employer do so that F-1 students can receive the 17-month OPT extension?

- The employer must be registered in E-Verify and give its E-Verify number to the student or ISSS.
- The employer must agree to report the termination or departure of the student to the International Student Office of the student's former school within 48 hours.
Note: If the student has not reported to work for five consecutive business days without the employer's consent, the employer is to consider the student to have left the job.

When should I apply for the 17-month extension?

We recommend that you apply for the 17-month extension 90 days prior to the expiration of your EAD card to allow sufficient time for USCIS processing and background checks.

How do I apply for the 17-month extension?

1. Submit an OPT application and supporting documents (see below) to ISSS.
2. When your application is complete, ISSS will enter your 17-month extension application into SEVIS, which will produce a new I-20 with the 17-month extension recommendation.
3. Pick up your new I-20 with the 17-month extension recommendation and other documents from ISSS.
4. Submit an application and supporting documents for an Employment Authorization Document ("EAD Card") to the USCIS Service Center.
5. Receive your EAD card in the mail from the USCIS.

What do I send to ISSS?

To apply for the 17-month extension, submit the following to ISSS:

- Form I-765 (*fillable on ISSS website*)
- International Student Data Form (*fillable on ISSS website*)
- Pre-paid express mail label
- **Copy of official transcripts OR a copy of your diploma** (as long as it specifies your field of study).
- **Copy of EAD card(s)**
- **Copy of your employment letter.** Note: The letter must include the following:
 - **Employer's E-Verify number**
 - **Employer's address**
 - **Dates of employment**
 - **Supervisor's name and contact information**

ISSS will enter your 17-month extension application into SEVIS and produce an I-20 with a recommendation on page 3 for the 17-month extension. **Processing time at ISSS is 2-5 business days.**

What do I send to the USCIS?

Mail the following to the USCIS **within 30 days of the issuance of your I-20** with 17-month extension recommendation **and the signature on your Form I-765:**

- Original Form I-765
- **Copy of official transcripts OR a copy of your diploma** (as long as it specifies your field of study).
- **Copy of EAD card(s)**
- **Copy of your employment letter**
- **Application fee of \$340**
 - This should be a check (from a U.S. bank) or a money order payable to the "Department of Homeland Security".
 - Write the 11-digit number from your newest I-94 card on your check or money order.
 - Don't forget to sign and date the check. (*Please see attached example of a properly written check.*)
- **Copy of your current I-20 – page 1 and page 3 with 17-month extension recommendation**
- **Copies of pages 1 and 3 of all previous I-20's (PHOTOCOPIES ONLY)**
- Copies of your current, valid passport (biographic and photo pages) and U.S. visa stamp page in your passport
- Copy of the front and back of your newest I-94 Card
- Two (2) identical natural color photographs of yourself, taken within 30 days of this application.
 - Please see attached specifications for the photos.
 - In pencil, please write your name and I-94 number lightly on the back of each photo.

Be sure to photocopy your entire OPT application for your personal records.

Where do I send my OPT application?

Send your application to: U.S. Department of Homeland Security
U.S. Citizenship & Immigration Services
Vermont Service Center
Attn. I-765
75 Lower Welden Street
St. Albans, VT 05479-0001

NOTE: *If your mailing address in item #3 on Form I-765 is not in New York State, please refer to the last page of this handout for instructions.*

How should I mail my OPT application?

You should mail your OPT application by a **reliable, overnight mail delivery service** (e.g. UPS, Federal Express) to the USCIS Service Center that has jurisdiction over the address you listed in item #3 on Form I-765. Utilizing an overnight mail service will enable you to track your mailed application and its delivery. Please save your receipt.

How long is the OPT application process?

Processing time at the USCIS is estimated to be 6-12 weeks. However, processing times vary widely depending on the time of year and the workload at the Service Center to which you send your application. You can check the USCIS website for current processing times: <https://egov.immigration.gov/cris/jsps/index.jsp>.

After I receive my EAD card, what must I do?

- **You must give a photocopy of your EAD card to ISSS**
- **You should keep the “Help USCIS Serve You Better” EAD card cover sheet.** (If you ever need to request another card, you will need to provide this sheet.)

- **You must send a report to ISSS every six months to verify:**
 - **Your name**
 - **Your residential address**
 - **The name and address of your employer**
 - **The date when you began working for your employer**

- **You must update ISSS about the following within ten days:**
 - Any change in your name
 - Any change in your residential address
 - Any change of employer or employer’s address
 - Any interruption of employment lasting longer than 10 days

Do I have to maintain employment?

The Interim Final OPT Rule published on April 8, 2008 permits F-1 students who are authorized for the 17-month OPT extension to be unemployed for a maximum of 120 days during their entire OPT period, and to report their employer's name and address to their school within that time frame. Possible consequences to remaining in the U.S. after the 120-day deadline without a job include loss of visa status, denial of future immigration benefits, etc. **Recently, the Department of Homeland Security further clarified how unemployment may affect your status. Starting in early 2009, the SEVIS record of any student who does not report employment within the required time frame will automatically be terminated. The auto-termination will take place within 6 months. Therefore, it is imperative that you not only maintain employment, but that you report it to the ISSS office in a timely fashion.**

What types of employment are acceptable while on OPT?

There are various types of employment you may accept while on OPT. Any employment you choose must be directly related to your program of study.

- Regular paid employment - for at least 20 hours per week. *Note: Employer must be registered in E-Verify.*
- Multiple employers. Total hours worked may not exceed 40 hours per week. *Note: Employers must be registered in E-Verify.*
- Payment by multiple, e-verified short-term employers. Ex. Musicians and other performing artists may work for multiple short-term employers (gigs). You should maintain a list of all gigs, including dates and duration. *Note: Employers must be registered in E-Verify.*
- Work for hire. This is commonly referred to as "1099 employment", where an individual performs a service based on a contract. You should keep a record of the length of each contract as well as the name and contact information for each contracting company. *Note: Employer must be registered in E-Verify.*
- Self-employed business owner. You may start a business and be self-employed; however, you must work full-time (40 hours per week). You must also have proper business licenses. *Note: Employer must be registered in E-Verify.*
- Employment by an agency. You must keep proof that you worked at least an average of 20 hours per week while employed by an agency. *Note: Employer must be registered in E-Verify.*

Can I work while my 17-month extension application is pending?

Yes. Your application to the USCIS automatically extends your work authorization for up to 180 days while the application is pending. If you have not received your EAD card within 90 days of applying, please contact the ISSS office.

Can I change employers while the 17-month extension application is pending?

Yes. However, your new employer must be registered in E-verify. You are required to report any change of employment to ISSS.

Can I travel outside the U.S. while my 17-month extension application is pending?

NO!!!

After I receive my new EAD card, what should I carry when I re-enter the U.S. while on OPT?

- **Employment letter on employer's letterhead verifying your OPT employment**
- **Both EAD cards**
- I-20 with the OPT recommendations on page 3
- Signature from ISSS on page 3 of your I-20. Must have been signed within the last 6 months
- Originals of all previous I-20's
- Valid F-1 visa
- Valid passport

PLEASE REMEMBER:

- **EADs may not be forwarded to new addresses by the U.S. Post Office.** Therefore, you must be certain that the address you list in item #3 of Form I-765 is (and will be) your address when your application is processed.
- **If you transfer to another school or begin study at another educational level at UB, then your OPT authorization will automatically be terminated.**
- While on OPT, you are still in **F-1 status**.
- While you are on OPT, **you must notify ISSS of any change of home or employer's address within 10 days and send us a report every six months.** Please e-mail this information to intlservices@buffalo.edu.
- While you are on OPT, you must have your **I-20 signed every six months**.

10/08

| If you live in: | | Mail your application to: |
|---|---|--|
| Connecticut D.C. Maryland New Hampshire New York Puerto Rico Vermont West Virginia | Delaware Maine Massachusetts New Jersey Pennsylvania Rhode Island Virginia U.S.V.I. | For both U.S. Postal Service and private courier deliveries: USCIS Vermont Service Center ATTN: I-765 75 Lower Welden Street St. Albans, VT 05479-0001 |
| Arizona Guam Nevada | California Hawaii | U.S. Postal Service deliveries: USCIS California Service Center P.O. Box 10765 Laguna Niguel, CA 92607-1076 For courier/express deliveries: USCIS California Service Center 24000 Avila Road 2nd Floor, Room 2312 Laguna Niguel, CA 92677 |
| Alabama Florida Kentucky Mississippi North Carolina South Carolina Texas | Arkansas Georgia Louisiana New Mexico Oklahoma Tennessee | U.S. Postal Service deliveries: USCIS Service Center Texas Service Center P.O. Box 851041 Mesquite, TX 75185-1041 For courier/express deliveries: USCIS Texas Service Center 4141 N St. Augustine Rd Dallas, TX 75227 |
| Alaska Idaho Indiana Kansas Minnesota Montana North Dakota Oregon Utah Wisconsin | Colorado Illinois Iowa Michigan Missouri Nebraska Ohio South Dakota Washington Wyoming | US Postal Service deliveries: USCIS Service Center Nebraska Service Center P.O. Box 87765 Lincoln, NE 68501-7765 For courier/express deliveries: USCIS Nebraska Service Center 850 S. Street Lincoln, NE 68508-1225 |

If your response to **Question 10** is:

- (a)(9)**, admitted as a K-3 spouse or K-4 dependant; or
- (c)(10)**, and you are a NACARA 203 applicant eligible to apply for relief with USCIS, or if your I-881 application is still pending with USCIS and you wish to renew your EAD:

Mail your EAD application with the required fee to the appropriate USCIS service center below:

If you live in Alabama, Arkansas, Colorado, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Oklahoma, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, Tennessee, Texas, Utah, the U.S. Virgin Islands, Vermont, Virginia, West Virginia, or Wyoming, send your application to (this address may be used for both U.S. Postal Service and private courier deliveries):

USCIS
Vermont Service Center
Attn: I-765
75 Lower Welden St.
St. Albans, VT 05479-0001

If you live in Alaska, Arizona, California, the Commonwealth of Guam, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, North Dakota, Oregon, Ohio, South Dakota, Washington, or Wisconsin, mail your application to:

USCIS
California Service Center
P.O. Box 10765
Laguna Niguel, CA 92607-1076

For courier/express deliveries:

USCIS
California Service Center
24000 Avila Road
2nd Floor, Room 2312
Laguna Niguel, CA 92677

NOTE: You should submit the fee for the EAD application on a separate check or money order. Do not combine your check or money order with the fee for Form I-881.