

## **OPT Regulation Changes - Interim Final Rule**

As an F-1 student, please read every section of this entire message so that you are aware of important updates that impact your rights and responsibilities for maintaining status.

On April 8, 2008, the Department of Homeland Security (DHS) published an interim final regulation, effective immediately that changes some of the regulations pertaining to Optional Practical Training (OPT) for F-1 students.

### **I. Information for CURRENT students who are NOT on OPT**

#### **Change in OPT application filing period.**

- The new rule will now allow F-1 students to file for OPT up to 60 days after completion of program/degree requirements.

### **II. Information for students who are currently on OPT**

#### **A. “Cap-Gap” employment authorization**

- Cap-gap is the time between the end of a student’s OPT period and the beginning of H-1B status.
- The new rule automatically extends OPT work authorization and duration of status for **ALL** F-1 students who have OPT authorized and have an employer who has filed a timely H-1B application with a requested October 1 employment start date
- The extended OPT authorization is automatically ended if the H-1B petition is rejected, denied or revoked. Please plan accordingly.

#### **B. 17 month OPT extension for STEM students**

- F-1 students who received a bachelor’s, master’s or doctoral degree in a STEM (Science, Technology, Engineering or Math) field may apply for a single 17-month extension of their 12-month OPT period. Students who receive the 17-month extension are not eligible to apply for another, even if they completed another higher degree in a STEM field.
- Requirements for the 17-month extension after earning a STEM degree:
  - 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 bachelor's, master's, or doctoral degree in a field on the DHS STEM Designated Degree Program list.
  - Student employer must be registered with the E-Verify employment verification system.
  - Student will have to apply for the 17-month extension on Form I-765 with the required fee.

#### ***Important!***

- **Students who timely file an application for the 17-month OPT extension will be able to continue employment while the extension application is pending, until a final decision on the I-765 or for 180 days, whichever comes first.**

- **Actual implementation of the 17-month extension will commence once USCIS and SEVP procedures and implementation instructions are published.**
- **Application procedure for the 17-month extension will be sent to your ASU email and posted on the ISO website as soon as they become available.**

### **C. Periods of unemployment while on OPT**

- During post-completion OPT, F-1 status is dependent upon employment. The new rule limits periods of unemployment to the following:
  - 90 days, for all students while on the 12 month period of OPT
  - 120 days, applied to the whole 29 month period, if someone receives the 17 month STEM OPT extension.

#### ***Important!***

- The new rule also requires that the employer must agree to report a termination or departure of the student through a means or process yet to be identified by the Dept of Homeland Security. An employee is considered to have departed when the employer knows the student has left employment or has not reported for work for a period of 5 consecutive business days without the employer's consent.

### **D. Additional reporting requirements while on OPT**

- The regulations require all students on OPT to update ISO within 10 days with any change of name and address. The new regulations also require all students on OPT to report employer's name & address and status/interruption of employment.. All address updates can be made through ASU Interactive. Employment updates will temporarily be done by sending an email to [ISOadvisor@asu.edu](mailto:ISOadvisor@asu.edu) until further notice.
- STEM students who are given 17-month extension are required to report to the ISO within 10 days any change of name, address, employer's name & address and status/interruption of employment. In addition, student must contact the ISO every six (6) months to verify current information. The ISO will send courtesy reminders at the start and end of the semester via ASU email to include this reporting requirement. However, it is the student's responsibility to maintain status by reporting all changes in a timely manner.

For questions, send an email to: [isoadvisor@asu.edu](mailto:isoadvisor@asu.edu)

Thank you.  
International Student Office