USCIS has announced five major changes that will affect the F-1 student population. The handout below briefly outlines each change. USCIS continues to release updates on the new OPT provisions.

NEW DEADLINE FOR APPLYING FOR POST-COMPLETION OPT

F-1 students can now apply for post-completion OPT up to 60 days following their program completion date. Keep in mind, however, USCIS still adjudicates I-765 applications within 90 days, and 12 months of post-completion OPT can only be used within the 14 months following the program completion date. Therefore, it is still best to plan ahead when applying for OPT.

Additionally, all OPT applications must be properly filed within 30 days from the date on which the OISS recommends the OPT in SEVIS. If the OPT recommendation in SEVIS is dated more than 30 days prior to the USCIS receipt date, the application may be denied.

LIMITS ON PERIODS OF UNEmployment during post-completion OPT

As of April 8, 2008, F-1 students on post-completion OPT are limited to 90 days of unemployment for each period of OPT at each academic level. STEM students on 17-month OPT extension (see Page 2) are given an additional 30 days of unemployment for a total of 120 days over the entire post-completion OPT period. Periods of unemployment during post-completion OPT prior to April 8, 2008 will not count. Current interpretations of the new provision do not outline unemployment limits for pre-completion OPT.

Students who exceed the unemployment limit may be denied future immigration benefits which require valid F-1 status. The new provision also allows ICE/SEVP to terminate student records based on excessive unemployment.

REPORTING REQUIREMENT FOR ALL STUDENTS ON POST-COMPLETION OPT

All students on post-completion OPT and extended OPT must report to OISS to verify the following information:

<table>
<thead>
<tr>
<th>Personal Information</th>
<th>Employment Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Legal name</td>
<td>1. Employer name</td>
</tr>
<tr>
<td>2. Email address</td>
<td>2. Employer address</td>
</tr>
<tr>
<td>3. Residential address</td>
<td>3. Employment start date</td>
</tr>
<tr>
<td>4. Mailing address</td>
<td>4. Employment end date (when applicable)</td>
</tr>
</tbody>
</table>

Each student is responsible for reporting any change in the information above, as well as unemployment information, to the OISS within 10 days of the change to avoid situations where a DHS officer may determine a student to be out of status. Special note for students on STEM extension: in addition to the 10 day rule, you are required to verify personal and employment information with OISS every six months during your 17 month extension.

Students should keep a record of all reports made to the OISS. DHS also suggests that students keep clear records for all periods of employment and unemployment during OPT. The following list contains suggested evidence of employment:

- Job title
- Proof of employment duration (start date and end date, when applicable)
- Contact information for supervisor and/or manager
- Description of work
- Signed letter from employer stating how nature of the work is related to student’s degree, if not already implicit in job description

You may be required to prove the existence (or nonexistence) of periods of unemployment in future petitions for immigration benefits; therefore, it is very important to document the start and end dates of any periods of unemployment, along with the employment information above.
17-MONTH EXTENSION OF OPT FOR STEM DEGREE-HOLDERS CURRENTLY ON OPT

The one-time 17-month OPT extension applies to F-1 students currently on OPT based on completion of a degree earned in the science, technology, engineering and mathematics (STEM) fields; the new provision allows for a maximum of 29 months of OPT. USCIS created the extension so that employers may have a chance to file H-1B petitions, on behalf of STEM students, in two consecutive fiscal years if necessary.

In the United States, each academic degree program or major has an accompanying Classification of Instructional Programs (CIP) code. For F-1 students, the CIP code is used in SEVIS as confirmation of the academic degree program or major name. A student’s CIP code must appear on the STEM Designated Degree Program List in order to be eligible for the 17-month OPT extension.

To check your eligibility, locate your CIP code on the top of page 3 of your Form I-20 and review the STEM Designated Degree Program List (Please note the major name listed on Form I-20 may differ slightly from the title of your major at DePaul University): http://www.ice.gov/sevis/stemlist.htm

ALL individuals applying for the 17-month OPT extension must first meet the following requirements:

- Must have a bachelor’s, master’s or doctorate degree included on the STEM Designated Degree Program List
- Must be in an approved period of post-completion OPT based on the designated STEM degree
- Must apply for the extension before the current post-completion OPT expires
- Must have an employer which is enrolled in the E-Verify System. More information can be found at www.uscis.gov/E-Verify


AUTOMATIC “CAP-GAP” EXTENSION

The F-1/H-1B “Cap-gap” occurs when F-1 students’ status expires before they can start approved H-1B employment in the next fiscal year beginning October 1.

The Cap-Gap Extension applies to all F-1 beneficiaries of H-1B and concurrent change of status petitions. Under this rule, if a student holds F-1 status or is in their 60 day grace period at the time the H-1B petition is filed on April 1, the student’s F-1 status may be extended while the H-1B petition is pending. Qualifying F-1 students may remain in the U.S. until October 1 of the next fiscal year when their H-1B status begins.

Students in a period of post-completion OPT at the time the H-1B petition is filed may also be eligible for an extension of work authorization to October 1. Limits of unemployment continue through the Cap-Gap Extension period.

The Cap-Gap Extension terminates when USCIS rejects, denies, or revokes the H-1B petition. F-1 students may only benefit from automatic Cap-Gap extension if they have not violated their status.