



Optional Practical Training (OPT) Extension Packet

Updated March 26, 2009

This packet is only for F-1 students who are currently engaged in active OPT. If you wish to apply for the initial 12-month period of OPT, you need to find the OPT application packet:

<http://international.uiowa.edu/oiiss/documents/Employment-OPT-Application.pdf>

**Stay aware of the OPT rules and requirements while you are on OPT;
check this packet often for updates.**

In this packet you will find sections on the following:

- **What Do I Need to Know Before I Apply for the OPT Extension?**
- **What is E-Verify?**
- **How do I apply for OPT Extension?**
- **What Happens After I Mail My Extension Application?**
- **Travel and OPT Extension**
- **Reporting Information to OISS While on Extended OPT**
- **Unemployment and OPT**
- **Information for Students Planning to Apply for H-1B While on OPT**
- **E-Verify Information for Employers**

What Do I Need to Know Before I Apply for the OPT Extension?

Who is Eligible for an OPT Extension?

The extension is available only to F-1 students currently authorized for and actively participating in an initial period of 12-month OPT who meet very specific criteria:

1. Student must be participating in OPT based on a Bachelors, Masters, or Doctorate earned (i.e. must have graduated) in one of the following STEM (Science, Technology, Engineering, or Math) areas. Only the most recent degree earned, for which the initial OPT was issued, is eligible for consideration. Prior degrees cannot be considered. Please note your degree must match the specific CIP Code listed below (the CIP Code will print on the last page of your I-20 if you have an I-20 updated after April 18, 2008). If your CIP Code does not match, OR if the CIP Code ends in the two digits “99” then you are not eligible for an OPT extension. This STEM Designated Degree Program List is issued and updated by the federal Department of Homeland Security; there is no flexibility to grant an OPT extension for a major that does not meet the CIP Code guidelines. OISS will make the final determination of your CIP Code match when you apply for the extension; a list of eligible University of Iowa majors is included with this packet.
 - a. Actuarial Science: CIP Code 52.1304.
 - b. Computer Science Applications: CIP Codes 11.xxxx, *except* 11.xx99 and 11.06xx Data Entry/Microcomputer Applications
 - c. Engineering: CIP Codes 14.xxxx, *except* 14.xx99
 - d. Engineering Technologies: CIP Codes 15.xxxx, *except* 15.xx99
 - e. Biological and Biomedical Sciences: CIP Codes 26.xxxx, *except* 26.xx99
 - f. Mathematics and Statistics: CIP Codes 27.xxxx, *except* 27.xx99
 - g. Military Technologies: CIP Codes 29.xxxx, *except* 29.xx99
 - h. Physical Sciences: CIP Codes 40.xxxx, *except* 40.xx99
 - i. Science Technologies: CIP Codes 41.xxxx, *except* 41.xx99
 - j. Medical Scientist (MS, PhD): CIP Code 51.1401
2. Student must be employed with an employer who is enrolled in the E-Verify program. More details about the E-Verify program will be given later in this packet.
3. Student has never received a 17-month OPT extension.

When Should I Apply for the OPT Extension?

Apply for your OPT extension 90 days before your current OPT ends.

You will be eligible for one 17-month extension. The 17 months are automatic; OISS has no way to shorten or lengthen the amount. Nor can you “save” any to use for future OPT’s.

What is E-Verify?

What is E-Verify?

E-Verify is a free and simple to use Web-based system that electronically verifies the employment eligibility of newly hired employees. E-Verify is a partnership between the Department of Homeland Security (DHS) and the Social Security Administration (SSA). U.S. Citizenship and Immigration Services (USCIS) oversees the program.

E-Verify works by allowing participating employers to electronically compare employee information taken from the Form I-9 (the paper-based employee eligibility verification form used for all new hires) against more than 425 million records in SSA's database and more than 60 million records in DHS immigration databases. Results are returned in seconds.

How Can My Employer Sign Up?

Your employer should go to <http://www.uscis.gov/e-verify>

An employer's participation in E-Verify is voluntary and is currently free to employers.

To participate, an employer must register online and accept the electronic **Memorandum of Understanding (MOU)** that details the responsibilities of SSA, DHS, and the employer.

Can I Still Get an Extension if My Employer Does Not Sign Up for E-Verify?

No. USCIS will not approve any extension applications where the employer is not participating in E-Verify.

What Other Responsibilities Does My Employer Have?

Federal law at 214.2(f)(10)(ii)(C)(4) requires employers to report the termination or departure of an OPT employee to the Designated School Official (DSO) at the school which helped the employee obtain OPT authorization. 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.

How do I apply for the OPT Extension?

1. **Complete form I-765** (a sample form is provided for reference).
 - a. Make sure you use the OISS address as indicated on the form I-765 instructions. Keep the original I-765 form as you will need to include it when you mail your final extension application to USCIS.
2. Complete the **Request for OPT Extension form**, included with this packet.
3. You may choose to **fax both forms** to OISS at 319-335-2021 **or email them as attachments to ip-sevis@uiowa.edu**. Make sure you have completed ALL requested information, or your application will be rejected.
4. OISS will then **create an updated I-20** to reflect your extension request. We will then mail two copies of the I-20 to you at the address you provide on the Request form. We will also return the copy of the I-765 with any indications for corrections or edits that you need to make on your original form. Allow at least two weeks for the creation and mailing of the extension I-20. Once you receive the I-20, mail your application to USCIS following the instructions below:

Mailing Your Application to USCIS

Send the following documentation to USCIS to apply for OPT extension, arranged **IN THE ORDER** listed below:

- ❑ **Application Fee** - The cost is **\$340**. Personal checks or money orders must be in the exact amount and payable to "**United States Department of Homeland Security**." **Personal checks are preferable to money orders**, because they can more easily be traced in case of problems.
- ❑ **Two identical "natural color" passport photos** – These are *U.S.-style* passport photos –For more details on the photograph specifications, please go to: http://www.travel.state.gov/passport/pptphotos/digital_photography.html
- ❑ **Form I-765** (*See sample I-765 with instructions*).
- ❑ **Copy of new OPT extension I-20** that you will receive from an OISS adviser.
- ❑ **Copy of your transcript** – it must indicate the degree level and title of major/degree program. Official or unofficial transcript OK.
- ❑ **Letter from your employer** – can be brief, just needs to detail how the work you are doing relates to the area in which you received your degree and for which the OPT is authorized.
- ❑ A copy of your **MOST RECENT Form I-94**, front and back (make sure the immigration stamp is visible on the copy).
- ❑ A copy of **BOTH your passport photo/information page showing the passport expiration date AND your most recent U.S. visa**.
- ❑ A copy of all **previous EAD cards**.

Where to Mail:

The OISS strongly recommends that you make a photocopy of your entire application and that you send it by "**certified mail, return receipt**." This will provide you with evidence that your application was received by USCIS.

*U.S. Department of Homeland Security
United States Citizenship and Immigration Services
Nebraska Service Center
P.O. Box 87765
Lincoln, NE 68501-7765*

In the event that there is a delay in the processing of your application, the OISS will not be able to help you if you do not have a photocopy of your application and a U.S. Postal Service certified mail return receipt.

What Happens After I Mail My OPT Application?

Processing Information:

About 3-4 weeks after you mail your application, you should get a special receipt letter from the USCIS called a *Notice of Action*. This letter will actually be mailed to OISS, and we will email you to notify you when it arrives. Remember to keep this letter, since it will contain a special number beginning with the letters “LIN...” that refers to your specific application. If you do not receive the Notice of Action after 5 weeks, please notify the OISS.

The Notice of Action also has a phone number that you can call to **check on the status of your application**. This number is generally busy during the day, so you may have more success getting through late at night. You now also have the option of checking online at <https://egov.uscis.gov/cris/jsp/index.jsp>. To do so you must have the LIN number from your Notice of Action.

Decision on Your Application:

The average processing time for OPT is currently 3 months; it could happen faster or could take longer in individual cases, so apply well in advance. If your application is approved, your Employment Authorization Document (EAD) card will be mailed to the OISS and we will notify you by email that it has arrived. In the very unlikely event that your application cannot be granted, you will receive an explanation for the denial. Likewise, if USCIS wants you to send additional or supporting documentation before they will proceed with your application, they will send a letter to OISS and we will notify you by email.

Will I be eligible for another 17-month extension if I go back to school and get another degree?

No. The 17-month extension is available once per person, regardless of whether or not you go on to obtain a higher degree level and do another 12-month period of OPT.

Can I Change Employers Once I Apply for an Extension?

Once the extension is approved, you may change to work for another employer who is also enrolled in E-Verify. You must notify OISS when this occurs. However, OISS does not recommend you change employers while the extension is pending. You may not work for any employer during the extension period who is not enrolled in E-Verify.

What Kind of Job Can I Take?

As always, OPT employment must be related to the area in which you just obtained your most recent degree, i.e. in the area for which the OPT was authorized. Prior degrees in different areas, whether earned in the U.S. or abroad, cannot be used as the basis for OPT employment.

Can I Keep Working While Waiting for My OPT Extension Decision?

Students who file an application for the 17-month OPT extension in a timely way (we recommend 90 days) before their existing OPT expires will be able to continue employment while the extension application is pending until a final decision is made on the I-765 OR for 180 days, whichever comes first.

Travel and OPT Extensions

What if I need to travel outside the U.S. while my OPT extension is pending?

The OISS has received no guidance from Homeland Security on how such cases will be handled. In similar situations, when an immigration application is pending, traveling outside the U.S. may be considered as

abandoning the application. Because we are uncertain at this time, we do not recommend you travel outside the U.S. until your OPT extension has been approved. If this changes we will update this packet to indicate so.

Reporting Information to OISS While on Extended OPT

While on OPT you are still legally required to report certain information to OISS. Changes to any of the following must be reported **within 10 days** of the event. To report, use our online form at <http://international.uiowa.edu/oiss/students/current/employment/OPT-reporting.asp>

- Changes in name or residential/ mailing address
- Report your employer name, address, and supervisor's email within 10 days of any changes or new employment
- Report changes to another immigration status
- If you will leave your OPT employment before your OPT end date
- Notify OISS if your email address changes

Validation Reports to OISS Every 6 Months

Every six months, starting from the date your extension begins (i.e. the day after your current 12-month OPT ends) you are required by federal law to “check in” with OISS. These check-ins will be done via the internet, at which time you will provide your legal name, current residential address, current email, your employer’s name, employer’s address, and whether or not you are still currently employed there. When your OPT extension I-20 is sent to you, you will be provided with a time table instructing you when your six-month check-ins must be done.

The six-month check-ins are in addition to reporting within 10 days any changes that occur, as detailed in the previous section. The six-month check-in must be done even if there are no changes to your situation.

Please be aware that Homeland Security indicates students on extended OPT who fail to submit information within the 6-month check-in period will be viewed as violating status and F-1 status will be terminated. OISS does not track and remind students on extended OPT to do this reporting – it is your responsibility to remember to do so at the proper time every 6 months.

Unemployment and OPT

During post-completion OPT, F-1 status is dependent upon employment. Students may not accrue an aggregate of more than 90 cumulative days of unemployment during any post-completion OPT carried out under the initial 12-month post-completion OPT authorization. Students granted a 17-month OPT extension may not accrue an aggregate of more than 120 days of unemployment during the total 29-month OPT period. If you are unemployed for more than the permitted lengths of time you must consider your OPT to be automatically cancelled and your F-1 status ended.

Note that volunteer positions do NOT qualify for the extension.

Information for Students Planning to Apply for H-1B While on OPT

What if I have applied for an H-1B on April 1 but my OPT will end before October 1?

Duration of status and work authorization may be extended for a student on OPT who meets the following criteria:

- your employer filed your H-1B application on April 1 requesting an employment start date of October 1 of the same year
- your employer requests a “change of status” to H-1B and **NOT** “consular processing”
- you have otherwise followed the F-1 regulations

For more specific details, and information on how to request the Cap Gap extension, see:

<http://international.uiowa.edu/oiss/documents/H1B-Cap-Gap-Extension.pdf>

The ability to remain in the U.S. and continue working with the same employer does not apply to students with H-1B petitions to work in higher education or nonprofits, as they are not currently restricted by an H-1B “cap” nor are they limited in when they must apply for the H-1B. They also have the option of applying for expedited H-1B processing.



Employer Obligations for Employees On Optional Practical Training (OPT)

Please give this page to your OPT employer.

Dear Employer,

This information is provided to make you aware of the regulations and requirements you will be expected to follow as an employer of a student on OPT, as put forth in the Code of Federal Regulations at 8 C.F.R. 214.2. These federal requirements will be very easy to comply with; please be aware that the Office of International Students and Scholars is always available to help interpret or explain what steps you need to take to keep your international employee. Please be aware that your employee will not be eligible for an OPT extension if you are not signed up in E-Verify.

E-Verify

In order for your employee to be eligible to extend the OPT for an additional 17 months, federal regulations (8 C.F.R. 214.2(f)(10)(ii)(C)(3) requires the employer to register with the federal E-Verify system.

E-Verify is a free and simple to use Web-based system that electronically verifies the employment eligibility of newly hired employees. E-Verify is a partnership between the Department of Homeland Security (DHS) and the Social Security Administration (SSA). U.S. Citizenship and Immigration Services (USCIS) oversees the program.

E-Verify works by allowing participating employers to electronically compare employee information taken from the Form I-9 (the paper-based employee eligibility verification form used for all new hires) against more than 425 million records in SSA's database and more than 60 million records in DHS immigration databases. Results are returned in seconds.

To sign up for E-Verify go to <http://www.uscis.gov/e-verify>

To participate, you as the employer must register online and accept the electronic **Memorandum of Understanding (MOU)** that details the responsibilities of SSA, DHS, and the employer.

Once you are approved, you will be given an E-Verify number. Please share this number with your OPT employee, who will have to provide the number during his/her OPT extension application.

Be sure to retain the number as you will need to use it for future OPT employees.

Reporting the End of Employment

Federal law at 8 C.F.R. 214.2(f)(10)(ii)(C)(4) requires employers to report the termination or departure of an OPT employee to the Designated School Official (DSO) at the school which helped the employee obtain OPT authorization. Such reporting must be made with 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.

This reporting can be done by sending an email to ip-sevis@uiowa.edu

SAMPLE I-765 Form for 17-Month OPT Extension—

Follow these instructions carefully:

1. Go to <http://www.uscis.gov/files/form/I-765.pdf>
2. Type information on the form using OISS instructions below, not the instructions found on the website. Type and print; **do not use handwriting.**
3. Print, sign, and fax or mail this form to the OISS to request a new I-20 for extension.

Application Denied.

- Failed to establish eligibility under 8 CFR 274a.12 (a) or (c).
 Failed to establish economic necessity as required in 8 CFR 274a.12(c)(14), (18) and 8

If not Nebraska Service Center, please write correct office (California, Texas, or Vermont)

I am applying for: Permission to accept employment.
 Replacement (of lost employment authorization document)
 Renewal of my permission to accept employment (attach previous employment authorization document).

1. Name (Family Name in **CAAS**) (First) (Middle) (Last Name)
LAST NAME, First Name Middle Which USCIS Office? Nebraska Service Center Date(s) Dates from old EAD card

2. Other Names Used (Include Maiden Name)

Results (Granted or Denied - attach all documentation)

OPT Granted (attach copy of EAD card)

Use the OISS address as shown here.

3. Number and Street) (Apt. Number)

12. Date of Last Entry into the U.S. (mm/dd/yyyy)

c/o OISS Adviser, Univ. of Iowa 1111 UCC

Enter the information found on I-94 card.

(Town or City) (State/Country) (ZIP Code)
Iowa City, IA 52242

13. Place of Last Entry into the U.S.
Enter the information found on I-94 card.

4. Country of Citizenship/Nationality

14. Manner of Last Entry (Visitor, Student, etc.)

F-1 Student (if not F-1, please consult OISS adviser)

5. Place of Birth (Town or City) (State/Province) (Country)

15. Current Immigration Status (Visitor, Student, etc.)

F-1 Student

6. Date of Birth (mm/dd/yyyy) 7. Gender
 Male Female

16. Go to **Part 2** of the Instructions, Eligibility Categories. In the space below, place the letter and number of the category you selected from the instruction (For example, (a)(8), (c)(17)(iii), etc.)

8. Marital Status Married Single
 Widowed Divorced

Eligibility under 8 CFR 274a.12 (C) (3) (C)

9. Social Security Number (Include all numbers you have ever used) (if any)

123-45-6789

17. If you entered the Eligibility Category, (c)(3)(C), in item 16 above, list your degree, your employer's name as listed in E-Verify, and your employer's E-Verify Company Identification Number or a valid E-Verify Client Company Identification Number in the space below.

10. Alien Registration Number (A-Number) or I-94 Number (if any)

This is the number from your I-94 card.

Degree: OISS will fill in this blank

11. Have you ever before applied for employment authorization from USCIS?

Yes (If yes, complete below) No

Employer's Name as listed in E-Verify: Get the E-Verify information from your employer.
Employer's E-Verify Company Identification Number
Client Company Identification Number

Certification

Your Certification: I certify, under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct. Furthermore, I authorize the release of any information that U.S. Citizenship and Immigration Services needs to determine eligibility for the benefit I am seeking. I have read the Instructions in **Part 2** and have identified the appropriate eligibility category in **Block 16**. Remember to sign your form. You may use your own telephone number here.

Signature

Telephone Number

Date



Office of International Students & Scholars

1111 University Capitol Centre
The University of Iowa
Iowa City, IA 52242-5500

Phone: 319-335-0335

Fax: 319-335-2021

Email: oiiss@uiowa.edu

Student Request for OPT Extension

Family Name: _____ First Name: _____

Email: _____ Phone: _____

Student ID #: _____ Do you have family members currently in F-2 status? Yes No

Company/Employer Name: _____ Your Job Title: _____

Employer's Address: _____ Supervisor's Name: _____
Street Address

City State Zip Code Supervisor's Email: _____

Employer's E-Verify Number (you must provide this; get it from your employer): _____

In which category did you receive your most recent degree?

- Actuarial Science
- Computer Science Applications
- Engineering
- Engineering Technologies
- Biological and Biomedical Sciences
- Mathematics and Statistics
- Military Technologies
- Physical Sciences
- Science Technologies
- Medical Scientist (MS, PhD)

Please note that this is no guarantee you are eligible for an OPT extension; OISS must check to see if your most recent major matches a specific code list issued by the U.S. government to determine extension eligibility. If you are not eligible for an extension you will be emailed by OISS.

Address to which you want the new extension I-20 sent: _____

Reporting Information to OISS

Changes to any of the following must be reported **within 10 days** of the event. To report, use our online form at <http://international.uiowa.edu/oiiss/students/current/employment/OPT-reporting.asp>

- Changes in name or residential/mailling address
- Report your employer name, address, and supervisor's email within 10 days of any changes or new employment
- Report changes to another immigration status
- If you will leave your OPT employment before your OPT end date
- Notify OISS if your email address changes

I acknowledge that it is my responsibility to report this information to the OISS and/or USCIS, and that the OISS is not responsible for attempting to collect the information if I fail to provide it.. I understand that my failure to provide the required information to the OISS within the established deadlines could result in later problems between myself and the USCIS.

By signing I verify that the information provided on this form is complete and accurate to the best of my knowledge.

Student Signature: _____ **Date:** _____

Send this form, along with the completed I-765, by fax to 319-335-2021 or email attachment to ip-sevis@uiowa.edu
Please allow two weeks for the I-20 to be created and mailed to you.