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## Optional Practical Training Interim Final Rule – April 8, 2008 17-month Extension for F-1 Students

Optional Practical Training is defined in F-1 regulations as “temporary employment for practical training” directly related to the student’s major area of study.” There are initially 12 months of OPT given for each *higher* degree. (i.e. Bachelors to Master’s; Master’s to Doctorate); however, the 17-month extension beyond the 12 months is a one-time extension.

### Eligibility

**E-Verify Employer:** At the time of application for the 17-month extension, the student must have a job offer or be employed by an employer registered with the [E-Verify](#) federal employment verification system.

**Employer Reporting:** The student’s employer must agree to report the termination or departure of the student to the Designated School Official (DSO) or through “any other means or process identified by the Department of Homeland Security (DHS).” (As of April 8, 2008, DHS has identified only the DSO as the one to be contacted, but other means may be added later.) An employer must consider a worker to have departed when the employer knows the student has left employment, or if the student has not reported for work for a period of five consecutive business days without the employer’s consent.

**STEM Degrees:** This benefit is limited to STEM degree holders (Science, Technology, Engineering, Mathematics) in the fields listed below, as specified in the Classification of Instructional Programs (CIP):

A full list of CIP Codes is available online at [Classification of Instructional Programs \(CIP 2000\)](#) or [http://www.nafsa.org/regulatory\\_information.sec/29\\_month\\_opt\\_rule\\_updates/dhs\\_stem\\_designated\\_degree](http://www.nafsa.org/regulatory_information.sec/29_month_opt_rule_updates/dhs_stem_designated_degree). Specifically excluded from the codes, however, are all CIP codes ending in xx99, which are “catch-all” categories usually designated by “Other” in the CIP lists. Degrees associated with CIP codes ending in xx99 are not eligible for the 17-month extension.

- o Computer Science Applications:
  - CIP Codes 11.xxxx (except Data Entry/Microcomputer Applications - CIP Codes 11.06xx)
- o Engineering. CIP Codes 14.xxxx.
- o Actuarial Science. CIP Code 52.1304
- o Engineering Technologies. CIP Codes 15.xxxx.
- o Biological and Biomedical Sciences. CIP Codes 26.xxxx.
- o Mathematics and Statistics. CIP Codes 27.xxxx.
- o Military Technologies. CIP Codes 29.xxxx.
- o Physical Sciences. CIP Codes 40.xxxx.
- o Science Technologies. CIP Codes 41.xxxx.
- o Medical Scientist (MS, PhD). CIP Code 51.1401

**Degree Completion:** Students must be currently participating in a 12-month *post-completion* period of OPT, working for a U.S. employer in a job directly related to the student’s major area of study. (Students must have successfully completed a Bachelor’s, Master’s, or Doctorate in a field on the DHS STEM Designated Degree Program List, from a SEVIS-certified college or university.)

**Unemployment:** Students have not accrued a combined total of more than 90 days of unemployment during the initial 12 months of post-completion authorization. Days of unemployment will be counted from either the start date requested or the date the employment authorization is approved, whichever is later (Students granted a 17-month extension will be given 30 more days, which means they may not be unemployed for more than 120 days during their 29 months of OPT.)

*This unemployment provision does not apply to any periods of unemployment before the effective date of April 8, 2008. The 90-day “clock” started on April 8, 2008. More than 90 days of unemployment in post-completion OPT after April 8, 2008 may affect eligibility for future benefits. If a student applies for a benefit and has more than 90 days of unemployment AFTER April 8, 2008, the benefit may be denied because of that unemployment. Unemployment provisions do not apply to students on pre-completion OPT who are maintaining full-time enrollment and are still pursuing their studies.*

**Note:** Periods of up to 10 days between the end of one job and the beginning of the next job will not be included in the calculation for time spent unemployed.

## Duration of employment authorization

The employment authorization period for the 17-month OPT extension begins on the day after the expiration of the initial post-completion OPT employment authorization and ends 17 months later, regardless of the date the actual extension is approved.

Students must file the application for the 17-month OPT extension prior to the last day of their 12-month OPT authorization as indicated on their EAD. They 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.

## Reporting Requirements while on OPT

UK students with an approved 17-month extension must report to the OIA Data Manager at [makend1@uky.edu](mailto:makend1@uky.edu) within 10 days of any change of:

- legal name
- residential or mailing address
- employer name
- employer address, and/or
- loss of employment
- change of status

**Validation Report:** UK students must make a *validation report* to the Data Manager *every 6 months* starting from the date the extension begins and ending when 1) the student's F-1 status ends, 2) the student changes educational levels at the same school, 3) the student transfers to another school or 4) the 17-month OPT extension ends, whichever is first. The validation is a confirmation that the student's name and address, employer name and address, and/or loss of employment is current and accurate. The report is due within 10 business days of each reporting date.

## Optional Practical Training Filing Procedures

Prior to providing the 17-month extended I-20, the DSO in the UK Office of International Affairs must receive from the applicant the documents listed below. This can be done by the following means:

Personal visit - 215 Bradley Hall

Fax – 859.323.1026

E-mail – [william.arnold@uky.edu](mailto:william.arnold@uky.edu)

Mail – William Arnold, UK Office of International Affairs, 215 Bradley, Lexington, KY 40506-0058

### Documentation:

- Copy of the completed I-765
- Completed “F-1 Student Memorandum of Understanding”
- Completed “Employer Notification Agreement” (“Employer Notification Instructions” should also be given to employer.)

**Upon receiving the extended OPT I-20, students must file for the extension within 30 days of the I-20 issuance date. The following documentation should be sent to the appropriate USCIS Service Center with jurisdiction over the state where they reside, as noted on the I-765 instructions:**

- Completed Form I-765 [www.uscis.gov](http://www.uscis.gov) Click on *Immigration Forms*  
**Check the box:** “Renewal of my permission to accept employment”
  - **#16** eligibility **(c) (3) (C)** *Make sure to use the proper lower and upper case letters.*
  - **#17** degree, employer’s name and E-Verify Company ID Number or a valid E-Verify Client Company ID Number
- Filing fee as noted on the I-765 instructions to “U.S. Dept. of Homeland Security”
- Copy of I-20 with 17-month extension recommendation on page 3
- Copy of SEVIS I-20 with the 12-month OPT recommendation on page 3
- Copy of I-94 Departure Record (front and back on the same sheet of paper)
- Copy of following passport pages: photo/bio, passport renewal information (if applicable) and F-1 visa
- Copy of previous Employment Authorization (EAD)
- Copy of student’s degree (official transcript or copy of the diploma as long as it states the program of study)
- Two photographs in small envelope (On back of each photo, print in pencil I-94 departure number and name.)

### **Guidelines for photos (passport style):** taken within past 6 months

- plain white or off-white background – 2x2 inches in size
- unmounted color print on glossy, un-retouched paper
- head positioned directly facing the camera; eyes open, looking at camera; eyeglasses worn if normally used
- photo from slightly above top of hair to middle of chest – height of head should measure 1 to 1 3/8 inches
- head should be bare unless wearing a headdress required by a religious order to which you belong.

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www.uky.edu/intlaffairs

## F-1 Student Memorandum of Understanding

F-1 students applying for the 17-month extension must complete this form and submit it to the Designated School Official (DSO) in the UK Office of International Affairs before the extended I-20 can be generated in SEVIS. Please use one of the following means:

- Personal visit - 215 Bradley Hall
- Fax – 859.323.1026
- E-mail – [william.arnold@uky.edu](mailto:william.arnold@uky.edu)
- Mail – UK Office of International Affairs, 215 Bradley Hall, Lexington, KY 40506-0058

Student's Name: \_\_\_\_\_  
(Last) (First) (Middle)

SEVIS Number: \_\_\_\_\_ Phone Number: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

Present Local Address: \_\_\_\_\_  
\_\_\_\_\_

Employer's Name: \_\_\_\_\_

Employer's Address: \_\_\_\_\_  
\_\_\_\_\_

Supervisor's name: \_\_\_\_\_ E-mail: \_\_\_\_\_

Student's Job Title: \_\_\_\_\_

**I UNDERSTAND** that I must report the following information to the DSO in the Office of International Affairs within 10 days of any change:

- legal name
- residential or mailing address
- employer name
- employer address, and/or
- loss of employment
- change of status

**I UNDERSTAND** that I must make a **validation report** to the DSO *every 6 months* starting from the date the extension begins and ending when

- my F-1 status ends
- I change educational levels at UK
- I transfer to another school or
- my 17-month OPT extension ends, whichever is first

The validation is a confirmation that my name and address, employer name and address, and/or loss of employment is current and accurate. This information will be reported via e-mail.

**I UNDERSTAND** that my employer must submit the "Employer Notification Agreement" to my DSO before the extended I-20 can be generated in SEVIS.

**Signature of student:** \_\_\_\_\_ **Date:** \_\_\_\_\_

## **Employer Notification Instructions (Optional Practical Training - 17-month Extension)**

F-1 students who presently have employment authorization based on post-completion Optional Practical Training may be eligible to extend their OPT for an additional 17-month period if they meet certain criteria determined by the U.S. Department of Homeland Security (DHS). In addition to student requirements, there are guidelines that involve their employers as well. The two primary requirements for employers are listed below:

- 1) The employer must be registered with the [E-Verify](#) employment verification system, which is free to all employers.
- 2) DHS will give the 17-month extension only if the employer agrees to report when an F-1 student on the 17-month extended OPT terminates or otherwise leaves his or her employment with the employer prior to the end of the authorized period of OPT. The employer must report this information to the Designated School Official (DSO) of the student's school no later than 48 hours after the student leaves the employment. (DHS may announce another means of reporting by giving notice in the Federal Register, but this has not yet been done.) An employer must consider a student to have departed when the employer knows the student has left employment, or if the student has not reported for work for a period of 5 consecutive business days without the employer's consent.

The Designation School Officials to contact in the UK Office of International Affairs are:

- Ann Livingstone - [makend1@uky.edu](mailto:makend1@uky.edu) or
- William Arnold - [william.arnold@uky.edu](mailto:william.arnold@uky.edu)



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## Employer Notification Agreement for Optional Practical Training (OPT) 17-month Extension

*After completing this form, please return to the student listed below. This agreement will then be submitted to the Designated School Official (DSO) in the UK Office of International Affairs and will serve as verification that the student's employer meets the eligibility requirements for the 17-month extension.*

The following student is/will be employed with us as an F-1 student on Optional Practical Training:

\_\_\_\_\_ Date of Birth (mm/dd/yyyy) \_\_\_\_\_

I agree to notify the DSO of the University of Kentucky within 48 hours if the above-named employee terminates or otherwise leaves his or her employment prior to the end of the authorized period of OPT.

I am an employer who was registered with the E-Verify employment verification system. Our E-Verify Company Identification Number or valid E-Verify Client Company Identification Number is \_\_\_\_\_  
\_\_\_\_\_.

Name of Company: \_\_\_\_\_

Name of hiring official: \_\_\_\_\_

Signature of hiring official: \_\_\_\_\_

Date: \_\_\_\_\_