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DHS to enhance training opportunities for international students in STEM fields

Final rule on STEM OPT will publish Friday

WASHINGTON – The U.S. Department of Homeland Security (DHS) will publish a final rule Friday, March 11, 2016, to strengthen and enhance the Optional Practical Training (OPT) program for international students in science, technology, engineering and mathematics (STEM) fields.

“The new rule for STEM OPT will allow international students with qualifying degrees to extend the time they participate in practical training, while at the same time strengthening oversight and adding new features to the program,” said Lou Farrell, director of the Student and Exchange Visitor Program (SEVP).

The final rule replaces the existing 2008 interim final rule, and amends the current regulations at 8 C.F.R. parts 214 and 274a, regarding OPT for F-1 nonimmigrant students who have completed a STEM degree. The rule posted to the Federal Register Wednesday, March 9, 2016, for public inspection and will go into effect Tuesday, May 10, 2016.

The final rule lengthens the STEM OPT extension from the current 17 months to 24 months. Additionally, the final rule includes the following enhancements and protections:

- Only students who earned a degree from a school accredited by a U.S. Department of Education-recognized accrediting agency and certified by SEVP may apply for a STEM OPT extension.
- Participating students who receive an additional [qualifying degree](#) from an accredited college or university can apply for a second STEM OPT extension.
- Participating students can use a previously-earned [qualifying degree](#) to apply for a STEM OPT extension. The prior degree must not have already formed the basis of a STEM OPT extension and must be from a school that is both accredited by a U.S. Department of Education-recognized accrediting agency and certified by SEVP at the time of the student’s STEM OPT application. The student’s most recent degree must also be from an accredited and SEVP-certified institution.
- Employers participating in STEM OPT must incorporate a formal training program that includes concrete learning objectives with proper oversight.
- Employers and students must report material changes in their training program.
- To guard against adverse effects on U.S. workers, terms and conditions of a student’s training opportunity – such as duties, hours, and compensation – must be on par with U.S. workers in similar positions in the same geographic area of employment. Additionally, the student must not replace a full-time, part-time, temporary or permanent U.S. worker.
- Students must work a minimum of 20 hours per week per employer to qualify.
- Students are permitted a limited period of unemployment during the initial period of post-completion OPT and the STEM OPT extension.

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- All STEM OPT employers must participate in DHS' E-Verify program.

The rule was open for public comment from Oct. 19 through Nov. 18, 2015, and received more than 50,500 comments – the most in DHS history.

On Friday, March 11, 2016, in conjunction with the rule's official publication, SEVP will launch a STEM OPT Hub on DHS' [Study in the States](#). The Hub will include resources for students, designated school officials, and employers.

SEVP monitors approximately one million international students pursuing academic or vocational studies (F and M visa holders) in the United States and their dependents. It also certifies schools and programs that enroll these students. The U.S. Department of State (DOS) monitors exchange visitors (J visa holders) and their dependents, and oversees exchange visitor programs.

Both SEVP and DOS use the Student and Exchange Visitor Information System (SEVIS) to protect national security by ensuring that students, visitors, and schools comply with U.S. laws. SEVP also collects and shares SEVIS information with government partners, including U.S. Customs and Border Protection and U.S. Citizenship and Immigration Services, so only legitimate international students and exchange visitors gain entry into the United States.

Personnel with U.S. Immigration and Customs Enforcement's (ICE) Homeland Security Investigations (HSI) review SEVIS records for potential violations of the rules and refer cases with possible national security or public safety concerns to HSI field offices for further investigation. Additionally, SEVP's Analysis and Operations Center reviews student and school records for administrative compliance with federal regulations related to studying in the United States.

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