

17-Month Extension of Optional Practical Training for Certain Highly Skilled Foreign Students

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Optional Practical Training Interim Final Rule (PDF, 48 pages - 2.9 MB)

The U.S. Department of Homeland Security released today an interim final rule extending the period of Optional Practical Training (OPT) from 12 to 29 months for qualified F-1 non-immigrant students.

The extension will be available to F-1 students with a degree in science, technology, engineering, or mathematics who are employed by businesses enrolled in the E-Verify program.

"This rule will enable businesses to attract and retain highly skilled foreign workers, giving U.S. companies a competitive advantage in the world economy," said Homeland Security Secretary Michael Chertoff. "By extending the training period by an additional 17 months to students who are employed by businesses enrolled in E-Verify, we are further ensuring a legal workforce in the U.S. and aiding good corporate citizens."

Another aspect of the rule responds to the situation in which an F-1 student's status and work authorization expires before he or she can begin employment under the H-1B visa program. The interim final rule addresses this problem by automatically extending the period of stay and work authorization for all F-1 students with pending H-1B petitions. The rule will also implement certain programmatic changes, including allowing students to apply for OPT within 60 days of graduation.

To be eligible for an OPT extension, an F-1 non-immigrant student must:

- Currently be participating in a 12-month period of approved post-completion OPT;
- Have successfully completed a degree in science, technology, engineering, or mathematics (STEM) included in the DHS STEM Designated Degree Program List from a college or university certified by the U.S. Immigration and Customs Enforcement's Student and Exchange Visitor Program;
- Be working for a U.S. employer in a job directly related to the student's major area of study;
- Be working for, or accepted employment with, an employer enrolled in U.S. Citizenship and Immigration Services' E-Verify program. E-Verify is a free, internet-based system operated in partnership with the Social Security Administration that helps employers to determine the employment eligibility of newly-hired employees; and
- Properly maintain F-1 status.

The interim final rule and additional information on the H-1B program is available at www.dhs.gov.