

April 8, 2008

Dear F-1 International Students:

Many of you may have already read and heard the news about the new “interim final rule” for an extension of Optional Practical Training (OPT). This rule is revised by the U.S. Department of Homeland Security (DHS) and is effective April 8, 2008.

Some of you may feel excited about the possibility of an extension of OPT. You will definitely have many questions like: “Does this apply to me?” “Who is eligible?” “What should I do in order to apply for this extension?” etc. At this preliminary stage, we have all read the same websites and suggest that you refer to the U.S. Citizenship & Immigration Services (USCIS) website for details:

<http://edocket.access.gpo.gov/2008/E8-7427.htm>

(Note: this article is 27 pages in length)

As with any new regulations, there will be more questions than answers at this point. We ask that you be patient while we draft a detailed handout that attempts to answer your questions. **We will be scheduling an information session** in the next few weeks. Please check your email regularly to find out the date and time.

In the meantime, here is a summary of the main features of this new rule:

- Extension of the current 12 months of OPT to 29 months.
- Applies to F-1 students who have completed a degree in science, technology, engineering or mathematics (STEM) **note:* specific majors will be discussed at the information session.
- The rule will apply to all F-1 students currently on OPT.
- Eligible F-1 students must accept employment with employers willing to sign an agreement with the USCIS through a web “E-Verify” program (more details will be provided at the information session).
- No F-1 student (including the STEM group) may be unemployed for an aggregate of more than 90 days. ***In practical terms, this means that if you don’t find a job within 90 days, you may be considered out of status*** (other implications will be discussed at the information session).
- H-1B “cap gap” relief – this is perhaps the best news as it extends the status and employment authorization of all F-1 students whose employer has filed an H-1B petition on their behalf and whose petition is selected. This means that F-1 students who have been approved for the H-1B petition may remain in the U.S. and continue working until the October 1 start date for the H-1B petition. *Note: previous to this new rule, they would have to leave the U.S. and wait till October 1 to begin working under the H-1B petition.*

In the next few weeks, DHS/USCIS will provide more answers to questions like the application process, new OPT filing deadlines, reporting requirements, etc.

Please feel free to email your questions and concerns to the IEE office email: ieoffice@fullerton.edu with the subject: “OPT 29”. At the information session, we hope to address your questions and concerns. Thank you.

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