Hiring STEM OPT Employees

F-1 students who graduated with degrees in the fields of Science, Technology, Engineering or Math (STEM) may be eligible for an extension of their F-1 Optional Practical Training (OPT) work authorization. Below is some basic information, however please be sure to speak to your Scholar Advisor in OISS [1] before taking any action.

Transitioning to the New STEM OPT Rule

This is a new rule and it will take some time for DHS to create the required forms and systems. The purpose of this information is to give hiring departments at Yale a sketch of what will be involved in hiring a STEM OPT employee. In many cases, it will be the best visa choice for Yale and the employee, but it is not without its burdens. During this transition into the new STEM OPT provision OISS will continue to update our materials here and keep departments informed.

Note: Since Yale is the employer, we use the term “employee” below to describe the F-1 student who graduated and is seeking to work at Yale using STEM OPT authorization. Some government forms describe the employee as a “trainee” since their goal is to make sure this is primarily a training opportunity.

What is STEM OPT?

- An extension of post-graduation F-1 OPT work permission
- The total OPT time can be up to three years (one year of OPT and two more years of STEM OPT)
- The visa is sponsored by the school the student most recently graduated from, which may or may not be Yale

Who is Eligible for a STEM OPT Extension?

- F-1 students with degrees in the fields of Science, Technology, Engineering or Math (STEM) may be eligible
- Only degrees where the CIP code on the student's Form I-20 is also on the list of STEM codes [2] qualify
- Students may be eligible to have two STEM OPT extensions (after two, different STEM degrees) during their time in the U.S.
- Students currently in a non-STEM degree can be eligible for a STEM OPT extension based on a previous STEM degree obtained in the U.S. from an accredited institution
- The job at Yale must be directly related to work in a STEM field

Employer Responsibilities

The hiring department must complete sections of a Training Plan form (Form I-983) [3] and by signing this form agree to all of the conditions. The DHS has stated that they will be performing site visits (announced and unannounced) to ensure that employers are providing appropriate training. The training plan must identify the goals...
for the training opportunity, including specific knowledge, skills, or techniques that will be imparted to the employee, and explain how those goals will be achieved through the work-based learning opportunity with the employer; describe a performance evaluation process; and describe methods of oversight and supervision. In addition the employer must attest to the following conditions:

- The STEM OPT employee will not replace a full-time or part-time, temporary or permanent U.S. worker
- The duties, hours, and compensation, must be commensurate with terms and conditions applicable to the employer’s similarly situated U.S. workers in the area of employment
- The employee may not work for less than 20 hours per week, excluding time off taken consistent with leave-related policies
- The department must report the termination or departure of the STEM OPT employee to the OISS, if the termination or departure is prior to the appointment end date
- Such reporting must be made within five business days of the termination or departure
- The department should consider an employee to have departed if the employee has not reported to work for a period of five consecutive business days without the consent of the employer
- The employment must comply with all applicable Federal and State requirements relating to employment (e.g. licensure)

How to Begin the STEM OPT Application Process

- Hiring department enters the employee's information into OISS Connect [4] (if it is not already entered)
- The employee should meet with the OISS adviser [1] working with your department to discuss whether or not the STEM OPT visa option is the best choice (as opposed to J-1 or H-1B)
- The employee contacts the international office adviser at the school he/she graduated from to discuss STEM OPT eligibility, deadlines, and procedures (remember the STEM OPT F-1 visa is sponsored by the school the student graduated from)
- The employee completes his/her sections of Form I-983 [5]
- The hiring department completes their sections of Form I-983
- The employee mails the entire STEM OPT application (following the school sponsor's instructions) to USCIS
- In most cases the employee will have interim employment authorized status while waiting to receive an employment authorization document (EAD.) The employee should ask the school sponsor about these details
- The employee completes a new I-9 at OISS

Employer Evaluations

The employer and employee are required to complete an initial evaluation within 12 months of the approved starting date on the employment authorization document granted pursuant to the student's 24-month OPT extension application

- All required evaluations must be completed prior to the conclusion of a STEM practical training opportunity, and the student and an appropriate individual in the employer's organization must sign each evaluation to attest to its accuracy.
- The employer and employee are required to complete a concluding evaluation at the finish of the STEM OPT

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Links:
[1] https://oiss.yale.edu/about/contact-oiss
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