Stem Expansion and I-9 Central

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More Foreign Students in the Sciences, Technology, Engineering and Mathematics May Extend Their Practical Training in the U.S., and I-9 Central Has Arrived

List of STEM Degrees Expanded

On May 12th, U.S. Immigration and Customs Enforcement (ICE) announced an updated STEM Designated Degree Program List including additional degrees which will now qualify for a 17-month extension of Optional Practical Training (OPT).

OPT provides F-1 students with 12 months of authorized employment status to work in a capacity directly related to their majors, either during their schooling (pre-completion) or within 14 months of graduation (post-completion). Each year, thousands of foreign students who have studied in the U.S. use OPT to apply their education, and work in the U.S. In some instances these U.S.- educated and trained foreign nationals will continue to work in the U.S. on H-1B visas.

In 2008 the Department of Homeland Security passed a rule providing for a 17-month extension of post-completion OPT for those students with a STEM (science, technology, engineering, or mathematics) degree. This means that qualifying STEM students now have a total of 29 months to work in the U.S. after graduation. The STEM extension was first passed to address the fact that the H-1B visa category is generally greatly oversubscribed and that many qualifying applicants are forced to leave the country when their OPT ends. This fact has negatively impacted employers and their ability to recruit skilled workers, particularly in the fields of science, technology, engineering and mathematics. The STEM 17-month extension directly addressed this issue.

The qualifying criteria for the STEM 17-month extension are as follows: students must not have previously received a 17-month OPT extension; the underlying degree serving the basis for the initial period of OPT was a bachelor's, master's or doctoral degree on the STEM Designated Degree Program List published by ICE; the employer agrees to report the student's departure; and the student's employer is registered in the E-Verify program. The E-Verify program is an Internet-based system established by the Department of Homeland Security (DHS), in partnership with the Social Security Administration (SSA), to verify employee eligibility to work in the U.S. Under federal law, participation in the E-Verify program currently is voluntary however, several states have enacted their own laws adopting it in some form.

The updated Designated Degree Program List now includes degrees in Neuroscience, Mathematics and Computer Science and Business Statistics, to name just a few. A complete list highlighting the additions is available at http://www.ice.gov/sevis/stemlist.htm. This expansion comes in the wake of President Obama's May 10th immigration address, where he commented on the need to encourage the talented students we train at our universities to apply the skills they have learned here in the United States.

I-9 Central

On May 13th, USCIS announced that it has launched I-9 Central. All employers must complete an I-9 form for all of their new hires. This new Web site provides comprehensive information and guidance on the I-9 process. Specifically, the site includes step-by-step instructions to complete the Form I-9, examples of what documents employers should accept in the process, employers' retention obligations, employee rights in connection with the I-9 process, an overview of the penalties for noncompliance and information about the form itself. There is also a link to the actual Form I-9 and a comprehensive list of contact information for customer support. USCIS characterizes the site as a "one-click access to resources." For more information, visit I-9 Central at http://www.uscis.gov/I-9Central.