STEM OPT for MBA Employers

Information provided by Berkeley International Office
### Employment After Graduation

#### Optional Practical Training (OPT) for F-1 students

**WHAT IS IT?**
- Employment authorization for F-1 students who have completed all coursework for their academic program.
- Employment must be related to student’s major field of study and can be paid or unpaid.
- Recommended by BIO and authorized by United States Citizenship and Immigration Services (USCIS) based on student’s petition for benefits.

**DURATION OF EMPLOYMENT**
- Typically, 12 months of employment are granted.
- Designated STEM majors working for eligible employers may extend (see next page).
- Full-time employment is allowed.

**PROCESSING TIME**
- Typical time from submission to approval by USCIS is 90 days.
- Students may apply up to 90 days prior to and up to 60 days after program completion.

**STUDENT’S ROLE**
- Verify eligibility for OPT.
- Submit complete and timely OPT application to USCIS in order to obtain approval prior to beginning employment.
- Report employment to BIO at ssu.berkeley.edu.
- Ensure work is related to field of study.

**PROOF OF AUTHORIZATION**
- Employment Authorization Document (EAD card/Form I-766) indicating start and end dates of work authorization.
- Student must have EAD card in order to begin work.

**EMPLOYER’S ROLE**
- Request a copy of the EAD from the student for I-9 purposes.
- There is no cost to the employer and the OPT application is entirely the responsibility of the student.
- Student can be approved for OPT without an offer of employment.

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**LEGAL NOTICE:** This guide is not intended to and does not serve as legal advice; it is for informational purposes only. Berkeley International Office serves UCB international students directly and does not give immigration advice or respond to questions from employers. Content is subject to change. Employers are advised to consult an experienced U.S. immigration attorney with any additional questions.
STEM OPT for F-1 Students

WHAT IS IT?
- An extension of a student’s 12-month OPT
- Student must be a recipient of a STEM designated degree and working for an E-Verify employer
- Employment must be related to student’s STEM major field of study
- Volunteer, unpaid, and self-employment are not allowed.
- May be based on a previously earned STEM Degree
- Recommended by BIO and authorized by USCIS based on student’s petition for benefits

DURATION OF EMPLOYMENT
- An additional 24-month extension of the 12-month OPT for a total of 36 months of OPT work authorization
- Allows total of 2 lifetime STEM Extensions, the 2nd after earning a new STEM-eligible degree at a higher level and obtaining a new, higher level of 12-Month OPT

PROCESSING TIME
- Typical time from submission to approval by USCIS is 90 days
- Students may apply up to 90 days prior to the end date of their 12-month OPT, but no later than their OPT end date

STUDENT’S ROLE
- Verify eligibility for STEM Extension
- Submit complete STEM OPT application to USCIS prior to the end date of their 12-month OPT
- Report employment and any changes to employment to BIO.

PROOF OF AUTHORIZATION
- A new Employment Authorization Document (EAD Card/Form I-766) indicating start and end dates of extended work authorization
- If a timely STEM OPT application has been filed with USCIS, the student may work for up to 180 days after the end date of their 12-month EAD card

EMPLOYER’S ROLE
- Student must be employed or have offer of employment from a company
- Must be participating in E-Verify and provide student with E-verify & EIN number
- Must complete I-983 Training Plan and attest that wages and compensation are commensurate with “similarly situated U.S. workers”
- There is no cost to the employer
- See additional STEM OPT Reporting Requirements

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Resources

U.S. Equal Employment Opportunity Commission (EEOC)
http://www.eeoc.gov/laws/index.cfm

U.S. Department of Labor Fact Sheet on Internships

U.S. Citizenship & Immigration Services (USCIS)
http://www.uscis.gov/

U.S. Department of State
http://travel.state.gov/content/visas/english/employment.html

E-Verify
http://www.uscis.gov/e-verify

American Immigration Lawyers Association
http://www.aila.org

UC Berkeley International Student Enrollment Reports
http://internationaloffice.berkeley.edu/students/current/enrollment_data