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## **STEM OPT Requirements for Hiring Units**

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### **What is STEM Optional Practical Training (OPT)?**

On March 11, 2016, the Department of Homeland Security published a final rule allowing certain F-1 students who receive science, technology, engineering, and mathematics (STEM) degrees, and who meet other requirements, to apply for a 24-month extension of their post-completion OPT, allowing individuals in F-1 status the possibility to work in their field of study for up to 36 months. To apply for the STEM OPT extension, the student works with the hiring unit at CU Denver, as well as the DSO (Designated School Official) at the school that issued the I-20 for OPT. The employee presents the EAD card to the hiring unit to complete the I-9. The student will henceforth be referred to “employee” in this document.

Detailed information for employees and employers can be found on the DHS [Study in the States OPT STEM Hub](#). For a comparison of the advantages/disadvantages of STEM OPT vs. H-1B sponsorship, refer to [this document](#).

### **Commonly used terminology**

DSO = Designated School Official  
DHS = Department of Homeland Security  
EAD = Employment Authorization Document  
OPT = Optional Practical Training  
SEVIS = Student and Exchange Visitor Information System  
SEVP = Student and Exchange Visitor Program  
STEM = Science, Technology, Engineering and Mathematics  
USCIS = United States Citizenship and Immigration Services  
ICE = Immigration and Customs Enforcement

### **Who is Eligible for a STEM Extension? An F-1 student**

- with a STEM-qualifying bachelor's, master's, or doctoral degree from an accredited, SEVIS-certified U.S. educational institution
- who is in a valid period of standard post-completion OPT
- who has an offer of paid employment for at least 20 hours per week from an employer enrolled in E-Verify.

If the employee has questions about whether or not s/he is eligible for the STEM extension, s/he should contact the DSO at the school where the I-20 for OPT was issued.

U.S. Immigration and Customs Enforcement may visit the employee's worksite to verify whether the hiring unit is meeting the STEM OPT program requirements, including whether you are maintaining the ability and resources to provide structured and guided work-based learning experiences for the employee.

## Steps to Hiring STEM OPT Employee

1. Hiring Unit representative contacts ISSS to determine if STEM OPT is the best option for Employee
  - Refer to [this document](#) comparing the advantages and disadvantages of STEM OPT. vs. H-1B sponsorship.
2. Employee contacts DSO at I-20 issuing institution to determine STEM OPT process
  - Employee can submit I-765 application for STEM extension to USCIS no more than 90 days prior to the current OPT expiration date.
  - The DSO can make the I-20 recommendation for STEM OPT no more than 150 days prior to the current OPT expiration date.
  - Processing times vary by institution, but the employee can expect up to one month for the DSO to issue the I-20 recommending a STEM OPT extension.
3. Hiring unit and employee complete and certify Form I-983 (pages 1 through 5). In this form, the hiring unit attests that:
  - The hiring unit has enough resources and trained personnel available to appropriately train the Employee;
  - The hiring unit will implement a formal training program to augment the employee's academic learning through practical experience. Working for your unit should help the employee attain his or her training objectives.
  - The hiring unit will provide an OPT opportunity that is commensurate with those of similarly situated U.S. workers in duties, hours, and compensation. The hiring unit must complete the [STEM OPT Actual Wage Form](#) to show that the employee's compensation is indeed commensurate. If the hiring unit does not employ and has not recently employed more than two employees with this title, the hiring unit must instead ensure that the terms and conditions of a STEM practical training opportunity are commensurate with those for similarly situated U.S. workers employed by other employers of analogous size and industry and in the same geographic area of employment. Please contact [employment-based.immigration@ucdenver.edu](mailto:employment-based.immigration@ucdenver.edu) if this is the case.
  - The hiring unit is not hiring the STEM OPT employee to replace a full- or part-time, temporary or permanent U.S. worker.

Both the hiring unit and the employee should keep a copy of the signed and completed I-983. Provide ISSS with a copy of the I-983 by emailing [employment-based.immigration@ucdenver.edu](mailto:employment-based.immigration@ucdenver.edu).

Please refer to the tips below for hiring units when completing Form I-983. You can also refer to the [I-983 instructions](#) on the ICE website:

- Section 3, Page 2:
  - Employer Name: [The Regents of the University of Colorado](#)
  - Employer ID Number (EIN): 84-6000555
  - Number of Full-Time Employees in the U.S.: 13,098
  - E-Verify Number: 1173583
  - North American Industry Classification System (NAICS) Code: 611310

- Who is the Employer Official with Signatory Authority? The Employer Official with Signatory Authority is an appropriate individual in the hiring unit who is familiar with the employee's goals and performance and who is an employee with signatory authority for the hiring unit. The individual will review the certification and affirm the statement by signature.
- Form I-983 consists of 5 pages. Please refer to the chart below for guidance on who completes each section.

Page #	Description	Completed/ Signed By*
Page 1	Section 1 – Student Information	Employee
Page 1	Section 2 – Student Certification	Employee
Page 2	Section 3 – Employee Information	Hiring unit
Page 2	Section 4 – Employer Certification 1	Hiring unit
Page 3-4	Section 5 – Training Plan for STEM OPT students	Employee and hiring unit
Page 4	Section 6 – Employer Official Certification	Hiring unit
Page 4	Legal Authorities Language	N/A
Page 5	Evaluation on Student Progress (12-month evaluation)	Completed by employee, signed by employee and hiring unit
Page 5	Final Evaluation on Student Progress (concluding evaluation)	Completed by employee, signed by employee and hiring unit

\* Students and employers may sign all signature fields on the Form I-983 using electronic signatures produced with software programs or applications or using digitally reproduced copies of a signature. A digitally reproduced copy may be a scanned image of a physical signature.

4. Employee is responsible for filing the I-765 application requesting a STEM OPT extension with USCIS in a timely manner.
  - The employee can continue working 180 days beyond the expiration of their current OPT while the STEM OPT extension is pending, as long as the application was filed with USCIS prior to the expiration of the employee's current EAD card.
5. Once the employee receives the EAD card in the mail, the hiring unit is responsible for updating the I-9. The hiring unit will also send copies of all documents listed below to ISSS at [employment-based.immigration@ucdenver.edu](mailto:employment-based.immigration@ucdenver.edu) and ISSS will create an electronic record for the employee.
  - I-20 recommending employee for STEM OPT extension
  - EAD card with STEM OPT extension
  - [STEM OPT Actual Wage Form](#) completed by the hiring unit
  - Completed and signed Form I-983

- Copy of Employee's valid passport
6. Evaluate employee progress after one year of employment
- The employee must complete an annual self-evaluation of his/her own progress, which must be reviewed by the hiring unit, who will sign it to attest to its accuracy. The employee must submit the first assessment within 12 months of the STEM OPT start date, and a second, final assessment that recaps the training and knowledge acquired during the complete training period. The evaluation must have an applicable date range associated with it, so the relevant timeline for the evaluation is clear. The student submits the 12-month and final evaluations no later than 10 days following the conclusion of the applicable reporting period.
  - The Employer's Official with Signature Authority from the Form I-983 must print, sign and enter the date of the signature to show concurrence with the assessment information that the student entered. Once signed, the employer must return the evaluation to the Employee, who will provide it to their DSO for recordkeeping.
7. Report material changes to the STEM OPT employment to the DSO within 5 business days.
- Hiring units must work with the employee to report to the DSO any material changes to, or material deviations from, the employee's formal training plan, by filling out a new Form I-983, and sending a copy to both the employee's DSO and [employment-based.immigration@ucdenver.edu](mailto:employment-based.immigration@ucdenver.edu).
  - Material changes or deviations from the original Form I-983 may include, but are not limited to:
    - Any change of Employer Identification Number.
    - Any reduction in Employee's compensation that is not tied to a reduction in hours worked.
    - Any significant decrease in hours per week that an employee engages in a STEM training opportunity.
    - Changes to the employer's commitments or employee's learning objectives as documented on the Form I-983.
  - So long as the employee and employer meet the regulatory requirements, and the modified Form I-983 meets the specified requirements, the employee's employment authorization will not cease based on a change to the plan.
8. Report on employee's departure or termination
- Both the hiring unit and employee must notify the DSO when the employment is terminated for any reason before the end of the authorized extension period. The hiring unit must report the change in employment to the appropriate DSO no later than five business days after the employment is terminated or the employee has left the employment. The hiring unit should also notify [employment-based.immigration@ucdenver.edu](mailto:employment-based.immigration@ucdenver.edu) of the employee's termination or departure.
  - Hiring units and employees can satisfy this requirement, if they wish, with an email to the DSO indicating that the employee was terminated or has otherwise departed, as well as the applicable date of such termination or departure.
  - A hiring unit shall consider an employee's departure date as either: The date the hiring unit knows the employee has left the practical training opportunity, OR, the date after five consecutive business days have elapsed and the employee has not reported for their practical training (without the hiring unit's consent), whichever date is earlier.

- Notify ISSS and update [HR.I-9@ucdenver.edu](mailto:HR.I-9@ucdenver.edu) if the employee changes status to another non-immigrant visa category or becomes a U.S. permanent resident.