**FYI FOR THOSE ON AN F-1 STEM OPT:**

**STEM OPT Could End in February 2016:**

On August 12, 2015, the decision was issued by a U.S. district court that will serve to terminate the 17-month optional practical training (OPT) extension program for F-1 STEM students unless the U.S. Department of Homeland Security (DHS) addresses the matter within the next 6 months. The court found that the U.S. Citizenship and Immigration Services (USCIS) improperly bypassed the public comment process when creating the STEM OPT extension program in 2008. Therefore, the court ordered that the program be cancelled. Fortunately, however, the court stayed this order until February 12, 2016, "…during which time [the Department of Homeland Security (DHS)] can submit the 2008 Rule for proper notice and comment."

As noted above, the decision to vacate or void the 2008 STEM OPT rule, until February 12, 2016, is in part to give the DHS time to reissue the rule properly. Until this date, it appears the USCIS will continue to accept STEM OPT applications. Further, if the DHS works to reissue the rule quickly, the STEM OPT program may be able to continue without interruption. If not, it would likely mean that, come February 12th, new applications would no longer be accepted; and, if that occurs, it may even impact those with existing STEM OPT extensions, but how and to what extent is not yet clear. The hope, of course, is that the DHS will work swiftly to re-implement the rule and avoid any need to address this concern.

The current uncertainty surrounding STEM OPT is disappointing and potentially highly disruptive. Fortunately, the DHS has an opportunity to correct this problem.

We are closely monitoring the outcome of this decision. We are optimistic that DHS will make the necessary changes to continue the STEM OPT rule. We will advise on any updates.

If you have any questions please feel free to contact Jaclyn Rohaly, Paralegal and Immigration Specialist at [Jaclyn.Rohaly@nationwidechildrens.org](mailto:Jaclyn.Rohaly@nationwidechildrens.org) or at 614-722-8485.