

# OPT STEM Court Decision Frequently Asked Questions

**Does this court decision mean that all OPT STEM extensions will end on February 12, 2016?**

If DHS does not appeal the court decision or issue any new regulations to resolve this issue, then yes, OPT STEM will not exist after February 12, 2016.

**I am approved for standard OPT now. Am I eligible to apply for OPT STEM between now and February 12, 2016?**

You are eligible to apply for OPT STEM if you graduated in a [STEM approved field](#). However, ISSS is not certain if your OPT STEM application will be approved or if it will be approved for a period beyond February 12, 2016.

You can find information about how to apply for the OPT STEM extension on our [website](#).

If your current OPT is valid until a date later than February 12, 2016, it is likely that your OPT STEM application will be denied. If you are eligible and wish to apply, ISSS will assist you with your application but you may be wasting your money.

If your current OPT is valid until a date before February 12, 2016, then your OPT STEM application may possibly be approved, but for a period limited to an end date of 02/12/2016.

**I am currently in a degree program in a STEM approved field. Will I be able to utilize an OPT STEM extension after I finish the first period of OPT?**

As of right now, the OPT STEM extension will not exist after February 12, 2016. If regulations change, or if the court decision is appealed and over-turned, then it might be possible.

**I am approved for OPT STEM now. My OPT STEM end date on my EAD card is a date later than 02/12/2016. Will I have to end my employment as of 02/12/2016?**

ISSS recommends you speak with your employer and an immigration attorney to determine your options. Based on what little we know at this time, it appears that employment authorizations under OPT STEM extensions will end on 02/12/2016.

**I have an OPT STEM application pending right now. Will it be approved?**

ISSS can never guarantee a pending application will be approved or not, but as you are eligible for the OPT STEM extension until February 12, 2016 it will likely be approved if you are otherwise eligible for an OPT STEM extension.

**I have an OPT STEM application pending right now. Will it be approved to an end date past the deadline of February 12, 2016?**

Since the court decision indicates that OPT STEM will not exist after the deadline of 02/12/2016, it is likely that your OPT STEM will not be approved for a date after 02/12/2016.

**What happens if I lose my job because of this? How long can I stay in the U.S. if I am unemployed during my approved OPT period?**

F-1 students are required to be employed during periods of OPT. F-1 students are allowed 90 days of unemployment during the first year of OPT, and 120 days of employment over the duration of both periods of OPT. The counting of days starts with the start date on your first OPT card. If you are unemployed more than this number of days, your SEVIS immigration record is subject to termination by the Student and Exchange Visiting Program (SEVP).

**Does this court decision affect current F-1 students, or current students approved for an initial 12 months of OPT?**

There are two possible impacts on students currently in F-1 status and or currently approved for the first 12 months of OPT.

1). The court decision eliminates “automatic” approval of the H-1B “cap gap” OPT status extension. DHS will still be able to manually approve this, however by issuing a regulatory notice in the spring.

2). The court decision eliminates the ability for F-1 students to apply for OPT in the two month grace period following graduation. If new regulations are not issued before 02/12/2016, F-1 students will not be allowed to apply for OPT after the end date shown on their I-20 forms.