
To all RIT students currently on OPT:

Some of you might have heard that on Friday, April 4th, the US Citizenship and Immigration Services (Immigration) released an advance copy of something called "an interim final rule" on Optional Practical Training (OPT). This rule is NOT yet in effect and will only take effect once it is published in the Federal Register. We will notify all students once this rule is published. It is expected to be published some time this week.

There are many special restrictions, but there appear to be some positive changes for OPT that will allow some students (depending upon their major or on an H1b application) under certain circumstances, to apply for an additional 17 months of OPT (beyond the initial 12 months). The application for an extension will require a new application with USCIS fee.

The first group of students for whom this will be most immediately useful, are those who are now on OPT, and who have obtained (or will obtain) approval for an H1b to start October 1, 2008, but whose OPT will expire before October 1. Such student get caught in what is called the "cap-gap". If your employer has filed for an H1b, but your OPT will expire before that H1b can take effect (10/1/08) then you will be able to apply for an OPT extension under this new rule. However, we are still awaiting details on how to file an extension, since the necessary forms and procedures have not yet been released by Immigration.

Our professional association (NAFSA) is still working on its summary and advisory on how and when exactly this new rule will be implemented. For example, it will require a revised I-765 form from USCIS, and that form is not yet available. Nevertheless, if you want to read what our association has for information 'as of now', here is the relevant web page:

http://www.nafsa.org/regulatory_information.sec/29_month_opt_rule_updates

We expect to have an update for you at the end of this week and will keep you informed.

Best wishes,

Jeff Cox
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4/7/08