



USCIS Extends Flexibilities to Certain Applicants Filing Form I-765 for OPT

March 2, 2021

In a positive update from USCIS on February 26, 2021, the agency announced flexibilities for some international students in F-1 status who are affected by delayed receipt notices for their OPT or STEM OPT applications. We hope these flexibilities will ease the hardships we know many of our international students have been facing due to these delays. These accommodations apply only to applications received on or after October 1, 2020, through May 1, 2021, inclusive. The main points of the announcement include:

- USCIS will approve applications for post-completion OPT with validity dates reflecting the same amount of time originally recommended by the designated school official (DSO) from their school on the Form I-20.
- F-1 students requesting post-completion OPT who receive an approval of Form I-765 for less than the full amount of OPT time requested (not to exceed 12 months) due to the requirement that the OPT be completed within 14 months of the program end date may [request a correction](#) of the EAD due to USCIS error.
- If a student's OPT or STEM OPT application was rejected by the USCIS and they are past their eligible window of time to reapply for OPT due to the lockbox delays, they will now be able to refile their application as long as it was timely filed. Refiled applications must be received by May 31, 2021, for USCIS to treat the application as though filed on the original received date.
- Students **refiling** a Form I-765 for OPT or STEM OPT do not need to obtain a new Form I-20 with an updated OPT recommendation from the DSO, as long as they originally submitted an application for post-completion OPT within 30 days of the DSO's recommendation or an application for STEM OPT within 60 days of the DSO's recommendation as required by the regulations.
- Although lockboxes will continue to reject OPT applications with a missing or deficient signature, if such an application is accepted by the lockbox and makes

its way to a USCIS adjudicator, USCIS will issue an RFE for the proper signature instead of denying the application.

Full text of the [February 26, 2021 USCIS News Alert](#)

Reminders

- If any of these accommodations apply to your OPT or STEM OPT application, please review the information on the USCIS announcement carefully and follow the instructions as appropriate to your situation. If you have any questions, please [contact an ISSS advisor](#).
- If your OPT/STEM OPT application was rejected and you intend to refile your application based on these new flexibilities, we strongly recommend that you [contact an ISSS advisor](#) prior to mailing out your new application, so we can assist you in the process.
- If you have already applied for OPT/STEM OPT and your application is pending, there is no need to reapply.
- Learn more about OPT/STEM OPT on the Rutgers Global - ISSS [website](#).

Background Information

- Previous Memo from USCIS Regarding Lockbox Delays - [January 8, 2021 - USCIS Lockbox Updates](#)
- Advocacy on behalf of students affected by the delays
 - January 26, ACE (American Council Education) sent a [letter to USCIS](#) on behalf of 37 associations of higher education requesting immediate action.
 - February 24, NAFSA sent recommendations to USCIS
 - Article on [Lawsuit filed in Ohio seeks "timely" OPT processing in the US](#)
- [Updates from the Association of International Educators \(NAFSA\)](#)

Sincerely,

Rutgers Global – International Student and Scholar Services

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This periodic update from the Rutgers Global – International Student and Scholar Services (ISSS) office provides you with important information regarding your legal status, upcoming programs, and useful resources.

These notices are automatically sent to all nonimmigrant students enrolled at Rutgers–New Brunswick. Most messages, however, apply only to F-1 and J-1 students. We label most messages to facilitate your identification of which messages may apply to you personally. All F-1 and J-1 students on Rutgers' visa sponsorships are required to know the information that is provided in these notices and to follow reminders and instructions that apply to their own situations.

This is NOT a subscription email list. These notices are sent periodically to an automatically generated list. If you are a permanent resident or citizen of the U.S and should not be receiving these notices, please contact Susan Maldonado at susanmal@global.rutgers.edu.