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## 17-MONTH OPT STEM EXTENSION RULE REMAINS IN PLACE UNTIL MAY 10, 2016

On January 23, 2016, the U.S. District Court for the District of Columbia granted the U.S. Department of Homeland Security (DHS) additional time until May 10, 2016, before the court's vacatur of the 2008, 17-month Optional Practical Training (OPT) STEM Extension rule would go into effect.

This additional "stay" of the vacatur is meant to allow DHS additional time to address the comments received during the notice and comment period for the 2015 DHS STEM rule-making that was intended in part to cure defects in the initial implementation of the 17-month STEM extension.

Under the previous stay, the district court's vacatur would have gone into effect on February 12, 2016. With this extension of the stay, F-1 students working pursuant to 17-month STEM extensions may continue working without fear of disruption in their employment authorization at least until May 10, 2016. Further, it is anticipated that the current DHS rule-making process will result in a final rule that fully addresses the defects in the initial, invalid 2008 rulemaking effort. Assuming a final, compliant rule is implemented, F-1 students and their employers can be assured of continuing work authorization at least for the duration of validity stated on the EAD card presented by the student during the Form I-9 Employment Eligibility Verification process.

As always, Foster will continue to monitor both federal rule-making and pending litigation that impact immigration benefits and will provide additional information in future Immigration Updates® and on our firm's website at [www.fosterglobal.com](http://www.fosterglobal.com).