Notice to all Departments

F-1 STEM OPT Extension

We write today to notify you of a regulatory requirement for all persons who perform I-9 functions for Harvard units that employ F-1 STEM OPT employees.

F-1 regulations allow an F-1 student to remain in the U.S. for a period of time after completing his or her course of study to obtain “Optional Practical Training,” or “OPT.” F-1 students who use the OPT allowance must be employed for a period of 12 months after graduation, using only their F-1 status. This 12-month employment authorization applies to all students who studied under an F-1 visa. F-1 students in a STEM (Science, Technology, Engineering, and Mathematics) field may obtain an additional 24 months of “STEM Optional Practical Training” (an extension) on top of the twelve months, for a total of 36 months of work authorization.

As a condition of hiring STEM OPT employees for those additional 24 months, the Obama Administration has imposed new background check obligations on employers. These obligations are now required by Harvard Chan School departments who perform I-9 functions. Specifically, federal regulations say that any employer that hires an F-1 visa holder to do STEM OPT must be an “E-Verify employer.” That is, if a department wants to hire even one F-1 STEM OPT employee on extension, it must use the federal E-Verify background check system for all new hires* moving forward — not just for F-1 visa holders or employees on government contracts.

Department Administrators who manage I-9 functions may access E-Verify through Harvard's HireRight system. The user enters an incoming employee’s I-9 information into the system and submits it through HireRight to E-Verify. Typically, E-Verify clears the employee to work within minutes. Employees cannot begin work until the E-Verify is complete. Please note: The cost to run a single E-Verify report in HireRight is $2.10.

Next Steps:

- Within your departments, identify the individuals who perform the I-9 function.
- Inform all of these individuals about the new requirements.
- Determine if your department employs anyone under the STEM OPT program or could hire such a person. The individuals performing the I-9 function for your department need to be trained to use E-Verify (if your department decides to extend an employee on an F-1 STEM OPT).
- Once you know you have/will hire someone on the extension in the future, please reach out to Samantha Longo in HR (slongo@hsph.harvard.edu) and she will set up the appropriate individuals with access to HireRight.

**Please note that a department will not be required to provide E-Verify background checks for their new hires if they decide not to hire any employees on an F-1 STEM OPT Extension.**

*A new hire is defined as anyone who will need to complete an I-9.*

Last Updated: 10/2/2018