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Date: May 16, 2018 at 10:27:06 AM PDT
To: [REDACTED] <[REDACTED]@gmail.com>
Subject: STEM OPT Employment update- Denial decision

Dear student,

We regret to inform you that your recent request to change your employer under STEM OPT has been denied. After reviewing your request, and all additional evidence provided we have determined that it would not be possible to approve your request because you don't have a qualifying employer to support your 24-Month STEM OPT extension request.

We have made our decision primarily based on the policy guidance offered by the Department of Homeland Security (DHS) as part of the [STEM OPT Final Rule- 81 FR 13079](#). This guidance indicates that employment through a staffing agency or consulting firm does not constitute a suitable arrangement to meet the increased requirements demanded by the new 24-Month STEM OPT extension regulation. The clarification and emphasis in this portion of the regulation was recently presented by USCIS on January 2018.

Specifically, your current "employer" as listed in form I-983 does not meet the pre-establish [Employer's Training Obligations](#) including but not limited to:

1. Worksite location: the training experience must take place on-site at the employer's place of business or worksite(s) to which U.S. Immigration and Customs Enforcement (ICE) has authority to conduct employer [site visits](#) to ensure that the employer is meeting program requirements. This means that ICE must always have access to a student's worksite; if the student is sent to different worksite locations as part of the training opportunity, ICE must be able to access such worksite locations. For instance, the training experience may not take place at the place of business or worksite of the employer's clients or customers because ICE would lack authority to visit such sites.
2. Employer oversight: online or distance learning arrangements may not be used to fulfill the employer's training obligation to the student. For instance, the employer may not fulfill its training obligation to provide a structured and guided work-based learning experience by having the student make periodic visits to the employer's place of business to

receive training, while the student is actually working at the place of business or worksite of a client or customer of the employer. Similarly, the employer may not fulfill its training obligation by having the student make periodic telephone calls or send periodic email messages to the employer to describe and discuss their experiences at the place of business or worksite of a client or customer of the employer. See [8 C.F.R. 214.2\(f\)\(10\)\(ii\)\(C\)\(11\)](#) and [2016 STEM OPT Final Rule](#) (p. 13041, 13042, 13049, 13062, 13064-66, 13070, 13071, 13090, 13113).

3. Entity providing the training: Staffing and temporary agencies may not, however, assign or contract out students to work for one of their customers or clients, and assign, or otherwise delegate, their training responsibilities to the customer or client. As noted above, the employer that signs the Form I-983 must be the same entity that provides the practical training experience to the student. Moreover, the student's practical training experience must be provided by the employer's own trained or supervisory personnel at the employer's own place of business or worksite(s), to which ICE has authority to conduct employer site visits to ensure that the employer is meeting program requirements.

Even though a worksite location was not provided in your application, it is evident that you are either working off site at a client's location, or remotely since your home address located in CA and the company's site address is located in Texas. In addition, the training plan did not mentioned how your role will be directly related to your STEM OPT degree and did not discussed in detail how the employer will provide valid oversight.

You will have the opportunity to re-submit your request if you have an eligible STEM OPT employer or if your employer is able to demonstrate that they meet the criteria listed above.

Let me know if you have further questions.

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