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STEM OPT Extension for Consulting or Staffing companies

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Submitted by Chief Editor on May 31st 2016

Can I apply for STEM OPT, if I work for a E-Verified staffing agency (similar to Aerotek, Kelly services) on contract basis that is related to my STEM field of education at a client location ?. (I along with staffing agency will fill out I983 form)

I read online that USCIS has regulated "Certain Types of Employment" for STEM OPT in this new rule. So am worried that working for a staffing company at a client company location is therefore invalid :/ ((If so, I think then all the staffing companies would suffer as well))

I have attached hereby the snippet from Federal Register:

""""""There are several aspects of the STEM OPT extension that do not make it apt for certain types of arrangements, including multiple employer arrangements, sole proprietorships, employment through ?temp? agencies, employment through consulting firm arrangements that provide labor for hire, and other relationships that do not constitute a bona fide employer-employee relationship. One concern arises from the difficulty individuals employed through such arrangements would face in complying with, among other things, the training plan requirements of this rule. Another concern is the potential for visa fraud arising from such arrangements. Furthermore, evaluating the merits of such arrangements would be difficult and create additional burdens for DSOs. Accordingly, DHS clarifies that students cannot qualify for STEM OPT extensions unless they will be bona fide employees of the employer signing the Training Plan, and the employer that signs the Training Plan must be the same entity that employs the student and provides the practical training experience. DHS recognizes that this outcome is a departure from SEVP's April 23, 2010 Policy Guidance (1004-03)."""""

It would be really helpful if you could explain what the above paragraph means.

ANSWER:

Watch Video: STEM OPT extension for consulting or staffing companies ^[2]

Video Transcript: Basically what the government is saying is that if you have staffing arrangement or a consulting arrangement and you are not directly supervising the employee who is on OPT STEM extension on the site where they are working then you should not be

filing for their STEM OPT extension. So far this is what we know of the USCIS comments. I have not heard anything different from USCIS so far.

Note: This is a verbatim transcript of the referenced audio/video media delivered as oral communication, and, therefore, may not conform to written grammatical or syntactical form.

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FAQ Transcript:

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Unless the context shows otherwise, all answers here were provided by [Rajiv](#) [7] and were compiled and reported by our editorial team from comments and blog on [immigration.com](#) [8]

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Links:

[1] <https://immigration.com/faq/stem-opt-extension-consulting-or-staffing-companies>

[2] <https://youtu.be/T-SOgot4lj4?t=1534>

[3] <https://immigration.com/visa/nonimmigrant-visas/f-visa/f-1-visa>

[4] <https://immigration.com/visa/nonimmigrant-visas/opt>

[5] <https://immigration.com/visa/nonimmigrant-visas/f-visa/stem>

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