How to Complete an I-9 for F-1 OPT Employees

When completing an I-9 for any employee, make sure you are reviewing an acceptable document or combination of documents correctly. If an F-1 student has recently graduated and has applied for OPT, the employee must have his/her Employment Authorization Card in hand. Simply applying for OPT does not give the employee any work authorization, as his/her I-20 has expired.

It is important that you are viewing the correct documents, in the correct place, when completing I-9s for those employees working on OPT or STEM Employment Authorization Cards. While we cannot specifically state what an employee must present to complete an I-9 form, we can provide guidance when an employee is showing expired or unacceptable documents.

Whenever you are presented with an I-20, there is only **one place** you should be checking for the **expiration date**. This is Page 1, Paragraph 5 (see Fig. 1).

[Fig. 1]

If this date is expired, the I-20 **cannot be used**. OPT application dates will appear on Page 3 of the I-20 form. Page 3 of the I-20 is NOT an acceptable I-9 document. If an employee suggests you view Page 3 of the I-20 form for his/her expiration date, it is correct for you to let the employee know the I-20 is expired and the dates listed on Page 3 is not the expiration date used for the I-9 form. Your next question should be, "*Do you have any other acceptable document listed? I see you applied for OPT, based on Page 3 of your I-20 form, so have you received your card? Employment Authorization Cards are an acceptable document for I-9 purposes.*" If the employee informs you that he/she has not received his/her Employment Authorization Card, and the employee does not have another

acceptable combination of documents, then he/she does NOT have work authorization and must wait for the card to arrive in the mail. (**Remember: A restricted SSN CANNOT be used for I-9 purposes!**)

Important Reminders:

- Restricted SSNs cannot be used. This includes SSN cards with "Valid With DHS Authorization Only" printed on the front of the card
- Once the employee receives the OPT card, he/she can complete the I-9 form
- **Possible Employment Gaps:**
  - If employment is delayed because to the employee has not received the original OPT card, employment and pay cannot be back dated to the first date on the card. This is because the employee did not have authorization to work until he/she received the card, and cannot be compensated for time he/she was not actually working.
  - Additionally, if the start date of the card is in the future, the employee cannot begin working in OPT status until the start date of the card has arrived. This may also cause a gap in employment.
- **Review Section 1 of the I-9 form!** When an employee is completing Section 1 with an Employment Authorization Card, he/she must check the fourth option "Alien authorized to work until…", add the expiration date of the card, and complete **Option Number 1, "Alien Registration Number/USCIS Number"** <u>ONLY</u>. The employee's I-94 and foreign passport information should <u>not</u> be included in Section 1. If any of Section 1 is completed incorrectly, you should correct this with the employee before beginning Section 2.
- **An OPT Employee MUST work in his/her field of study.** How will you know the employee is on OPT when viewing the Employment Authorization Card? This information will be listed on the front of the card under "Terms and Conditions". See Fig. 2. If you have questions on whether the work qualifies under the employee's field of study, please contact International Employment.

[Fig.2]

- **STEM Employees MUST work in a STEM field.** STEM Fields include: Science, Technology, Engineering, and Math. How will you know the employee is on a STEM employment card? This information will be listed on the front of the card under "Terms and Conditions". See Fig. 3.

[Fig. 3]

OPT Extensions

When a person applies for a STEM extension of his/her OPT card, he/she can continue to work while the application is pending, **as long as USCIS receives the application BEFORE his/her current OPT expires!** You must also complete an Interim Amendment of the current I-9 form, and you will need the receipt notice and the SEVIS number from the I-20 form to do so. Instructions for Interim Amendments can be found on our website, here.

Have additional questions? Email International Employment at I9Questions@ncsu.edu, or call us at 919-513-3338.