

COMPLETING THE FORM I-9 FOR F-1 NONIMMIGRANTS:**WHAT IS AN F-1 VISA?**

Foreign Academic Student: The F-1 is a non-immigrant visa sponsored by certified U.S. schools that allows qualified foreign students to pursue academic studies and/or language training programs in the U.S.

Following completion of their first academic year, F-1 students may engage only in three types of off-campus employment:

- 1) **Curricular Practical Training (CPT):** CPT allows students to accept paid employment while gaining real world experience relevant to their field of study. To qualify as CPT the work performed must be an integral part of the curriculum of the student's academic program.
- 2) **Optional Practical Training (OPT):** OPT allow students to accept paid employment while gaining real world experience relevant to their field of study. OPT is not an integral part of the curriculum of the student's academic program. USCIS may authorize an F-1 academic student to have up to 12 months of OPT following completion of their degree program.
- 3) **Science, Technology, Engineering and Mathematics (STEM) Optional Practical Training (OPT) Extension:** The STEM OPT Extension allows eligible F-1 academic students with degrees in science, technology, engineering or mathematics to apply for a one-time 24- month extension of OPT. Students with a STEM OPT Extension may only work for employers enrolled in E-Verify. Students and their prospective employers must also complete and comply with the terms of the Form I-983 Training Plan for STEM OPT Students, which includes not only a detailed training curriculum for the student, but also certain attestations by the employer as well as assessment and reporting requirements.

CAP-GAP: In cases where an F-1 student is seeking to change to H-1B status, they may be eligible for an extension of their work authorization through September 30 of the calendar year in which the H-1B petition is being filed, but only if the H-1B status will begin on October 1.

WHAT SHOULD AN ACCURATELY COMPLETED FORM LOOK LIKE?

Section 1: No later than close of business on their first day of work for pay, the employee must complete their name, street address (P.O. Box is not acceptable) and date of birth. Social Security Number is an optional field for the Form I-9 (if an employer does not participate in E-Verify). The F-1 nonimmigrant should also check the box indicating their status as "An alien authorized to work" and enter the 11-digit number from their Form I-94 (their admission number) and the date their training period expires from their Form I-20 (Certificate of Eligibility for Nonimmigrant Students) as the expiration date. They will be required to complete the I-94 information as well under the status section. The employee must then sign and date where indicated.

Please note that a social security number is NOT required for completion of the Form I-9 UNLESS the employer participates in E-Verify.

An employee may be employment authorized even though the Social Security Administration has not yet issued a Social Security Card and number for the employee. If you are an employer who participates in E-Verify, a social security number is required to create the new case in the E-Verify system, but the Form I-9 can still be completed timely. You may not use the possession of a social security number for an otherwise employment authorized individual to delay the start date of a worker. If a newly hired employee has applied for, but not yet received their Social Security Number, make a note ("applied") on the Form I-9. If you must wait longer than 3 days to create a case in E-Verify due to the wait for a Social Security Number, choose this reason from the drop-down list in E-verify at the time you create the case.

SECTION 2 FOR F-1 CURRICULAR PRACTICAL TRAINING (CPT)

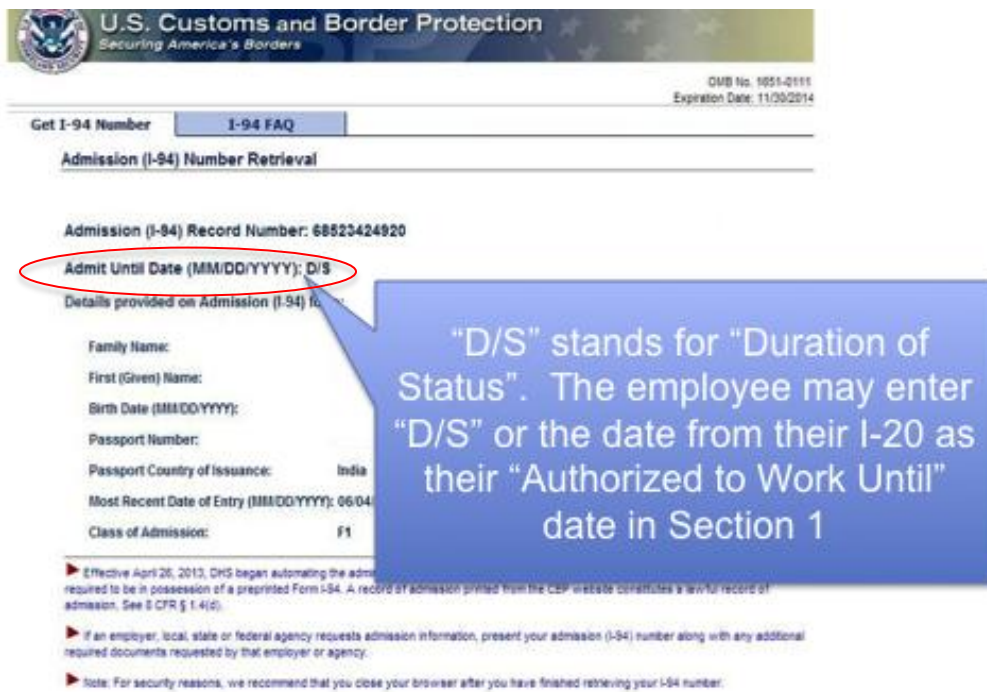
Section 2: F-1 Curricular Practical Training (CPT) for Off-Campus Employment there are only three acceptable documents to prove identify and work authorization for an F-1 nonimmigrant in Curriand all three are recorded together as a **List A** document set to complete the Form I-9:

- 1) Unexpired Foreign Passport, and
- 2) Form I-94 Arrival/Departure Record
- 3) Form I-20 (Certificate of Eligibility for Nonimmigrant Students) with the designated school official's endorsement for employment on page 3 of the form.

As these are the only acceptable documents to prove identify and work authorization for a F-1 (CPT) nonimmigrant, the employer may instruct the employee to provide these specific documents for the Form I-9.

The employer (or their designated representative), will record the foreign passport information on the first 2 lines provided in List A as demonstrated in the following sample. On the following line they will indicate "I-94" and the 11-digit admission number. There is no expiration date from the I-94 as CBP will note the status of the individual as "F-1" and rather than an expiration date indicate "I-20" as work authorization is based upon the schools endorsement on this form. Therefore you use the expiration date from the I-20 as the expiration date for the I-94. On the last Document # line, you will indicate "I-20" and the document number and indicate the expiration date on the last expiration date line.

The Form I-94 Arrival/Departure Record: The Form I-94 is the arrival-departure record issued by U.S. Customs and Border Protection ("CBP") to an arriving foreign national at a port of entry. The I-94 is now issued electronically and foreign nationals can retrieve their I94 [online](#). A new Form I-94 is issued when a person successfully extends or changes nonimmigrant status while in the United States. These are printed on the bottom of the I-797, Form Notice of Approval sent to the individual by U.S. Citizenship and Immigration Services.



U.S. Customs and Border Protection
Securing America's Borders

OMB No. 1651-0111
Expiration Date: 11/30/2014

Get I-94 Number **I-94 FAQ**

Admission (I-94) Number Retrieval

Admission (I-94) Record Number: 68523424920

Admit Until Date (MM/DD/YYYY): D/S

Details provided on Admission (I-94) to:

Family Name:	
First (Given) Name:	
Birth Date (MM/DD/YYYY):	
Passport Number:	
Passport Country of Issuance:	India
Most Recent Date of Entry (MM/DD/YYYY):	06/04
Class of Admission:	F1

Effective April 26, 2013, DHS began automating the admission process. A record of admission printed from the CBP website constitutes a valid record of admission. See 8 CFR § 1.416.

If an employer, local, state or federal agency requests admission information, present your admission (I-94) number along with any additional required documents requested by that employer or agency.

Note: For security reasons, we recommend that you close your browser after you have finished retrieving your I-94 number.

"D/S" stands for "Duration of Status". The employee may enter "D/S" or the date from their I-20 as their "Authorized to Work Until" date in Section 1

The Form I-20 Certificate of Eligibility for Nonimmigrant Students:

The Form I-20 is issued by the school sponsoring the F-1 Academic Student and must be endorsed for employment on page 3 of the form in order to be an acceptable document to prove work authorization for the Form I-9 and its expiration. The date included on the Form I-94 is the date that work authorization expires. *Be sure to use this date for your tickler system and reverify work authorization before this date occurs.*

U.S. Department of Justice
Immigration and Naturalization Service

Certificate of Eligibility for Nonimmigrant (F-1) Student
Status - For Academic and Language Students (OMB NO. 1653-0038)

Page 1

Please read Instructions on Page 2
This page must be completed and signed in the U.S. by a designated school official.

SEVIS

1. Family Name (surname):
First (given) Name: Middle Name:
Country of birth: INDIA Date of birth (mo/day/year): 02/07/19
Country of citizenship: INDIA

2. School (School Name):
FAMILYNAME: MATSUNAKA
Primary Major: 50.0601 Film/Cinema/Video Studies
Student Employment Authorization:
Employment Status:
Duration of Employment - From (Date):
Employer Name:
Employer Location:

For Immigration Official User

SEVIS Student's Copy
M000 XXXXXXXX

Page 3

IF YOU NEED MORE INFORMATION CONCERNING YOUR F-1 NONIMMIGRANT STUDENT STATUS AND THE RELATING IMMIGRATION PROCEDURES, PLEASE CONTACT EITHER YOUR FOREIGN STUDENT ADVISOR ON CAMPUS OR A NEARBY IMMIGRATION AND NATURALIZATION SERVICE OFFICE.

FIRST NAME: GEORGE

Type:
To (Date):

I-20 Program Start and End Dates

Sample of Completed Form I-9 for F-1 CPT NONIMMIGRANT

French Passport		
Issuing Authority: France	Issuing Authority:	Issuing Authority:
Document Number: #00XX00000	Document Number:	Document Number:
Expiration Date (if any)(mm/dd/yyyy): 05/13/2020	Expiration Date (if any)(mm/dd/yyyy):	Expiration Date (if any)(mm/dd/yyyy):
Document Title: I-94	<p>The Form I-20 determines the expiration of work authorization. Employers will use this date for tracking reverification. In Section 1, the employee will enter either the date indicated on the I-20 or simply write "D/S" in the date field (similar to what appears on their I-94) to indicate that work authorization ends when their CPT status ends</p>	
Issuing Authority: DHS		
Document Number: 00000000000		
Expiration Date (if any)(mm/dd/yyyy): D/S		
Document Title: Form I-20		
Issuing Authority: DHS		
Document Number: N0000000000		
Expiration Date (if any)(mm/dd/yyyy): 06/30/2015		

Certification

attest, under penalty of perjury, that (1) I have examined the document(s) presented by the above-named employee, (2) the above-listed document(s) appear to be genuine and to relate to the employee named, and (3) to the best of my knowledge the

Sample Section 2 of Form I-9 for F-1 (OPT)

Section 2. Employer or Authorized Representative Review and Verification

(Employers or their authorized representative must complete and sign Section 2 within 3 business days of the employee's first day of employment. You must physically examine one document from List A OR examine a combination of one document from List B and one document from List C as listed on the "Lists of Acceptable Documents" on the next page of this form. For each document you review, record the following information: document title, issuing authority, document number, and expiration date, if any.)

Employee Last Name, First Name and Middle Initial from Section 1: Louis, Paul W

List A Identity and Employment Authorization	OR	List B Identity	AND	List C Employment Authorization
Document Title: EAD		Document Title:		Document Title:
Issuing Authority: DHS		Issuing Authority:		Issuing Authority:
Document Number: XXXX000000000		Document Number:		Document Number:
Expiration Date (if any)(mm/dd/yyyy): 08/31/2015		Expiration Date (if any)(mm/dd/yyyy):		Expiration Date (if any)(mm/dd/yyyy):
Document Title:				3-D Barcode Do Not Write in This Space
Issuing Authority:				
Document Number:				
Expiration Date (if any)(mm/dd/yyyy):				
Document Title:				
Issuing Authority:				
Document Number:				
Expiration Date (if any)(mm/dd/yyyy):				

Certification

I attest, under penalty of perjury, that (1) I have examined the document(s) presented by the above-named employee, (2) the above-listed document(s) appear to be genuine and to relate to the employee named, and (3) to the best of my knowledge the employee is authorized to work in the United States.

The employee's first day of employment (mm/dd/yyyy): 06/30/2013 (See instructions for exemptions.)

Signature of Employer or Authorized Representative <i>Timothy Hardy</i>		Date (mm/dd/yyyy) 06/30/2013	Title of Employer or Authorized Representative Project Manager	
Last Name (Family Name) Hardy	First Name (Given Name) Timothy	Employer's Business or Organization Name Computer Technology, Inc.		
Employer's Business or Organization Address (Street Number and Name) 456 Linux Avenue		City or Town Windowsville	State MD	Zip Code 12345

SECTION 2 FOR F-1 OPT WITH 24-MONTH STEM EXTENTION

Students granted Optional Practical Training after completing a science, technology, engineering or mathematics ("STEM") degree may apply for a one-time 24-month extension if the student's employer is registered with the E-Verify program and has completed the Form I-983 Training Plan for STEM OPT Students. A STEM student may also change employers, but the new employer must be also enrolled in E-Verify and complete a new Form I-983 before they begin work for pay.

If a student's Employment Authorization Card (Form I-766) expires while a STEM extension application is pending, they remain authorized to work until the sooner of:

- 180 days from the date the initial Employment Authorization Card expires, or
- the date USCIS makes their determination.

To prove identity and work authorization for the Form I-9 a student in this status may provide the following documents:

- Unexpired Employment Authorization Card (Form I-766)
- Expired Employment Authorization Card plus the Form I-20 endorsed by the Designated School Official recommending the STEM extension.

If the student presents an expired Employment Authorization Card, and the appropriate I-20 as indicated above, these documents only provide work authorization for a period of 180 days the from date the initial Employment Authorization Card expires, therefore you must reverify the Form I-9 before this period expires.

To complete the Form I-9 using an expired Employment Authorization Card and Form I-20 and employer would do the following in document list area of Section 2:

- Record the document title (Form I-766)
- Record the document number (Case number)
- Record the date the documented expired
- Write "180-day Ext." in the margin of Section 2.

The employer would keep a copy of the Form I-20 and EAD with the Form I-9.

Sample Form I-9 F-1 STEM Extension with expired Employment Authorization Card

Section 2. Employer or Authorized Representative Review and Verification
(Employers or their authorized representative must complete and sign Section 2 within 3 business days of the employee's first day of employ must physically examine one document from List A OR examine a combination of one document from List B and one document from List C in the "Lists of Acceptable Documents" on the next page of this form. For each document you review, record the following information: document issuing authority, document number, and expiration date, if any.)

Employee Last Name, First Name and Middle Initial from Section 1: Louis, Paul W

List A Identity and Employment Authorization	OR	List B Identity	AND	List C Employment Authorization
Document Title: EAD		Document Title:		Document Title:
Issuing Authority: DHS		Issuing Authority:		Issuing Authority:
Document Number: XXXX0000000000		Document Number:		Document Number:
Expiration Date (if any)(mm/dd/yyyy): 08/31/2015		Expiration Date (if any)(mm/dd/yyyy):		Expiration Date (if any)(mm/dd/yyyy):
Document Title:		Document Title:		Document Title:

180-day Ext.

H-1B CAP GAP EXTENSION FOR F-1 STUDENTS

Following OPT, an employer would need to apply timely for H-1B visa status in order to continue to employ the former student. The H-1B Cap Gap is the period of time between when the F-1 student status would end and H-1B status begins (October 1).

Certain beneficiaries of cap subject H-1B petitions that are timely filed on behalf of an eligible F-1 student, which request a change of status to H-1B to start on October 1, qualify for Cap Gap Extension. Qualifying students will be able to legally live and work in the U.S. during the “gap” in time between when F-1 student status would end until the H-1B petition adjudication process has been completed. The Cap Gap extension ends on September 30, or earlier when an H-1B petition is rejected, denied or revoked.

To prove identity and work authorization for the Form I-9 a student in this status may provide the following documents:

- Unexpired Employment Authorization Card (Form I-766)
- Expired Employment Authorization Card plus the Form I-20 endorsed by the Designated School Official recommending the cap-gap extension.

If the student presents an expired Employment Authorization Card, and the appropriate I-20 as indicated above, these documents are acceptable to prove identity and work authorization for the Form I-9 through September 30 of the calendar year for which the H-1B petition is being filed, but only if the H-1B employment will begin on October 1, therefore you must reverify the Form I-9 by October 1.

To complete the Form I-9 using an expired Employment Authorization Card and Form I-20 and employer would do the following in document list area of Section 2:

- Record the document title (Form I-766)
- Record the document number (Case number)
- Record the date the documented expired
- Write “Cap-Gap.” in the margin of Section 2.

The employer would keep a copy of the Form I-20 and EAD with the Form I-9.

Sample Form I-9 F-1 STEM Extension with expired Employment Authorization Card

Section 2. Employer or Authorized Representative Review and Verification				
<i>(Employers or their authorized representative must complete and sign Section 2 within 3 business days of the employee's first day of employment. Employers must physically examine one document from List A OR examine a combination of one document from List B and one document from List C in the "Lists of Acceptable Documents" on the next page of this form. For each document you review, record the following information: document issuing authority, document number, and expiration date, if any.)</i>				
Employee Last Name, First Name and Middle Initial from Section 1: Louis, Paul W				
List A	OR	List B	AND	List C
Identity and Employment Authorization		Identity		Employment Authorization
Document Title: EAD		Document Title:		Document Title:
Issuing Authority: DHS		Issuing Authority:		Issuing Authority:
Document Number: XXX000000000		Document Number:		Document Number:
Expiration Date (if any)(mm/dd/yyyy): 08/31/2015		Expiration Date (if any)(mm/dd/yyyy):		Expiration Date (if any)(mm/dd/yyyy):
Document Title:				

Cap-Gap