

1. How do I verify work authorization for a student under F-1 status and OPT?

The following document establishes a student's identity and employment authorization for Form I-9: Unexpired OPT EAD (Employment Authorization Document).

2. How do I verify a student under F-1 status and OPT Cap-Gap?

If a student is in F-1 OPT status when you file a cap-subject H-1B petition with an October 1 start date, they will receive an automatic cap-gap extension of both their F-1 student status and their OPT work authorization. If the H-1B petition is selected and remains pending or is approved, the student will remain authorized to work as an F-1 student with OPT EAD through September 30.

The following documents establish identity and employment authorization for Form I-9 purposes for students under OPT cap-gap: Expired OPT EAD and Form I-20 endorsed by the student's designated school official (DSO) reflecting the cap-gap extension.

These documents are acceptable through September 30 of the year in which the employer filed the H-1B petition unless the H-1B petition is rejected, not selected, denied, revoked or withdrawn before October 1.

If a student is in F-1 status when you file an H-1B petition with an October 1 start date, but the student does not have a current OPT EAD, the student will receive a cap-gap extension of their F-1 status, but will not be authorized to work until USCIS approves the H-1B petition and the H-1B status begins.

3. How do I verify a student under F-1 status and STEM OPT?

The EAD issued to a student with F-1 STEM OPT states "STU: STEM OPT ONLY." The following documents establish a student's identity and employment authorization for Form I-9: Unexpired STEM OPT EAD, or for certain students, an expired OPT EAD presented with Form I-20 endorsed by the student's DSO recommending a STEM extension.

The expired EAD with an endorsed Form I-20 for STEM OPT is acceptable until USCIS makes a decision on the student's application, but for not more than 180 days from the OPT EAD expiration date. Employment authorization must be re-verified after 180 days from the date the EAD expires to continue employment.

*This material is not intended to substitute as legal advice.