

International Students

Working in the US

INTERNATIONAL STUDENTS



Before pursuing any employment or internship, international students are advised to first speak with Kristi Campbell (Director of International Student Services). Kristi's office is located on the ground floor of the David Campus Center, office 103. Also contact her via email: kcampbell1@walsh.edu and office phone: 330-490-7105.

Employers can be concerned about liability issues related to the employment of international students in the United States due to changes in federal laws governing non-citizens. Getting permission for international students to work in the U.S. is not as difficult as many employers think. Most international students are in the U.S. on non-immigrant student visas (F-1 and J-1), and these international students are eligible to accept employment under certain conditions

What employers may not know about hiring international students:

Is it against the law to hire international students who does not have a green card?

No. Federal regulations permit the employment of international students on F-1 and J-1 visas within certain limits. These visas allow students to work in jobs related to their major field of study. F-1 students can work on "practical training." J-1 students may work on "academic training."

Even if it's legal to hire international students, won't it cost employer a lot of money and involve a lot of paperwork?

No. The only cost to the employer hiring international students is the time and effort to interview and select the best candidate for the job. The international student office handles the paperwork involved in securing the work authorization for F-1 and J-1 students. In fact, a company may save money by hiring international students because the majority of them are exempt from Social Security (FICA) and Medicare tax requirements

How long can international students work in the United States with their student visa?

F-1 students are eligible for curricular practical training before completing their studies, as well as an additional 12 months of optional practical training, either before or following graduation, or a combination of the two. Students who complete bachelors, masters and doctoral degree in STEM field may work for 17 additional months of optional practical training at an E-Verify employer. However, if they work full-time for one year or more of curricular practical training, they are not eligible for Optional Practical Training. Students with a J-1 visa are usually eligible to work up to 18 months following graduation. They may also be eligible to work part-time during their program of study. The Responsible Officer (RO) or Alternate Responsible Officer (ARO) will evaluate each student's situation to determine the length of time for which they are eligible to work.

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Don't international students need work authorization before I can hire them?

No. International students must have the work authorization before they begin actual employment, but not before they are offered employment. In fact, J-1 students must have a written job offer in order to apply for the work authorization. Many F-1 students will be in the process of obtaining work authorization while they are interviewing for employment. Students can give employers a reasonable estimate of when they expect to receive work authorization.

What does the work authorization look like?

For Optional Practical Training, F-1 students receive from USCIS an Employment Authorization Document (EAD), a small photo identity card that indicates the dates for which they are permitted to work. For Curricular Practical Training, F-1 students receive authorization from the school (NOT from CIS) on the back of the student's I-20.

"No Service endorsement is necessary" - per 8CFR 274a.12(b)(6)(iii).

J-1 students receive work authorization in the form of a letter issued by the RO or ARO at their institution.

What if employer wants to continue to employ international students after their work authorization expires?

With a bit of planning ahead, an employer can hire international students to continue to work for them in the H-1B visa category for a total of six years (authorization is granted in two three-year periods). The H-1B is a temporary working visa for workers in a "specialty occupation." The application procedure to the USCIS is straightforward. The job must meet two basic requirements:

- 1) The salary must meet the prevailing wage as defined by Department of Labor
- 2) A bachelor's degree is a minimum normal requirement for the position.

Doesn't an employer have to prove that international students are not taking jobs from a qualified American?

No. American employers are not required to document that a citizen of another country did not take a job from a qualified American if that person is working under an F-1, J-1 or H-1B visa. Employers must document that they did not turn down a qualified American applicant for the position only when they wish to hire foreign citizens on a permanent basis and sponsor them for a permanent resident status ("green card").

Can organization hire international students as volunteer interns?

Normally, if the internship involves no form of compensation and is truly voluntary, the students may volunteer without having to do any paperwork with the USCIS. If, however, the internship provides a stipend or any compensation, students must obtain permission for practical training or academic training prior to starting their internship. Students should check with their employers to ensure that the company is allowed by law to offer unpaid internships.

ON-CAMPUS EMPLOYMENT

F-1 and J-1 students are eligible to work on-campus while attending classes. The work does not need to be related to their field of study. They must maintain legal F-1 or J-1 status while engaging in on-campus employment. International students are limited to 20 hours of work on-campus while school is in session and up to 40 hours per week during academic breaks and summer vacation. However, a student cannot work 10 hours one week and 30 hours the next, as this is a violation of immigration law and the F-1 student visa

Rules & Definition for “On-Campus Employment”

On-campus employment is the category most freely permitted by the USCIS regulations, and it does not require USCIS approval. However, although F-1 status includes an on-campus employment privilege, on-campus employment opportunities at most schools are limited. Even if the student can obtain a job on campus, they may not rely on it to prove financial resources for the year, and often these jobs are not related to their studies.

For on-campus work, an F-1 student is subject to the following rules:

- A student must maintain valid F-1 status
- The student can work up to 20 hours per week while school is in session
- The student can work full-time on campus during holidays and vacation periods if they intend to register for the next academic semester
- The employment may not displace (take a job away from) a U.S. resident

The definition of on-campus employment includes:

- Work performed on the school's premises directly for the school (including work affiliated with a grant or assistantship).
- Work performed for on-location commercial firms which provide services for students on campus, such as the school bookstore or cafeteria (Employment with on-site commercial firms which do not provide direct student services, such as a construction company building a school building, is not deemed on-campus employment for the purposes of the rule).
- Work performed at an off-campus location which is educationally affiliated with the school.
- The educational affiliation must be associated with the school's established curriculum or related to contractually funded research projects at the post-graduate level. In any event, the employment must be an integral part of the student's educational program.

Remember: International students must seek guidance and clearance from 62 International Student Services prior to applying for or accepting any employment.

OPT QUICK GUIDE

WHAT IS OPT?

- Optional Practical Training (OPT) is temporary employment that is directly related to an F-1 student's major area of study
- Eligible students can apply to receive up to 12 months of OPT employment authorization before completing their academic studies (pre-completion) and/or after completing their academic studies (post-completion)
- If you have earned a degree in certain science, technology, engineering and math (STEM) fields, you may apply for a 24-month extension of your post-completion OPT employment authorization (uscis.gov)

OPT APPLICATION PROCESS

- You can apply for OPT as soon as 90 days before you graduate or as soon as possible within 60 days after
- See the Office of International Student Services to learn more

WHAT YOUR EMPLOYER SHOULD KNOW

- Students are responsible for obtaining employment authorization
- Students on OPT do not require immediate sponsorship, and can work a minimum of 12 months and up to 3 years using an EAD card. The EAD establishes the student's identity and employment authorization

OPT Employment

You should be working a minimum of 20 hours per week.

The following types of employment are allowed:

- Regular/Contract employment
- Working for a contractor
- Consulting
- Volunteer
- Internships
- Working for multiple employers
- Self-employment (business must be licensed and registered)
- Musicians and other performing artists, may work for multiple short term employers (gigs)

EAD CARD

EAD cards are usually received by mail within three to four months after submitting application

CPT QUICK GUIDE

WHAT IS CPT?

CPT is defined as an “alternative work/study, internship, cooperative education, or any other type of required internship or practicum and is “an integral part of an established curriculum” and “directly related to the student’s major area of study.” [8 C.F.R. § 214.2(f)(10)(i)]

FULL-TIME VS PART-TIME

Full time CPT = 21 or more hours worked per week

Part time CPT = 20 or less hours worked per week

If you are enrolled in part time CPT, you must be enrolled in full time classes

9hrs - graduate students
12 hrs - undergraduate students

REQUIREMENTS FOR CPT PARTICIPATION

- Completed an academic year (9 months) or full-time enrollment in the US
- Maintaining lawful F-1 Status and in good academic standing
- CPT must be related to major
- Enrolled in class for which CPT will be administered

CPT APPLICATION PROCESS

- Meet with the Office of International Student Services to determine if training experience is relevant and applicable to degree
- Register for Co-Op or Internship class
- You will receive a new I-20 with the CPT employment authorization

WHAT YOUR EMPLOYER SHOULD KNOW

- Students are responsible for obtaining employment authorization with help from the Office of International Student Services
- Students on OPT do not require immediate sponsorship, and can work a minimum of 12 months and up to 3 years using an EAD card
- The EAD establishes the student’s identity and employment authorization