EMPLOYER’S GUIDE TO HIRING INTERNATIONAL STUDENTS

Many employers are 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 (or as costly!) as many employers think. Most students are eligible to accept employment under certain conditions. The most common methods of hiring international students include Practical Training (Academic (AT), Curricular (CPT), or Optional (OPT)) and the H-1B Temporary Worker Visa.

BENEFITS OF HIRING INTERNATIONAL TALENT

- International students bring cross-cultural competencies and multiple language skills to your organization.
- Hiring an international student not only brings diversity but also introduces a new perspective for creativity & problem-solving.
- Many international students demonstrate maturity, flexibility and dedication and can share business practices of other cultures and help your organization adapt to new challenges globally.
- Students also exhibit high quality skills such as leadership and independence.

WHO IS AN F-1 VISA HOLDER?

An F-1 student is a non-immigrant who is pursuing a "full course of study" to achieve a specific educational or professional objective, at an academic institution in the United States that has been designated by the Department of Homeland Security (DHS) to offer courses of study to such students, and has been enrolled in SEVIS (the Student and Exchange Visitor Information System).

WHO IS A J-1 VISA HOLDER?

The J Exchange Visitor category was developed to implement the Mutual Educational and Cultural Exchange Act (Fulbright-Hayes Act) of 1961. The objective of the Exchange Visitor category, is "to increase mutual understanding between the people of the United States and the people of other countries by means of educational and cultural exchanges."

MINIMAL PAPERWORK FOR THE EMPLOYER

Did you know? Minimal paperwork is needed for an employer to hire an F-1 or J-1 student. All immigration paperwork is processed in advance by the student, their International Student Advisor, and United States Citizenship and Immigration Services (for OPT).

NO ADDITIONAL COSTS FOR THE EMPLOYER

Even better than minimal paper, no additional hiring costs! F-1 students are responsible for the $380 application and processing fee associated with Optional Practical Training. The employment authorizations for Academic Training and Curricular Practical Training have no application or processing fees.
WHAT DOES WORK AUTHORIZATION LOOK LIKE?

For Optional Practical Training, F-1 students receive an Employment Authorization Document (EAD Card) issued by USCIS. This photo identity card provides the dates the student is eligible to work in the United States. For Curricular Practical Training, F-1 students receive authorization from their school on page two of their I-20 document. J-1 students who engage in Academic Training also receive authorization from their school. Authorization is issued on the first page of their DS-2019 document.

DO INTERNATIONAL STUDENTS NEED WORK AUTHORIZATION BEFORE THEY CAN BE HIRED?

No. An employer can hire an international student at any time. However, the student must receive work authorization BEFORE they begin actual employment. F-1 students will be able to provide their employer with an estimated timeline for when they will have their employment authorization and can begin working. J-1 students actually need their employer to provide them with a written employment offer to secure work authorization.

DOES AN EMPLOYER NEED TO PROVIDE EVIDENCE THAT AN INTERNATIONAL STUDENT IS NOT TAKING A POSITION AWAY FROM A QUALIFIED AMERICAN?

No. Under the work authorization status of Optional Practical Training, Curricular Practical Training, and Academic Training, no documentation is required. International students with these employment authorizations should be treated equally within an applicant pool.

CAN MY COMPANY CONTINUE TO EMPLOY AN INTERNATIONAL STUDENT AFTER THEIR EMPLOYMENT AUTHORIZATION EXPIRES?

Federal regulations require that employment terminates at the time in which the employment authorization ends. International Students should always consult their International Student Advisor as their employment end date approaches if they wish to continue their employment.

Advanced planning is required for enabling your employee to continue their legal employment status in the United States. Graduates of STEM majors currently have the opportunity to apply for a 17-month STEM OPT extension. In total, an F-1 student who graduates with an approved STEM degree could utilize OPT for 27 continuous months. An alternative option for extending their employment is through the sponsorship of an H-1B Temporary Worker visa. The H-1B visa category is a non-immigrant temporary visa issued by United States Citizenship and Immigration Services for companies to employ foreign workers in specialty occupations in three-year increments. This process is completed by the hiring company.

ARE INTERNATIONAL STUDENTS SUBJECT TO U.S. TAXES?

Usually. Unless an international student is from a country that has a tax treaty with the U.S., F-1 and J-1 students are subject to federal, state and income taxes. Further information on international tax treaties can be found in the Internal Revenue Service Publication 519, U.S. Tax Guide for Aliens, and 901, U.S. Tax Treaties.