



# GUIDE TO HIRING INTERNATIONAL STUDENTS

## INTRODUCTION

Hiring international students is easier than many employers imagine. The regulatory basis for international students to work in the US is longstanding and well-established, and the required paperwork is relatively straightforward. This guide will provide both practical and strategic tips for hiring and bringing out the best in your international student employees.

UD enrolls over 1000 international students. The majority of these students possess F-1 visas (others possess J-1 visas). F-1 and J-1 visa holders are neither U.S. citizens nor permanent residents ("Green Card" holders) and have specific guidelines in the kind of work they can perform on and off campus.

## FOR OFF-CAMPUS EMPLOYMENT

International students may apply for permission to work off-campus under "practical training". Practical training is a legal means by which F-1 and J-1 students can obtain employment in areas related to their field of study. A student, in general, must have completed one academic year (two consecutive semesters) and otherwise have maintained status in order to qualify for practical training. After graduation, University of Dayton is considered an "off-campus employer" to students for practical training purposes.

There are three types of practical training:

- Optional Practical Training (OPT) F-1
- Curricular Practical Training (CPT) F-1
- Academic Training (AT) J-1

## OPTIONAL PRACTICAL TRAINING (OPT)

Optional Practical Training (OPT) is temporary work authorization for F-1 students to gain experience in jobs directly related to their field of study. Students are eligible for a total of 12 months of standard OPT per degree level (e.g. Bachelor's, Master's). Students in STEM fields may be eligible for an additional 24 months (bringing total work authorization to 36 months). OPT is more frequently used for employment opportunities after graduation (post-completion OPT) but it can be obtained prior to graduation (pre-completion OPT). Use of OPT is counted cumulatively. Only 12 total months of standard OPT are available, and OPT done before a degree is completed will count against that 12-month total and reduce time available after graduation.

With university assistance, students apply to USCIS for OPT. The average time for USCIS to review and render a decision is 4-6 months. If approved, a student will receive an Employment Authorization Document (EAD) which, along with the I-94, evidences work authorization. Students may begin employment only after they receive the EAD. The EAD will indicate the starting and ending dates of their work authorization. Students cannot work either before the start date or after the end date printed on their EAD card. Students with pending STEM OPT or H-1B applications will sometimes receive extended end dates beyond what is printed on the EAD.





# DIVERSITY DRIVES INNOVATION



## **CURRICULAR PRACTICAL TRAINING (CPT)**

Curricular Practical Training (CPT) is temporary work authorization for F-1 students prior to graduation in jobs directly related to their field of study. Employment must have a curricular component to qualify for CPT. That is, a student must enroll in concurrent academic course (i.e. EXP 101) the term of employment. CPT is best suited for cooperative education, work study, practicum and internship opportunities. CPT can be authorized for part or full-time employment.

- Part-time CPT: Employment for 20 hours(or less)/week. There is no limitation upon the length of time students may participate in part-time CPT.
- Full-time CPT: Employment for more than 20 hours/week. Twelve or more months of full-time CPT forfeits a student's eligibility for OPT.

Unlike OPT, CPT is authorized by the university, has no application fee, and takes only a few days to approve. If approved, a student will receive an I-20 endorsed for CPT which, along with student's I-94, evidences work authorization.

## **ACADEMIC TRAINING (AT)**

Academic Training (AT) is temporary work authorization for J-1 students in jobs directly related to their field of study. It is fairly flexible and offers a variety of paid and unpaid, full-time or part-time, training or employment situations, with one or more employers, to supplement the student's academic program.

AT is available at any stage of academic program, either while student is enrolled in school or within 30 days of academic program completion. Students who complete a degree program are permitted an overall AT period of 18 months. This includes all AT, whether before or after completion of studies. The total employment/training period may not exceed the amount of time spent in full course of study. A request for AT must be processed before completion of the academic program. The university authorizes AT with no application fee, and takes only a few days to approve. If approved, a student will receive a DS-2019 endorsed for AT with an authorization letter from UD.

## **FOR ON-CAMPUS EMPLOYMENT**

International students are eligible to work on campus immediately upon arrival to U.S. Work is limited to 20 hours/week when school is in session. During official school breaks, students may work up to 35 hours/week, with some exceptions (special note on GA/TA positions: contracted hours are worked hours, regardless of hours worked).

On-campus employment is defined as a current F-1 or J-1 student working on the school premises, with UD as the employer, while attending UD. Eligibility ends upon graduation.

[www.udayton.edu/careerservices](http://www.udayton.edu/careerservices)



## CPT, OPT, AT COMPARISON CHART

CHARACTERISTICS	CURRICULAR PRACTICAL TRAINING	OPTIONAL PRACTICAL TRAINING	ACADEMIC TRAINING
Preconditions	Full-time enrollment for 1 academic year before eligible. <i>Exception for graduate students whose programs require immediate CPT.</i> Must be in F-1 status to apply; ESL students not eligible.	Full-time enrollment for 1 academic year before eligible. Available before and after completion of program, but different rules apply for each. Must be in F-1 status to apply; ESL students not eligible.	During studies, or beginning not later than 30 days after completion of studies. Must be in J-1 status to apply.
Field/ Level of Work	Must be integral part of established curriculum in student's field of study	Must be directly related to the student's field of study	Must be directly related to the student's field of study
Location	CPT authorized for specific employer, location, and time period.	OPT is not employer or location specific so long as position is in student's field of study and in the US.	AT authorized for specific employer, location, and time period. Segments of AT may overlap; Multiple, overlapping segments permitted
Duration	No set maximum, must be completed before end of academic program. Approved one semester at a time.	A maximum of 12 months per educational level; 24-month extension available to certain STEM fields.	Time in academic training not to exceed time spent in program of study. A maximum of 18-months for undergraduate and predoctoral; additional 18 months available after completion of PhD
Hours per Week	Can be approved for part-time (20 hours or less) or full-time (more than 20 hours) depending on time of academic year.	Post-completion OPT: minimum of 20 hours per week. Pre-completion OPT (while school is in session and student still has coursework): limit 20 hours/ week Pre-completion OPT (during school breaks, and after coursework completed for graduate students): full-time OPT is possible.	Can be approved for part-time (20 hours or less) or full-time (more than 20 hours) depending on time of academic year.
Offer of Employment	Must submit an offer of employment as part of CPT application to ISSS office.	No offer of employment required for standard OPT. STEM extension requires offer of employment and training plan.	Must submit an offer of employment as part of AT application to ISSS office.
Effect on Other Work	Use of full-time CPT for 12 months or more forfeits eligibility for OPT. Part-time CPT does not affect OPT.	Use of full-time CPT for 12 months or more forfeits eligibility for OPT. OPT can be granted only once per degree level.	n/a
Approval Process	<ol style="list-style-type: none"> <li>1. Submit offer letter and CPT application form to ISSS office.</li> <li>2. Receive authorization from Designated School Official (ISSS) via updated I-20; USCIS approval not required.</li> </ol>	<ol style="list-style-type: none"> <li>1. Student submits form to ISSS office.</li> <li>2. DSO authorizes application, creates updated I-20.</li> <li>3. Student submits I-765 application to USCIS.</li> <li>4. Student receives authorization (EAD card) from USCIS within 3 – 5 months.</li> </ol>	<ol style="list-style-type: none"> <li>1. Submit offer letter and AT application form to ISSS office.</li> <li>2. Receive authorization from Responsible Officer (ISSS) via updated DS-2019 and ISSS letter of authorization; USCIS approval not required.</li> </ol>
What documents show work authorization?	I-20 (In addition to SSN, passport, visa, I-94)	I-20 and Employment Authorization Document (EAD) card (In addition to SSN, passport, visa, I-94)	DS-2019 and ISSS Letter of Authorization for AT (In addition to SSN, passport, visa, I-94)
Miscellaneous	Must continue to maintain full course of study in F-1 status during CPT, though some exceptions (such as cooperative agreements with UD or summer vacation).	Students on post-completion OPT are limited to a maximum of 90 days of unemployment; 150 days for those with STEM extension. If doing pre-completion OPT, must maintain full-course of study (unless during school breaks) Thesis/dissertation students, having completed all coursework, must continue to make normal progress toward degree.	J-1 SEVIS record must be kept active. For academic training after completing the course of studies, this includes extending the period of stay before the program end date, with academic training salary listed in the appropriate funding source.

## FREQUENTLY ASKED QUESTIONS

### ***Isn't it illegal to hire international students because they do 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." Both groups of students can work on campus in student positions.

### ***Will I get in trouble if I hire an international student?***

- Not as long as the standard hiring procedure for the employer has been followed and the international student has obtained or will obtain his/her work authorization prior to the first day of actual employment.

### ***Even if it's legal to hire international students, won't it cost 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. The only paperwork for the employer is providing a letter indicating the job offer for the authorization. Of course, employers must complete the standard paperwork related to their hiring process such as Form I-9, as with any new hire.

### ***How long can international students work for me (in the United States with their student visa)?***

- F-1 students are eligible for curricular practical training (12 months limit to retain OPT eligibility) 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. Certain STEM majors are eligible for a 24 month extension of OPT bringing their total time OPT to 36 months. 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.

### ***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. 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. J-1 students must have a written job offer in order to apply for work authorization.

### ***What does the work authorization look like?***

- For OPT, 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 CPT, F-1 students receive authorization from the school (NOT from USCIS) on the back of the student's I-20. For AT, J-1 students receive work authorization in the form of a letter issued by the RO or ARO at their institution.

### ***What if I want to continue to employ international students after their work authorization expires?***

- The employer may sponsor the international student for a change of status from student visa to employment visa. H-1B is the most common temporary work visa which is utilized by employers. H-1B visa is intended for "Specialty Occupations" that require a bachelor's degree at a minimum. Employers unfamiliar with the H-1B visa might consider legal advice from an experienced immigration attorney. The legal fees for this process are usually very reasonable. H-1B visas are usually initially granted for 3 years and can be extended for an additional 3 years.

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

- No. There is no requirement for employers to recruit or give preference to U.S. workers during the process of hiring F-1, J-1 or H-1B employees. However, the test of the labor market must be done as part of sponsorship of foreign nationals for employment-based permanent residency. Employers must document that they did not turn down a qualified U.S. worker for the position that is the basis for the employment-based Green Card.

***Can I hire international students as volunteer interns?***

- International students may be able to volunteer but should check with the international student office first before making any commitments. 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. More information about unpaid internships can be found at the DOL website at:  
<http://www.dol.gov/whd/regs/compliance/whdfs71.pdf>

***What questions should I ask an international student before and after interviewing?***

- An employer may ask if the international student has obtained an Employment Authorization Document or is in the process of obtaining one. For CPT, the employer should request the copy of I-20 issued which authorizes the international student to be employed. Also, as with any new hire, Form I-9 must be completed and proper documentation must be provided by the new hire.

***Aren't I displacing a U.S. worker by pursuing an H1B visa for a foreign national?***

- No, studies show hiring foreign nationals with advanced degrees promotes job growth. For every 100 H-1B work visas approved, 183 new jobs are created each year. If you control for just the jobs in the STEM fields, 262 new jobs are created. The reason for this is that for a foreign national employee to qualify for an H-1B:
  - A. The job must require a minimum of a bachelor's degree
  - B. The foreign national must meet all job qualifications
  - C. The employer must pay the a salary equal to or more than the federally determined prevailing wage
  - D. Many foreign nationals hired into these positions are high-level researchers, IT experts, and engineers – creating new products/technologies that will create jobs at all skill levels.

***What if I don't want to deal with all the red tape with H1B since I have heard too many horror stories?***

- Negative experiences make it through networks much faster than success stories. With proper planning and assistance of an experienced immigration attorney, the process is very manageable. There are two common mistakes employers make that are the root of the majority of the issues.
  1. Poor planning on employer's part which leads to lack of time to sufficiently apply for H-1B visa
    - Many employers think that the application can be prepared today and sent tomorrow. These applications take time to prepare, it is important to plan appropriately so you can meet important deadlines. For more information on employer sponsored work authorizations, [click here](#).
  2. Hiring the cheapest attorney or one who lacks experience in business immigration
    - Preparing and applying for a successful visa application takes the expertise of an experienced immigration attorney. The attorney knows what documentation the USCIS is looking for and how to prepare a successful application. Hiring an attorney who lacks the knowledge and expertise with the immigration system is just like hiring a tax attorney for defense in a criminal trial.

### ***Is it worth my time, money, and effort?***

International students can offer multicultural and multilingual skills to their employers. Most international students have a better ability to adapt and adjust to challenging situations. They are hard-working, success driven and take pride in the work product. Many international students would love the opportunity to work and continue to live in the United States. Immigrants are generally more loyal and stay longer:

- The average domestic graduate changes jobs every 2-3 years until age 35. U.S. employers generally value a more diversified resume for advanced professionals, so our culture does not promote staying with one employer for an extended period of time,
- Most international students come from cultures where staying loyal to one employer is valued more than a diversified resume.

### ***Work visa applications are too expensive.***

- As an investment, the return is far greater than the expense. Diversity drives innovation and you bring new perspectives to your company and expand networks. Additionally, foreign applicants do not change jobs as frequently as domestic applicants so you may save on turnover costs as well as training costs.

### ***What is the cost of E-Verify program and how can I enroll in E-Verify program?***

- There is no cost to register in E-Verify program. Information on E-verify and the enrollment procedure can be found at the USCIS website at [www.uscis.gov/everify](http://www.uscis.gov/everify).

### ***Whom should I contact if I have more questions?***

- Please contact the Center for International Programs at the University of Dayton, Office: 937-229-2748 or visit their website: <http://www.udayton.edu/international/isss/>

## **WHO TO CONTACT**

### ***Questions about work eligibilities for F-1 and J-1 students?***

International Student and Scholar Services

phone: 937-229-2748

email: [isss@udayton.edu](mailto:isss@udayton.edu)

### ***Additional Resources for hiring UD students or graduates?***

Career Services

937-229-2045

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