



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. This brochure addresses concerns employers might have about international students and work.

Getting permission for international students to work in the U.S. is **one** academic year (approximately nine months) in F 1 status must maintain their F 1 status to be eligible for practical training. There are two types of practical training:

- § Optional Practical Training
- § Curricular Practical Training

Optional Practical Training (OPT) must be authorized by the U.S. Citizenship and Immigration Services (USCIS) based on a recommendation from the designated school official (DSO) at the school which issued the I 20 to the student. Form I 20 is a government document which verifies the student's admission to that institution. Students are eligible for 12 months of OPT for each degree level. Students who obtain a degree in Science, Technology, Engineering, and Mathematics (STEM) may be eligible for additional 17 months of OPT.

Pre Completion OPT can be done prior to completion of study. Students can request to work

- 1) part time, a maximum of 20 hours per week, while school is in session
- 2) full time during vacation when school is not in session or
- 3) full time/part time after completing all course requirements for the degree.

Post Completion OPT can be authorized for full time after completion of the course of study.

STEM OPT Extension can be authorized for additional 17 months if student

- 1) is currently on post completion OPT after completing a bachelor's, master's or doctoral degree in Science, Technology, Engineering, and Mathematics (STEM), and
- 2) has a job or job offer from an employer registered in USCIS E Verify Program.

Cap Gap OPT can be granted if student (1) is in a period of authorized post completion OPT, and (2) is the beneficiary of a timely filed H 1B petition requesting change of status and an employment start date of October 1 of the following fiscal year. The Cap Gap OPT is an automatic extension of duration of status and employment authorization to bridge the gap between the OPT and start of H 1B status. The automatic extension of OPT is terminated upon the rejection, denial, or revocation of the H 1B petition.

Employment Authorization Document (EAD): Students who have received OPT permission will be issued an EAD by the USCIS. Their name, photo and valid dates of employment are printed on the EAD. Employers should note that the average processing time for USCIS to issue the EAD is two or three months, and students may begin employment only after they receive the EAD which will indicate the starting and ending dates of employment. Students who have pending STEM extension application can continue working for up to 180 days while the application is pending.

Curricular Practical Training (CPT) may be authorized by the institution (NOT by USCIS) for F 1 students participating in curricular related employment such as cooperative education, work study, practicum and internship programs. Authorization is indicated on page 3 of the I 20 and includes the name of the company, beginning and ending date, and signature of the designated school official (DSO). Since each institution has different policies related to curricular related employment, students should speak to the DSO at their institution. Processing time for the authorization of CPT varies at each institution. International students on F 1 visas are eligible for both CPT before finishing their studies, as well as 12 months of OPT. However, students who work full time on CPT for one year or more are not eligible for OPT.

Academic Training for J 1 Students

International students on J 1 visas are eligible for up to 18 months of work authorization, called academic training. Post doctoral students may apply for additional 18 months of Academic Training. Some J 1 program participants are also allowed to work part time during the academic program. Academic Training is granted in the form of a letter by the Responsible Officer (RO) or Alternate Responsible Officer (ARO). Students should consult with the RO or ARO at their institution.

Minimal Paperwork for the Employer

Fortunately, there is little paperwork for an employer who hires F 1 or J 1 students. All paperwork is handled by the students, the school, and USCIS (for OPT).

Continuing Employment after the Practical/Academic Training Period

Federal regulations require that employment terminate at the conclusion of the authorized practical or academic training. However, students on an F 1 visa, or students on a J 1 visa who are not subject to a two year home residency requirement, may continue to be employed, if they receive approval for a change in visa category (or) to (finishing) the academic requirement.

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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 I 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.

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.

This resource document was created by members of the International Career Opportunities Network (ICON), a volunteer resource sharing group that creates tomorrow's global leadership through international career development opportunities and shared best practices from international student and study abroad advisors, career counselors, experiential educators, and employers seeking to build a global workforce.

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