

## **Frequently Asked Questions about Hiring International Students**

### ***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.”

### ***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 center handles the paperwork 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 international 12 months of optional practical training, either before or following graduation, 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 Immigration Specialist will evaluate each student's situation to determine the length of time for which they are eligible to work.

### ***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 USCIS) on the back of the student's I-20. 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?***

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 6 years (authorization is granted in 2 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 the 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 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.

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