

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 noncitizens. 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, Curricular, or Optional) 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.
- The students' diversity of prior work experiences coupled with academic excellence provides innovative approaches to business.
- Demonstrate outstanding characteristics that are appealing to top employers: knowledge of other cultures, multiple language capabilities (including English), and ability to contribute in a teamwork-centered environment.
- Students also exhibit high quality skills such as leadership, independence, and ability to adapt to change.

NEED MORE INFORMATION?

Contact the **Global Talent Retention Initiative of Michigan (GTRI)**

www.migtri.org | info@migtri.org
Ave. Ste 275 East Lansing, MI 48823 | (517) 999-3382

Majors eligible for the 17-month extension:
<http://www.ice.gov/doclib/sevis/pdf/stem-list.pdf>

What Employers Should Know?
http://ois.njit.edu/docs/what_employers_should_Know.pdf

Guide to Hiring International Students
<http://www.creighton.edu/careercenter/employers/guidetohiringinternationalstudents/>

	Curriculum Practical Training (CPT) F-1 visa holders	Optional Practical Training (OPT) F-1 Visa Holders	H-1B Visa	Academic Training (AT) J-1 visa holders
Process	<p>CPT can be done prior to completion of study.</p> <p>Student applies for approval from their host institution. Students can request to work:</p> <ul style="list-style-type: none"> • Part time - maximum of 20 hours/week while school is in session (there may be exceptions) • Full time when school is not in session (21 hours or more/week) 	<p>Can be authorized for full-time employment after completion of studies (definition of completion varies by degree level)</p> <p>Student files OPT application with their host institution</p> <p>Approval is granted by the U.S Citizenship and Immigration Services (USCIS)</p> <p>Student must obtain Employment Authorization Document (EAD card) prior to starting work</p>	<p>Work visa available to foreign nationals who:</p> <ul style="list-style-type: none"> • Have at least a U.S Bachelor's degree or foreign equivalent • Will be working in a job that requires at least a Bachelor's degree <p>There is no need to advertise the position and no need to determine if U.S workers are available to fill the position</p>	<p>AT can be done Before and After completion of study</p> <p>Student applies for approval from their host institution</p> <p>Students are eligible to work anywhere from 18 to 36 months depending on length of study.</p>
Employer Requirements	Provide Offer Letter and/or other job specifications	<p>None</p> <p>Student must present EAD card to employer on the first day of work as proof of authorization.</p>	<p>Submit visa petition to USCIS.</p> <p>Employer must post notice for 10 days at the worksite stating they are hiring an H1-B worker, providing information about the position</p>	None
Timing	Approval takes 3-10 business days	Approval takes 2-3 months - students can apply 90 days in advance of their program completion.	On average 5-6 months. Employer can request expedited processing for an additional \$1,225 and can take up to 15 days to approve.	Approval takes 3-10 business days
Cost	No cost to employer or student	<p>No cost to employer</p> <p>\$380 paid by student</p>	<p>Ranges from \$2000-\$3500 and includes: Base Filing: \$325 ACWIA Fee \$750 for employer with 1-25 full time employees, \$1500 for 26 or more full time employees Fraud Prevention and Detection fee: \$500 Public Law 111 Fee: \$2000 - if more than 50 employees Attorney Fees if applicable</p>	No cost to employer

For more details about U.S. Work Authorization Options for International Students, please refer to the Office for International Students and Scholars (OISS) website at Michigan State University: www.oiss.msu.edu/students/employ under Related Links

EMPLOYING AN INTERNATIONAL STUDENT

A Guide for Prospective Employers

MICHIGAN STATE
UNIVERSITY

OFFICE FOR INTERNATIONAL STUDENTS AND SCHOLARS

Phone: 517.353.1720 | Fax: 517.355.4657

E-mail: oiiss@msu.edu | Web: <http://www.isp.msu.edu/oiiss>

This information will assist prospective employers in understanding some basic work options for internationals who may want to work for their company.

F-1 Visa Holders

The F-1 visa status is a temporary non-immigrant student visa. F-1 visa holders must obtain work authorization *before* beginning employment off-campus. Individuals holding F-2 visa status are dependents of the F-1 visa holder and *are not, under any circumstances, allowed to earn income in the United States.*

J-1 Visa Holders

J-1 student visa status is granted to students who participate in international exchange programs between Michigan State University (MSU) and universities in other countries, or whose education in the U.S. is financed directly or indirectly by the U.S. government, the government of the student's home country, an international organization of which the U.S. is a member, or by another institutional sponsor. J-1s have some work authorization options that must be pre-approved.

Employers do not incur processing costs for employment authorization of international students while they are on F-1 or J-1 visas.

BEFORE GRADUATION

On Campus Limitation

Students in F-1 and J-1 status are required to be full-time students and may work on-campus up to 20 hours or in the "practical training" options below.

Practical Training Options

International students are eligible for temporary work authorization that permits them to engage in part- or full-time employment in their field of study.

Curricular Practical Training (CPT)

CPT is temporary employment authorization **directly** related to a F-1 student's academic program and granted by the Office for International Students and Scholars (OISS). CPT is typically authorized on a part-time (up to 20 hours a week) basis during the school year and can be authorized on a full-time (over 20 hours a week) or part-time basis during vacation periods. CPT gives students the possibility to work off-campus or to work for more than 20 hours a week on campus if certain qualifications are met.

TYPES OF CPT

Required for the degree program: In order for training to be considered "required", all students in the degree program must be required to complete an internship or practicum in order to receive their degree. A few programs at MSU have such requirements.

Integral part of an established curriculum: If the internship/work experience is not required, then it must be taken for academic credit. Students will work with their academic advisor to fill out the "CPT Authorization Form"

issued by OISS. Please see the following link for more information:

<http://oiiss.isp.msu.edu/documents/students/cpt.pdf>

The student must receive a job offer *before* securing the employment authorization, and thus will be unable to provide documentation at the interview stage. OISS needs a signed, written offer of employment on the company's letterhead as part of the CPT application requirements.

Proof of Work Authorization: The employer and dates for which the student is authorized to work will appear on the student's Form I-20 (certificate of eligibility). Students cannot begin work before the start date on the Form I-20, or continue working after the end date. CPT authorization may be renewable if the student continues to be eligible.

J-1 Academic Training

J-1 students may apply for temporary work authorization called "Academic Training" (AT) either prior to or after completion of studies to accept positions within their field of study.

Students seeking or completing bachelor's or master's degrees are eligible for 18 months of AT. Students seeking or completing doctoral degrees are eligible for 36 months of AT. Non-degree (exchange) students are eligible for AT authorizations matching the length of time they have spent studying in the U.S. *Example:* A one-semester (4-month) exchange student is eligible for up to 4 months of AT.

AFTER GRADUATION

The U.S. government allows students to apply for authorization to gain practical work experience to supplement their academic programs. Many employers find this to be a useful opportunity to hire a student with valuable international perspectives.

F-1 Optional Practical Training (OPT)

OPT is defined as “temporary employment authorization **directly** related to the field of study”. F-1 students are eligible for up to 12 months of employment authorization under this category.

For students whose majors are given the STEM (Science, Technology, Engineering and Mathematics) designation, employment may be extended for an additional 17 months, if the F-1 visa holder is employed by an E-Verify employer.

OPT is recommended by OISS at MSU and granted by United States Citizenship and Immigration Services (USCIS). The application process can take several months.

Proof of Work Authorization: Students on OPT will receive an employment authorization document or EAD card. USCIS issues the EAD and it specifies the dates of authorized employment.

J-1 Academic Training: see the “before graduation” section.

COMMON EMPLOYMENT OPTIONS FOR NON-IMMIGRANT VISAS

Beyond CPT, OPT, or AT, there are options for employing internationals.

Temporary Worker (H-1) Visa

The H-1B visa allows foreign nationals to work in the United States in specialty occupations. The H-1B visa category has the following key requirements:

Applicant must have theoretical and practical application of a highly specialized body of knowledge and must have a minimum of a Bachelor's degree or its equivalent in a specialized field. The company is the petitioner of the H-1B and the international is the beneficiary. The company should consult their HR and legal counsel when completing these petitions.

The employer makes an H-1B visa petition to the Department of Labor and USCIS. An employer may petition for H-1B status for a maximum of 3 years at a time. An individual can hold H-1B status for up to a maximum of six years. It is advised to plan petition applications early as timing of filing is critical due to H-1B visa limits.

O-1 Visa: Individuals with Extraordinary Ability to Achievement
The O-1 nonimmigrant visa is for the individual who possesses extraordinary ability in the sciences, arts, education, business, or athletics, among other fields, and are recognized nationally or internationally for those achievements. An O-1 petition has an initial period of stay of up to 3 years. Subsequent extensions may last for no more than one year at a time. There is no limit to the number of extensions.

Nonimmigrant NAFTA Professional (TN) Visa

The TN visa allows citizens of Canada and Mexico, as NAFTA professionals, to work in the U.S. in a prearranged business activity for a U.S. or foreign employer. Permanent residents, including Canadian permanent residents, are not able to apply to work as a NAFTA professional. Both Canadian and Mexican citizens can be admitted to the United States in TN status in increments of up to three years. There is no cumulative time limit on TN status. Status is renewable indefinitely, provided the stay remains temporary in nature.

E-3 Certain Specialty Occupation Professionals from Australia

The E-3 classification applies only to nationals of Australia. The specialty occupation requires theoretical and practical application of a body of knowledge in professional fields and at least the attainment of a bachelor's degree, or its equivalent, as a minimum, for entry into the occupation in the U. S. There is no cumulative time limit on E-3. It is renewable every two years indefinitely, provided the stay remains temporary in nature.

Intra-Company Transfer (L) Visa

L Intra-company Transferees who, within the three preceding years, have been employed abroad continuously for one year, and who will be employed by a branch, parent, affiliate, or subsidiary of that same employer in the U.S. in a managerial, executive, or specialized knowledge capacity may be eligible for an L Visa.

PERMANENT RESIDENCY

Lawful permanent residency is a status granted by the U.S. government to citizens of other countries. One option to obtain PR is through an “employer-based petition”. For example, the employer may document the need for a person’s occupational skills, or the individual must prove international recognition in his or her field. While an employer may sponsor an individual, USCIS makes the final decision. Make no promise or guarantee to the employee.