

## EMPLOYING AN INTERNATIONAL STUDENT

### A Guide for Prospective Employers

This information will assist prospective employers in understanding the U.S. Bureau of Citizenship and Immigration Services (BCIS) work regulations as they pertain to international students who hold F-1 or J-1 student visa status.

The F-1 visa status is a temporary, non-resident student visa issued by the BCIS. F-1 visa holders must have 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 student visa status is granted to students who participate in international exchange programs between 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.

### BEFORE GRADUATION

#### ***On Campus Limitation***

Students on F-1 and J-1 visas are required to be full-time students and may work **ONLY** on-campus, except in rare cases of economic hardship, OR in the "training" options described below. Their work permission on-campus is limited to 20 hours per week while school is in session, though they may work full-time during vacations (i.e., Winter break, Spring break and Summer vacation.)

#### ***Training Options***

International students are eligible for temporary work authorization that permits them to engage in full-time employment in the U.S. in their field of study. Most international students who wish to use their "training" options apply as they are nearing, or shortly after, completion of their degree programs. However, they may use some of their eligibility during the summer vacation months and/or for part-time work during the academic year (August-May.) An additional option, Curricular Practical Training, can only be used as part of an academic program.

#### ***Curricular Practical Training***

Students may receive off-campus work permission if this is required as part of the academic program – in Engineering Co-op or HRI programs, for example, or other programs where credit will be earned for the work experience. Curricular Practical Training is authorized by an MSU International Student Advisor, and will be noted on the student's SEVIS I-20 (certificate of eligibility.) It is employer-specific, will show a beginning and an end date, and may be renewable if the student continues to be eligible.

### AFTER GRADUATION

#### ***Practical and Academic Training Options***

International students are eligible to receive employment authorization for *degree-related work experience*. These programs are intended by the U.S. government to permit students 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.

Any employment under these categories must be related to the student's field of study.

#### ***F-1 Optional Practical Training***

F-1 students are eligible for up to 12 months of full-time employment authorization under this category. No extensions are possible beyond 12 months.

#### ***J-1 Academic Training***

J-1 students may apply for temporary work authorization similar to the F-1 program, but in this case it is referred to as "academic" rather than "practical" training. In reality the employment offered may be precisely the same.

The major difference from the F-1 training program is that the J-1 student *may* be eligible for an 18-month training *if* the individual has been a student in the U.S. for 18 months. Additionally, Ph.D. candidates who accept a post-doctoral research position at an academic or research institution may be authorized for an *additional* 18 months of training. If used before the degree program is completed, it may be paid or unpaid.

## **DOCUMENTATION ON THE STUDENT VISA**

Work authorization for international students at MSU is handled by the student through the Office for International Student and Scholars for the period of employment requested. *No additional effort is required by the employer.*

### ***Employment Authorization Document (EAD)***

The EAD card is issued by the BCIS and will specify the dates of the authorized employment. A student is able to accept any type of employment in their field of study with this authorization.

The EAD will show the dates during which employment is authorized and will indicate that it is for “practical training.” In the case of part-time authorization the EAD will not specify the part-time restriction. However the student will be aware of the 20 hours per week limit.

In most cases the student should receive a job offer *before* securing the employment authorization, and thus will not be able to provide documentation at the interview stage. But the student should be aware of his/her eligibility.

If the EAD is issued while the individual is in school – e.g., for demonstrated economic hardship – the employment is limited to 20 hours per week while school is in session and up to full-time during semester breaks and the student’s annual vacation period. Renewal of this type of work authorization may be possible.

### ***Verification of Eligibility for Employment (I-9)***

The procedures to be followed in verifying employment eligibility for international students are the same as for any other individual you wish to hire. All employees must complete the I-9 “EMPLOYMENT ELIGIBILITY VERIFICATION” form. This is simply a record that the employer has verified the identity and legal employment eligibility of every person hired. In order to fill out the I-9 form, you need to bring your SEVIS I-20 or DS-2019, passport (valid for at least 6 months), and I-94 card with you to OISS. This form must be filled out at OISS and be signed by OISS. *It is helpful if you use the form provided for you by OISS instead of one that your department might give you.*

## **CHANGING TO A DIFFERENT NON- IMMIGRANT VISA FOR LONGER- TERM EMPLOYMENT**

Non-immigrant visa options provide a valuable alternative to the immigrant visa or permanent resident status (the so-called “green card”), requiring less time, expense, and paperwork than in obtaining the green card. Foreign students seeking opportunities for post-graduate career employment in this country frequently intend to return to their home countries after having established themselves professionally over a period of several years and are therefore suitable candidates for employment in non-immigrant visa status. In such cases, efforts to secure the green card are neither necessary nor appropriate.

### ***Temporary Worker (H-1) Visa***

If an employer wishes to retain an international graduate beyond the authorized period of employment, it is often possible to secure an H-1B, or Temporary Worker visa for this purpose. The H-1B visa, intended for “professional” employment, may be continued for up to six years.

An application for the H-1B visa is made by the employer through the Department of Labor and the BCIS. Although services of an attorney are not required, these applications should be prepared with careful attention to the instructions. The process may take up to four months (and occasionally longer.)

### ***Intra-Company Transfer (L) Visa***

Foreign nationals who have been employed abroad for a minimum of one year by a U.S. firm or corporation) or the affiliate or subsidiary of a U.S. company) may transfer to the U.S. to continue their employment on an L visa. As with an H-1B visa, the employer in the United States applies for an L visa, which permits the foreign national to continue employment for up to three years.

## **CHANGING TO PERMANENT RESIDENCY STATUS**

This is a status granted by the U.S. government to citizens of other countries, which may lead to eligibility for “naturalization” (U.S. citizenship.) An “employer-based petition” is one of several methods for applying. The employer must 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, the BCIS makes the decision. No promise or guarantee should be made to the employee.