EMPLOYING AN INTERNATIONAL STUDENT
A Guide for Prospective Employers

This information is meant to clarify employment options for international students holding F-1 or J-1 visa statuses, as dictated by the U.S. Citizenship and Immigration Services (USCIS).

- The F-1 visa status is a temporary, non-resident student visa issued by USCIS. 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 in the U.S., or whose study in the U.S. is financed directly or indirectly by a government institution or another institutional sponsor.
  - Individuals holding J-2 visa status are dependents of the J-1 visa holder and are eligible to apply to USCIS for work authorization. An Employment Authorization Document (EAD) must be obtained prior to commencing employment.

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 one of the following options. Their work permission on-campus is limited to 20 hours per week while school is in session, and full-time during summer and December breaks.

F-1 Optional Practical Training
International students are eligible for temporary work authorization that permits them to engage in full-time or part-time employment in their field of study. F-1 students may use this training during the summer vacation months and/or for part-time work during the academic year (August-May.)

F-1 Curricular Practical Training
Students may receive off-campus work permission if this is required as part of the academic program if required internships or other programs where credit will be earned for the work experience. CPT is authorized by an International Student Advisor at the university and will be noted on the student’s SEVIS I-20 (certificate of eligibility.) It is employer and site-specific, will show beginning and end dates, and occasionally may be renewable.

J-1 Academic Training
Students may utilize this work permission for all types of employment related to their studies. This training is used for employment required by the academic program as well as other off-campus employment in their field of study. The authorization is granted on the student’s DS-2019 and accompanied by a letter from the sponsoring agency official.

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. Students with certain degrees in the STEM fields (Science, Technology, Engineering and Mathematics) may be eligible for a 17 month additional OPT extension, ONLY IF full-time employed, in a company/organization registered with E-Verify.
*Employer must notify International Student Services within 10 (ten) days of termination of employment.*

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 is likely eligible to work for 18 months, if their degree took at least 18 months to complete. 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.
STUDENT VISA DOCUMENTATION

Work authorization for international students at South Carolina is handled by the student and the International Student Services office. *A job offer letter from the employer is only required for J-1 Academic Training and F-1 Curricular Practical Training authorizations.*


The F-1 student utilizing Optional Practical Training will receive an EAD issued by USCIS. This card will specify the dates of the authorized employment and will indicate it is for “practical training.” A student is able to accept any type of employment in their field of study with this authorization.

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. The student should be aware of his/her eligibility.

USCIS also issues an EAD work authorization card for international students in situations of economic hardship. These EAD’s bear the notation “20 hrs week full-time vacation” and are valid for one year. This authorization can be used for employment in any field, any area.

**PERMANENT RESIDENCY**

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 is his or her field. While an employer may sponsor an individual, USCIS makes the decision. No promise or guarantee should be made to the employee.

**VERIFICATION OF EMPLOYMENT ELIGIBILITY (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 form.

NON-IMMIGRANT VISAS

Non-immigrant visa options provide a valuable alternative to the immigrant visa or permanent resident status (the “green card”), requiring less time, expense, and paperwork than in obtaining the green card. It is important to discuss with your international student employee their long-term career intentions. If they wish to return home in a few years, perhaps a green card is not the best method for securing their continued employment.

**Temporary Worker (H-1B) 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 visa for this purpose. The H-1B, intended for “professional” employment, may be extended for up to six years.

An application for the H-1B visa is made by the employer through the Department of Labor and USCIS. These applications should be prepared with careful attention to the instructions. The process may take up to four months (and occasionally longer.) *If you have questions about how to file an H-1B for your employee, please consult a licensed attorney.* *International Student Services does not provide any legal advice on these matters.*

**Temporary Worker H-1B and “cap-gap” extensions**

If an employer timely files an H-1B application for an international student *currently employed on F-1 post-graduation OPT* the student may extend their work authorization until the H-1B status becomes active by obtaining a new I-20. This provision does not apply to H-1B cap-exempt employers.

*Example:*

- H-1B petition is filed April 1, 2011.
- Student employee’s OPT expires May 1, 2011.
- The student must contact International Student Services to obtain an updated I-20 that reflects the pending or approved H-1B.
- This updated I-20 provides the student work permission from May 2, 2011 through September 30, 2011.