

# WHAT EMPLOYERS SHOULD KNOW ABOUT HIRING INTERNATIONAL STUDENTS

## Introduction

Many employers are concerned about liability related to the employment of international students in the United States due to changes in federal laws governing non-citizens, particularly the Immigration Reform and Control Act of 1986 (IRCA) and the Immigration Act of 1990 (IMMACT90). This brochure addresses concerns employers might have about international students and work.

Getting permission for international students to work in the U.S. is not as difficult as many employers think. Most international students are in the U.S. on non-immigrant student visas (F-1 and J-1), and these international students are eligible to accept employment under certain conditions.

San Francisco State University currently enrolls approximately 2,500 international students on non-immigrant visas. These students are neither U.S. citizens nor permanent residents ("Green Card" holders). Although the U.S. Immigration Service limits the employment of international students, they are eligible to apply for permission to work under "practical training."

## Practical Training for F-1 Students

Practical training is a legal means by which F-1 students can obtain employment in areas related to their academic field of study. Practical training allows international students to undertake paid work in the U.S. while they are still pursuing their studies as well as immediately following their graduation. Students, in general, must have completed one academic year (approximately nine months) in F-1 status and 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 U.S. Citizenship and Immigration Services (USCIS) based on a recommendation from the designated school official (DSO) at the school which issued the form I-20, a government document which verifies the student's admission to that institution. The term "optional" means that students can opt to use all or part of their total practical training allotment of a maximum of 12 months. OPT can be authorized by the USCIS: (1) during vacation when school is not in session -full time employment is allowed; (2) for part-time work, a maximum of 20 hours per week, while school is in session; (3) after completing all course requirements for the degree; or (4) full-time after completion of the course of study. Students who have received OPT permission will be issued an Employment Authorization Document (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.

**Curricular Practical Training** 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 written on the back of the I-20 student copy and will include the name

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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 with an International Student Advisor at SF State's Office of International Programs. Processing time for the authorization of CPT varies at each institution. Employers should check with the SF State Office of International Programs for an approximate turn-around time. International students on F-1 visas are eligible for both curricular practical training before finishing their studies, as well as 12 months of OPT. However, students who work full-time on curricular practical training for one year or more are not eligible for OPT. Those engaging in OPT prior to graduation may work for a maximum of 20 hours per week during their school term and 40 hours during their break period.

## Academic Training for J-1 Students

Exchange students enter the U.S. on a J-1 visa. Practical training is called "academic training" for J-1 visa students. International students on J-1 visas are eligible for up to 18 months of academic training. Post-doctoral students are permitted three years. 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 Paper Work 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 curricular practical training, the school will make a notation on the students' copy of the I-20 form indicating that curricular practical training has been authorized, and specifying the duration and place of employment. Students authorized for optional practical training are required to apply to USCIS (through the school) for an Employment Authorization Document (EAD).

## Everyone Benefits!

International students can offer employers a wide range of skills and abilities. Their outstanding San Francisco State university education and their multi-lingual abilities make them a special asset to U.S. employers. International students have the initiative, flexibility and experience to adapt to new situations. They can also be of special benefit to employers for short-term (1-2 year and sometimes longer) work assignments.

Practical/Academic Training is designed to allow international students the opportunity to gain work experience directly related to their major field of study. As a result, they stand to gain from the employment they receive from you, but in return, your organization benefits greatly from their unique skills and new approaches to challenges.

Obtaining permission for them to work in the U.S. is not as difficult as many employers may think. Therefore, we urge you to seriously consider hiring an international student from San Francisco State University for the cultural and practical benefits that s/he can bring to your organization.







