

U.S. EMPLOYER'S GUIDE TO HIRING INTERNATIONAL STUDENTS

KEY POINTS

Student immigration statuses offer work authorization opportunities that permit international students and recent graduates to work in their field of study without much paperwork or any cost to the employer.

Employers can hire an international student, and they can engage in approximately 1 year of work before finishing their degree and up to 1-3 years of work after finishing their degree without needing sponsorship.

STUDENT IMMIGRATION STATUSES

Most international students come to the U.S. on an F-1 or J-1 nonimmigrant visa. Each status has a different set of regulations dictating requirements for employment. These requirements are outlined below.

HIRING F-1 INTERNATIONAL STUDENTS FOR AN INTERNSHIP / CO-OP

CURRICULAR PRACTICAL TRAINING (CPT)

CPT is work authorization issued by the International Students and Scholars Office (ISSO) at ISU. CPT is an academic learning experience, which allows a student to apply theoretical knowledge and skills gained through coursework in a work environment. CPT can be used during the fall, spring, or summer sessions, and can be authorized as full-time CPT (working more than 20 hours per week) or part-time CPT (working 20 hours or fewer per week).

ELIGIBILITY

- Student must be in valid F-1 status and have been enrolled at ISU in degree-seeking status for at least one academic year
- Experience must be directly related to student's major

DURATION

Students must apply each semester they want to engage in CPT and usually may not engage in more than 364 days of full-time CPT.

EMPLOYER ROLE

Provide student a job offer letter on letterhead and use the resulting CPT I-20 to complete I-9 for student, if paid.

STUDENT ROLE

Students must apply for CPT with ISSO and receive CPT authorization prior to beginning work.

COST AND PROCESSING TIME

There is no cost to employers! Processing typically takes 2 weeks to receive CPT authorization.

MORE INFORMATION

ISSO Frequently Asked Questions at <https://www.isso.iastate.edu/f-1-students/curricular-practical-training>

HIRING F-1 INTERNATIONAL STUDENTS AFTER DEGREE COMPLETION

OPTIONAL PRACTICAL TRAINING (OPT)

OPT (post-completion) is work authorization issued by U.S. Citizenship and Immigration Services (USCIS). OPT is available to students after they have completed their degree.*

*Students completing a creative component, thesis, or dissertation are eligible for OPT once they complete all coursework, excluding research credits.

ELIGIBILITY

- Student must be in valid F-1 status and have been enrolled at ISU in degree-seeking status for at least one academic year
- Experience must be directly related to student's major

DURATION

OPT is issued for a maximum of 12 months. Students who graduated in a STEM degree program and whose employment meets the eligibility requirements, can apply for an additional 24 months of work authorization called STEM OPT.

EMPLOYER ROLE

Applying for post-completion OPT is solely the responsibility of the student and requires no action by the employer. Use OPT Employment Authorization Document (EAD card) to complete I-9, if paid.

STUDENT ROLE

Students must request an OPT I-20 from ISSO and submit an OPT application to USCIS. Students must receive the EAD card prior to starting work.

COST AND PROCESSING TIME

There is no cost to employers! Processing typically takes 2-4 months.

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HIRING J-1 INTERNATIONAL STUDENTS

ACADEMIC TRAINING

International students in J-1 status have similar employment opportunities through Academic Training. Academic Training can be used before completion of studies for internship/coop experiences or after degree completion for internship/co-op or full-time employment opportunities.

ELIGIBILITY

- Must be in valid J-1 status and have been enrolled at ISU in a degree-seeking status for at least one semester
- Experience must be directly related to major

DURATION

Students must apply each semester they want to engage in Academic Training while still a student. Most students may be authorized for up to 18 months of Academic Training in total.

If a student completes a PhD, they are allowed an additional 18 months of Academic Training (for a total of 36 months).

Academic Training cannot exceed the amount of time spent in the J-1 program.

Non-degree-seeking students may have additional time restrictions.

EMPLOYER ROLE

Provide student a job offer letter on letterhead and use the resulting Academic Training DS-2019 to complete I-9 for student, if paid.

STUDENT ROLE

Students must apply for Academic Training with ISSO and receive Academic Training authorization prior to beginning employment.

MORE INFORMATION

ISSO Frequently Asked Questions at
<https://www.isso.iastate.edu/j-1-students-/academic-training>

RETAINING INTERNATIONAL GRADUATES

To continue employment beyond OPT or Academic Training, the most common option is for the employer to sponsor the student as an H-1B “temporary worker.”

H-1B

Applications for H-1B status, to perform duties in a specialty occupation requiring at least a bachelor's degree in that specialty, can be submitted to USCIS by an employer on behalf of an international employee. There is a quota (or “cap”) on the number of H-1Bs granted each year: 65,000 for all applicants and an additional 20,000 for candidates who have completed master's or higher degrees in the United States.

DURATION AND TIMELINE

H-1B status is initially granted for up to 3 years with the option to renew for an additional 3 years. USCIS begins accepting applications each year on April 1 and typically accepts applications for a week before the annual H-1B quota is met.

EMPLOYER ROLE

The employer is responsible for filing the H-1B application. Often employers will work with an immigration attorney to facilitate the process.

COST AND PROCESSING TIME

H-1B application fees vary depending on the size of the company and must be paid by the employer. Processing times generally range from 3 to 6 months. Please speak with an immigration attorney or visit the USCIS Website for more details.

SPECIAL CASES

Non-profit research and institutions of higher education are not subject to the H-1B quota and can file an H-1B application at any time.

OTHER VISA OPTIONS

- H-1B1 – for citizens of Singapore and Chile
- TN – for citizens of Canada or Mexico
- E-3 – for citizens of Australia
- O-1 – for individuals with extraordinary ability in the field