



The University of Pittsburgh
Office of International Services

What Employers Should Know About Hiring International Students

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. This handout is provided by the Office of International Services (OIS) at the University of Pittsburgh to address concerns employers might have about international students and work. If you have any question, please call 412.624.7120 and ask to speak to an Immigration Specialist.

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

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. 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 the US Citizenship and Immigration Services (USCIS) based on a recommendation from a 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 (e.g., doctoral student working on dissertation); 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 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 the employment authorization.

Curricular Practical Training (CPT) may be authorized by the institution and does not need to be adjudicated by USCIS. CPT is for F-1 students participating in curricular-related employment such as cooperative education, work study, practicum, and internship programs. Authorization is annotated on the back of the Form I-20 student copy and will include the name of the company, beginning and ending dates of employment, and signature of the Designated School Official (DSO). Since each institution has different policies related to curricular-related employment, students should speak to the DSO at their institution. At the University of Pittsburgh, there is one Principal Designated School Official (PDSO) and nine other DSOs who work in the Office of International Services (OIS).

Processing time for the authorization of CPT varies at each institution. At the University of Pittsburgh, CPT can typically be authorized on the same day that all required application materials are submitted to a DSO. International students in F-1 visa status 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.

Academic Training (AT) for J-1 students

“Academic Training” (AT) is a legal means by which J-1 students can obtain employment in areas related to their academic field of study. It may be authorized by the institution and does not need to be adjudicated by USCIS. International students in J-1 visa status are eligible for up to 18 months of AT. Post-doctoral students are permitted three years. Some J-1 students 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) at the school which issued the Form DS-2019, a government document which verifies the student's admission to that institution. Students should consult with the RO or ARO at their institution. At the University of Pittsburgh, there is one Responsible Officer (RO) and nine other Alternate Responsible Officer (ARO) who work in OIS.

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.

Continuing employment after the practical/academic training period

Federal regulations require that employment terminate at the conclusion of the authorized practical or academic training. However, students on an F-1 visa, or students on a J-1 visa who are not subject to a two-year home residency requirement, may continue to be employed, if they receive approval for a change in visa status – usually to H-1B. Individuals may work in the United States for a maximum of six years under an H-1B visa. This visa is valid only for employment with the company that petitioned for them. They must re-apply to USCIS if they wish to change employers. As soon as the initial job offer is made, they should petition for an H-1B visa if employment is likely to extend beyond the practical training period. In order to qualify for H-1B status, the position must require at least a Bachelor's degree and the international must have a Bachelor's degree.

What about taxes?

Unless exempted by a tax treaty, F-1 and J-1 students earning income under practical training are subject to applicable federal, state, and local income taxes. Information on tax treaties may be found in *Internal Revenue Services Publication 519, U.S. Tax Guide for Aliens*, and *901, U.S. Tax Treaties*. Generally, F-1 and J-1 students are exempted from Social Security and Medicare tax requirements. However, if F-1 and J-1 students are considered “resident aliens” for income tax purposes, Social Security and Medicare taxes should be withheld. Chapter 1 of *Internal Revenue Services Publication 519, U.S. Tax Guide for Aliens* explains how to determine the residency status of international students. More information on Social Security and Medicare taxes can be found in Chapter 8 of *Internal Revenue Services Publication 519, U.S. Tax Guide for Aliens* and in Section 940 of Social Security Administration Publication No. 65-008, *Social Security Handbook*.

Frequently Asked Questions

Isn't it illegal to hire international students because they do not have a green card?

No. Federal regulations permit the employment of international students on F-1 and J-1 visas within certain limits. These visas allow students to work in jobs related to their major field of study. F-1 students can work under “practical training” provisions in the law and J-1 students may work on “academic training” provisions.

Even if it's legal to hire international students, won't it cost a lot of money and involve a lot of paperwork?

No. The only cost to the employer hiring international students is the time and effort to interview and select the best candidate for the job. The international office at the school handles the paperwork involved in securing the work authorization for F-1 and J-1 students. In fact, a company may save money by hiring international students because the majority of them are exempt from Social Security (FICA) and Medicare tax requirements.

How long can international students work in the United States with their student visa?

F-1 students are eligible for curricular practical training before completing their studies, as well as an additional 12 months of optional practical training, either before or following graduation, or a combination of the two. However, if they work full-time for one year or more of curricular practical training, they are not eligible for Optional Practical Training. Students with a J-1 visa are usually eligible to work up to 18 months following graduation. They may also be eligible to work part-time during their program of study. The Responsible Officer (RO) or Alternate Responsible Officer (ARO) will evaluate each student's situation to determine the length of time for which they are eligible to work.

Don't international students need work authorization before I can hire them?

No. International students must have the work authorization before they begin actual employment, but not before they are offered employment. In fact, J-1 students must have a written job offer in order to apply for the work authorization. Many F-1 students will be in the process of obtaining work authorization while they are interviewing for employment. Students can give employers a reasonable estimate of when they expect to receive work authorization.

What does the work authorization look like?

For Optional Practical Training, F-1 students receive from USCIS an Employment Authorization Document (EAD), a small photo identity card that indicates the dates for which they are permitted to work. For Curricular Practical Training, F-1 students receive authorization from the school (NOT from USCIS) on the back of the student's Form I-20. J-1 students receive work authorization in the form of a letter issued by the RO or ARO.

What if I want to continue to employ international students after their work authorization expires?

With a bit of planning ahead, an employer can hire international students to continue to work for them in the H-1B visa category for a total of six years (authorization is granted in two three-year periods). The H-1B is a temporary working visa for workers in a "specialty occupation." The application procedure to USCIS is straightforward, but may require the assistance of an immigration attorney.

Doesn't an employer have to prove that international students are not taking jobs from a qualified American?

No. American employers are not required to document that a citizen of another country did not take a job from a qualified American if that person is working under an F-1, J-1, or H-1B visa. Employers must document that they did not turn down a qualified American applicant for the position only when they wish to hire foreign citizens on a permanent basis and sponsor them for US law permanent resident status ("green card").

Can I hire international students as volunteer interns?

Normally, if the internship involves no form of compensation and is truly voluntary, the students may volunteer without having to do any paperwork with the USCIS. If, however, the internship provides a stipend or any compensation, students must obtain permission for practical training or academic training prior to starting their internship. Students should check with their employers to ensure that the company is allowed by law to offer unpaid internships.

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