**Great news for employers!** International students who have F-1 or J-1 status with training or work authorization are sponsored by their college/university. Therefore, there is no financial or legal burden and very little to no reporting burden for the employer – the majority of the work is completed by the student and the college/university international advisor. We hope you will find the information in this document to be helpful. Read on for more information about hiring international students with authorization for training and employment.

Getting permission for international students to work in the U.S. is not as difficult as you might think. Most international students are in the U.S. on non‐immigrant student visas (F‐1 or J‐1), and 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 directly related to their major field of study or in unrelated jobs if they have extreme financial hardship. F‐1 students can work on "practical training." J‐1 students may work on "academic training." Both F-1 and J-1 students can qualify for extreme financial hardship employment authorization.

**Academic Training for J‐1 Students**

International students on J‐1 visas are eligible for up to 18 months of work authorization related to their academic program, called Academic Training. Post‐doctoral students may apply for an additional 18 months of Academic Training. Some J‐1 program participants are also allowed to work part‐time during their academic program. Academic Training is granted by the Responsible Officer (RO) or Alternate Responsible Officer (ARO) at the college or university that is sponsoring the student. J‐1 students must have a written job offer in order to apply for Academic Training. They receive a Form DS-2019 endorsed by the RO with details of the authorization to show to their employer as proof that they have the correct authorization to work.

**Practical Training for F‐1 Students**

Practical training is a legal means by which F‐1 students can obtain employment in areas directly 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.

**Curricular Practical Training (CPT)** 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. Students must have a written job offer in order to apply for CPT. Authorization is indicated on the Form I‐20 issued to the student and includes the name of the company, beginning and ending date, and signature of the designated school official (DSO). International students on F‐1 visas are eligible for CPT before finishing their studies. Students who work full‐time on CPT for one year or more are no longer eligible for Optional Practical Training (see below).

**Optional Practical Training (OPT)** must be authorized by the U.S. Citizenship and Immigration Services (USCIS) based on a recommendation from the designated school official (DSO) at the school where the student is enrolled. Students are eligible for 12 months of OPT for each degree level. Students who obtain a degree in Science, Technology, Engineering, and Mathematics (STEM) may be eligible for additional 24 months of OPT.

**Pre‐Completion OPT** can be done prior to completion of study. Students can request to work:

1) part‐time, a maximum of 20 hours per week, while school is in session

2) full‐time during vacation when school is not in session

3) full‐time/part‐time after completing all course requirements for the degree.

**Post‐Completion OPT** can be authorized for up to 12 months, for full-time work after completion of the course of study.

**STEM OPT Extension** can be authorized for additional 24 months if student:

1) is currently on post‐completion OPT after completing a bachelor’s, master’s or doctoral degree in Science, Technology, Engineering, and Mathematics (STEM), and

2) has a job or job offer from an employer registered in USCIS E‐Verify program. (There is no cost to register in E‐Verify program. Information on E‐verify and the enrollment procedure can be found at the USCIS website at www.uscis.gov/everify.)

**Cap‐Gap OPT** can be granted if student:

1. is in a period of authorized post‐completion OPT, and
2. is the beneficiary of a timely‐filed H‐1B petition requesting change of status and an employment start date of October 1 of the following fiscal year. The Cap‐Gap OPT is an automatic extension of duration of status and employment authorization to bridge the gap

between the OPT and start of H‐1B status. The automatic extension of OPT is terminated upon the rejection, denial, or revocation of the H‐1B petition.

**Employment Authorization Document (EAD):** Students who have received OPT authorization will be issued an EAD (a small photo identity card that indicates the dates for which they are permitted to work) 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 to three months, and students

may begin working only after they receive the EAD. Students who have a pending STEM extension application may continue working for up to 180 days while the application is pending.

International students with F-1 visa status must have the work authorization before they begin working, but do not need it to be interviewed or offered employment. 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, but their actual start date will be dependent upon the EAD.

**Employment based on Economic Hardship**

A student who has maintained their status for an academic year and is in good academic standing may also apply for "off-campus employment based on economic hardship" through the designated school official (DSO) or responsible officer (RO) and USCIS. Economic hardship refers to the financial problems caused by unforeseen circumstances beyond the student's control which arose after obtaining their international student status, and that part-time employment opportunities through on-campus employment were otherwise insufficient. If USCIS determines that the student qualifies, he/she will be issued an EAD and the student will be authorized to engage in part-time work during the semester, and full-time work during regular university breaks. This type of employment does not need to be related to the student’s field of study. Economic Hardship authorizations are issued for one year at a time and students may re-apply for authorization if they continue to experience financial hardship.

**More information for the Employer**

Fortunately, there is little paperwork for an employer who hires F‐1 or J‐1 students. Most paperwork is handled by the students, the school, and USCIS (for OPT). An employer needs to provide: nothing for OPT; an I-983 Training Plan for STEM OPT; letter for CPT; or a letter for Academic Training. Employing a student with F-1 or J-1 status does not prevent the employer from terminating the F-1/J-1 student employee if s/he is not meeting expectations, as with any at-will employee. The authorization does not require the intervention of attorneys, nor is there a cost to the employer for students to obtain this authorization.

American employers are not required to prove that an international student did not take a job from a qualified American if that person is working under an F-1, J-1, or H1-B 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 permanent residency (“green card”).

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 purpose, social security and Medicare taxes should be withheld.

**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 category, usually to H‐1B.

The H1-B is a temporary working visa for persons in a “specialty occupation”. Individuals may work in the U.S. 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. The student must re‐apply to the USCIS if they wish to change employers. Students must have a minimum of a bachelor's degree in order to qualify for H‐1B status. The H-1B visa has an annual numerical limit, or cap, of 65,000 visas each fiscal year. Cap numbers are often used up very quickly, so it is important to plan in advance if you will be filing for an H-1B visa that is subject to the annual H-1B numerical cap. The

The U.S. government’s fiscal year starts on October 1. H-1B petitions can be filed up to 6 months before the start date, which is generally April 1 for an October 1 start date. Colleges and universities are not subject to the H-1B cap.

**For your reference:**

The Code of Federal Regulations (CFR) Title 8 and Title 22 citation numbers for regulations governing academic training, practical training, and economic hardship are as follows:

* F‐1 students:
  + Practical Training: 8 CFR 214.2(f)(10)
  + Economic Hardship: 8 CFR 214.2(f)(9)(ii)
* J‐1 students:
  + Academic Training: 22 CFR 62.23(f)
  + Economic Hardship: 22 CFR 62.23(g)(1)(iii)

**Please contact us with any questions you have about hiring international students from Kutztown University. We are happy to help! – The Office of International Admissions**