

# A Brief Guide for Employers: International Student Employment



FLORIDA STATE UNIVERSITY  
DIVISION OF STUDENT AFFAIRS

CENTER FOR  
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## Reasons To Hire An International Student

- Broaden the diversity of ideas and perspectives of your teams through enhanced cultural understanding in a global market
- Enhance your economic, scientific and technological competitiveness through increased diversity in research, innovation and knowledge
- Increase understanding and knowledge of markets in students' home countries and utilize networks of such employees for the benefit of your organization



# How To Hire An International Student

While U.S. immigration regulations restrict employment for international students, the employment process is not as complicated as you might think.

The following information pertains to international students with F-1 non-immigrant status only.

## Internships

- International students with F-1 visa status may obtain Curricular Practical Training (CPT) employment authorization from their international student advisor. The employment must be directly related to the student's field of study. The student must enroll in an internship or other work-related course.

### Required from employer:

- Information about the internship and employer: Address, dates, hours/week, duties (Typically provided on a university's CPT form or using an employer letter template)
- No cost to employer

### Timing:

- Student initiates the application, which is processed by the international student advisor, and usually takes 1 – 2 weeks for approval once everything is complete

### Proof of Employment Authorization:

- The student's I-20 document will show the authorization on page 2

## Optional Practical Training (OPT)

International students with F-1 visa status may obtain up to 12 months of authorization to work in their field of study through Optional Practical Training (OPT). Most students use OPT authorization for employment after completing their degree, although it is possible to use OPT during a degree program, with careful planning.

**Students in certain STEM fields may also obtain an extra 24 months of employment authorization.**

### Required from employer:

- Nothing required of the employer for F-1 students in the first period of OPT. The student will have an Employment Authorization Document (EAD) showing employment eligibility and the authorized dates of employment. Work must be in the field of study shown on the student's I-20 document.
- For STEM OPT extension, the employer must participate in E-Verify and assist the F-1 student in completing a Form I-983 Training Plan. The employer agrees to certain work conditions, supervision of student's training, notification to university of any early employment termination, and availability for a site visit if requested by the Department of Homeland Security
- No cost to employer

### Timing:

- Students apply to USCIS for the Employment Authorization Document (EAD). USCIS typically processes the application in 60-90 days. The student is not authorized to work until s/he has the EAD, and then only within the authorized dates.
- For STEM OPT, the student applies for the extension before the expiration of the initial OPT period. With the receipt from USCIS, the student can continue employment for 180 days while waiting for the extended EAD

## **Proof of Employment Authorization:**

- Students will have an Employment Authorization Document (EAD) showing the dates of authorized employment
- While waiting for the new EAD, STEM OPT students will have a USCIS I-797 receipt showing the student has filed a Form I-765.

## **Options After Optional Practical Training**

If the student has not changed from their F-1 non-immigrant status to an immigrant status (through a family-based immigration petition or perhaps qualified through an employment-based self-petition) they would need employer sponsorship for continued employment.

### **H-1B:** (typical employment-based, non-immigrant status used after F-1 OPT)

- Employer is responsible for filing the H-1B petition with USCIS (Immigration) on behalf of the international employee.
- Work must involve a specialty occupation that requires the minimum of a bachelor's degree in a specific area of study.
- Application has requirements related to salary and working conditions.
- Timing is critical. Unless experienced with the process, an employer should work closely with an immigration attorney.
- Except for certain cap-exempt employers (in general, colleges and universities, non-profit research or government research employers, certain affiliated employers), employers intending to file an H-1B petition must register electronically with USCIS in early to mid-March, paying a \$10 registration fee for each submission. USCIS will notify employers if they are eligible to then file an H-1B petition within 90 days following the end of the "lottery" process. Due to current demand for H-1B visas, there is no other time during the year that an employer can file a first-time H-1B petition, unless cap-exempt. Approved H-1B visas become effective October 1. The OPT "cap gap" provision allows OPT employment to continue until October 1, if a student's OPT was valid until April 1 or later.
- Even when properly submitted, USCIS may not select an employer's application for review. However, an employer with a student in



a STEM field will have more than one opportunity to submit an application.

- Including attorney fees as well as USCIS fees, cost to apply for H-1B could be between \$5,000 – \$8,000.
- H-1B is usually granted for an initial period of 3 years and is renewable for a total of six years. There are some exceptions for employees already pursuing an immigrant visa (green card).
- Citizens of Chile and Singapore have a special allocation of H-1B visas and may have an easier time securing the H-1B.

### **Other Non-Immigrant Options:**

- Citizens of Canada and Mexico have the TN visa option if they are working in one of the occupations listed in the NAFTA treaty.
- Citizens of Australia in professional positions may have the option of the E-3 visa.
- Students and employers can seek advice from a qualified immigration attorney for other options.



## Social Security Number

International students are eligible for a Social Security Number when they have authorization to work.

## What About Taxes

Unless exempted by a tax treaty, F-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 IRS Publication 519, U.S. Tax Guide for Aliens, and 901, U.S. Tax Treaties.

Generally, F-1 students are exempted from social security and Medicare tax requirements. However, if F-1 students are considered “resident aliens” for income tax purpose, social security and Medicare taxes should be withheld. Chapter 1 of IRS 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 is in Chapter 8 of IRS Publication 519, U.S. Tax Guide for Aliens and in Section 940 of Social Security Administration Publication No. 65-008, Social Security Handbook.





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