

U.S. Employer's Guide to Hiring International Students

The purpose of this brochure is to illustrate the ease of hiring and ensuring immigration compliance for international students from Stony Brook University for internships or post graduate work.

The precedent for international students to obtain temporary U.S. work authorization is longstanding and well-established, and the application process is straightforward. Visa and Immigration Services (VIS) works with students to facilitate employment authorization, which is ultimately issued by VIS or the United States Citizenship and Immigration Services (USCIS)

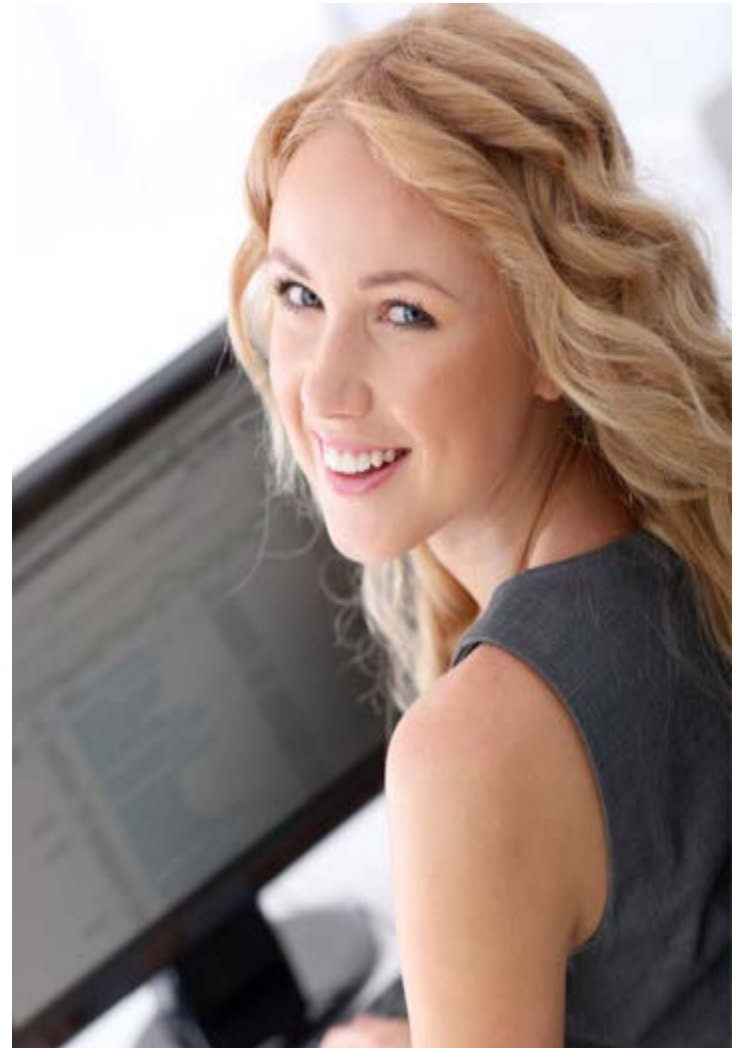
OVERVIEW



Obtaining permission for F-1 and J-1 international students to work in the U.S. is not as difficult (or costly) as many employers think! Most students are eligible to accept employment under Practical Training (Academic, Curricular, Optional) and H-1B Temporary Worker status.

BENEFITS

- International students bring cross-cultural competencies and multiple language skills to your organization.
- International students bring diversity and introduce new perspectives for problem-solving and approaches to business.
- International students demonstrate maturity, flexibility, dedication and can share business practices from other cultures, helping your organization adapt to new challenges globally.
- International students demonstrate outstanding characteristics that are appealing to top employers, such as knowledge of other cultures, multiple language capabilities, and ability to contribute in a team-centered environment.
- International students exhibit high quality skills such as leadership, independence and ability to adapt to change.



(CPT)

Curricular Practical Training (CPT) is work authorization that allows students in F-1 status to accept employment that is **directly** related and integral to their academic program.

Employer Role: Issue an Offer Letter and/or job specifications which verify the following points:

- Description of specific duties
- Dates of employment (start & end dates)
- Number of hours of work per week
- Physical address of the employment
- Name of supervisor

Student Role: After the student has been offered a job/internship, he or she must submit the electronic request form in accessVIS, uploading a copy of their offer letter (noted above). In accordance with U.S. immigration regulations, students engaging in part-time or full-time CPT must also enroll in a concurrent academic course.

Duration: Employment dates must correspond with the university's academic calendar. CPT is typically authorized on a part-time basis during fall and spring semesters, and full-time during vacation periods (summer and winter break).

- Part-Time \leq 20 hours/week
- Full-Time \geq 21 hours/week

Cost and Processing Time: There is no cost to the student or employer. Processing and approval time for CPT is 10 business days.

Proof of Authorization: The employer and dates for which the student is authorized to work will appear on the student's Form I-20 (certificate of eligibility). Students cannot begin work before the start date on the Form I-20, or continue working after the end date. CPT authorization may be renewable if the student continues to be eligible.

The student must receive a job offer before securing CPT employment authorization and thus will be unable to provide documentation at the interview stage. VIS requires a signed, written offer of employment on the company's letterhead as part of the CPT application requirement.

(OPT)

Optional Practical Training (OPT) allows students in F-1 status to gain practical experience and training in a field **directly** related to their major area of study before or after completion of the program.

Employer Role: Applying for OPT is solely the responsibility of the student and requires no action on the part of the hiring organization. OPT can be granted to the student with or without an offer of employment.

Student Role: Obtaining OPT work authorization is a two-step process. First the F-1 student submits the electronic request in accessVIS which is processed and approved by an International Student Advisor in VIS. Second, the F-1 student mails his/her completed I-765 application, required fee (\$410), and the I-20 issued by VIS to USCIS to request OPT work authorization.

Duration: Students are eligible for up to 12 months of employment under this category. Those whose majors are given the STEM designation may be eligible for an extension of their employment authorization for an additional 24-months if the employer is e-verified.

Cost and Processing Time: There is no cost to the employer. VIS processes student requests within 10 business days. USCIS processing times takes an average of 3-5 months; therefore students are encouraged to apply as early as 90 days prior to graduation.

Proof of Authorization: Students on OPT will receive an employment authorization document or EAD card. USCIS issues the EAD which specifies the dates of authorized employment. Student may not begin working until they have received their EAD and the start date listed on the card has been reached.

(STEM)

24-Month STEM Extension: allows F-1 students with degrees in the fields of Science, Technology, Engineering or Math (STEM) to extend their Post-Completion OPT work authorization for an additional 24 months.

Employer Role: The STEM OPT employer must work with the student to complete the Form I-983. Specifically, employers are responsible for completing Sections 3-6 on the Form I-983. These sections request specific information about the company and the agreed-upon practical training schedule and compensation, as well as the formal training plan. The STEM OPT employer must also review the student's annual self-evaluation on their own progress and sign it to attest to its accuracy.

Student Role: Obtaining STEM work authorization is a two-step process. First the F-1 student submits the electronic request in accessVIS which is processed and approved by an International Student Advisor in VIS. Second, the F-1 student mails his/her completed I-765 application, required fee (\$410), and the I-20 issued by VIS to USCIS to request the STEM work authorization.

Duration: Students are eligible for 24 months of employment under this category.

Cost and Processing Time: There is no cost to the employer. VIS processes student requests within 10 business days. USCIS processing times takes an average of 3-5 months; therefore students are encouraged to apply as early as 90 days prior to the expiration of their Post Completion OPT.

Proof of Authorization: Students on STEM will receive an employment authorization document or EAD card. USCIS issues the EAD which specifies the dates of authorized employment. Student may not begin working until they have received their EAD and the start date listed on the card has been reached.

The 24-month STEM OPT extension period begins on the day following the expiration of the student's standard post-completion OPT. If the Form I-765 is still pending as of that date, the student is authorized to continue employment for up to 180 days after the expiration of the student's post-completion OPT.

(AT)

Academic Training (AT) is work authorization issued either prior to or after completion of studies, which allows students in J-1 status to accept employment that is **directly** related to their academic program.

Employer Role: Issue an Offer Letter and/or job specifications which verify the following points:

- Description of specific duties
- Dates of employment (start & end dates)
- Number of hours of work per week
- Physical address of the employment
- Name of supervisor

Student Role: After the student has been offered a job/internship, he or she must submit the electronic request form in accessVIS, uploading a copy of their offer letter (noted above).

Duration: Students seeking or completing a bachelor's or master's degree are eligible for 18 months of AT. Students seeking or completing a doctoral degree are eligible for 36 months of AT. Non-degree or exchange students are eligible for AT authorization matching the length of time they studied in the U.S.

All academic training is counted as full time, even if employment is on a part-time basis.

Cost and Processing Time: There is no cost to the student or employer. Processing and approval time for AT is 5-10 business days.

Proof of Authorization: A letter of authorization for the specific opportunity and a new DS-2019 reflecting any extension of status (if applicable). Information regarding the student's activity, location, and the duration of approved academic training will be entered into SEVIS, but may not appear on the updated DS-2019.

The student must receive a job offer before securing AT authorization and thus will be unable to provide documentation at the interview stage. VIS requires a signed, written offer of employment on the company's letterhead as part of the AT application requirement.

(H-1B)

H-1B Employee Status: Applications for H-1B are filed with USCIS by the sponsoring company on behalf of the international employee. Only 65,000 H-1B visas are given to candidates who have completed undergraduate degrees, and an additional 20,000 are available for those who have completed graduate degree in the U.S.

Employer Role: The employer is responsible for filing the H-1B application on behalf of the international employee. Many companies find that retaining an experienced immigration attorney is helpful in facilitating the process.

Duration: H-1Bs are renewable for a total of 6 years.

Cost and Processing Time: Government application fees are approximately \$2000, additional attorney fees may vary. The earliest date to apply for an H-1B is April 1st. Historically, there has been a high demand for H-1B petitions so it is strongly recommended that applications arrive at USCIS on April 1st or soon thereafter. Approved H-1B visas become effective October 1st.

Special Cases: Some non-profit, research and education institutions are able to secure additional H-1B visas not subject to the yearly quota (or cap) of 85,000. Citizens of Chile and Singapore, through a treaty with the U.S., are provided with a special allocation of 6,800 H-1B petitions; as a result, these citizens have an easier time securing U.S. H-1B work authorization.

In April 2008, a new law was established to enable those with an approved H-1B application to remain employed during the transition period between the end of the OPT authorization and the start of the H-1B. Known as the "Cap Gap Extension," the new law eliminates any gaps in employment previously experienced in the transition from F-1 to H-1B.

OTHER EMPLOYMENT BASED STATUSES

Specialty Occupation Professional from Australia

(E3): Australians working in professional positions in the U.S. may be eligible for E-3 status. The current processing fee is \$390. There is no cumulative time limit on E-3, and is renewable every two years indefinitely, provided the stay remains temporary in nature.

Intra-Company Transfer (L-1): Intra-company transferees who, within the three preceding years, have been employed abroad continuously for one year, and who will be employed by a branch, parent, affiliate, or subsidiary of that same employer in the U.S. in a managerial, executive, or specialized knowledge capacity may be eligible for L-1 status. Current processing fee is \$150. The status is valid for 3 years and may be extended for an additional 2 years, until the employee has reached a max of seven years.

NAFTA Professional (TN): Canadian or Mexican citizens may be eligible for the TN-1 status if the position is listed in the NAFTA specified occupation list. Current processing fee is \$140. TN status is valid for up to 3 years, after which the employee must request an extension of stay through his/her employer.

Permanent Residency: Lawful permanent residency is a status granted by the U.S. government to citizens of other countries. One option to obtain PR is through an "employer-based petition." For example, the employer may document the need for a person's occupational skills, or the individual must prove international recognition in his or her field. While an employer may sponsor an individual, USCIS makes the final decision. It is important not to promise or guarantee permanent residence to the employee.

RESOURCES

Visa and Immigration Services (VIS)

www.stonybrook.edu/visa

Department of Homeland Security (DHS)

www.dhs.gov

Immigration & Customs Enforcement (ICE)

www.ice.gov

Study in the States: STEM Hub

studyinthestates.dhs.gov/stem-opt-hub

United States Citizenship & Immigration Services (USCIS)

www.uscis.gov/portal/sites.usics