

## Hiring International Students

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Hiring International students is relatively much easier and simple than it is thought to be. Minimal paperwork is required by the employer since all the paperwork is completed by the International students, the school, and the U.S. Immigration Services (USCIS). Hiring international students creates opportunities for them to work and be successful in the U.S. Having a diverse workplace is a vital component in being successful. By building a richly diverse workplace as a space that models the future of central Minnesota is essential in creating a global economy. There are immense benefits that come from hiring International students. For example, international students often bring a new perspective to work performance by seeing new and different ways of operating as well as having a fresh point of view.

Employers with a history of hiring foreign workers are *more likely* to hire immigrants than employers that don't have much experience with the process. Employers that have not explored this opportunity should consider this as a viable option to hire foreign workers to join their team.

Here is some information to get you started:

## Visa Types

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Foreign nationals who want to **study** fulltime in the United States legally have to obtain a non-immigrant student visa. There are two types of **student** visas:

- F-1** for academic or language studies

- M-1** for non-academic or vocational studies

Other types:

- J-1** for short-term educational and cultural exchange programs

- H-1B** for US employers to hire foreign professionals who are highly educated and have at least a four year university degree (or equivalent work experience) and will work in their field of study or a closely related field in a "specialty occupation."

**F-1** students may not work off-campus during the first academic year, but may accept on-campus employment subject to certain conditions and restrictions.

## Hiring an in-school student

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After their first year, F-1 students can acquire employment in areas that pertain to their academic field of study by applying for permission to work under "practical training". Practical training allows international students to receive paid work in the U.S. while being enrolled in school. There are two types of practical training the international student can apply for; Curricular Practical Training or Optional Practical Training. For employers, providing an internship program is a most efficient way to attract foreign students to work in their company.

- **Curricular Practical Training (CPT)**
  - Allows part-time work while school is in session (20 hours per week maximum) and full-time work (40 hours per week maximum) is allowed only when school is not in session.
  - International students can only use 11 months and 29 days of full-time CPT, if they plan on applying for OPT after they graduate. There is no cap on the amount of part-time CPT a student can use.
  - When students have consumed the entire duration of their CPT period, they have to apply for a pre-completion OPT.
- **Optional Practical Training (OPT) (pre-completion)**
  - Allows training for 12 months maximum (pre- and post-completion in total)
  - Allows part-time work while school is in session (20 hours per week maximum) and full-time work (40 hours per week maximum) is allowed only when school is not in session.
  - Students will be issued an Employment Authorization Document (EAD card) by United States Citizenship and Immigration Service once approved.
  - No offer of employment is required upon submission of OPT application
  - Temporary employment that is directly related to an F-1 student's major area of study.

**M-1** students may engage in practical training only after they have completed their studies.

- **Internship**  
Most of the time the working opportunity for in-school international students is the internship. For a company, hiring an international student as an intern is totally the same as hiring a US student. These international students will apply for the CPT (or pre-completion OPT) from international studies office in the school. Companies do not need to complete any of the process.

## Hiring a student upon college completion

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- **Optional Practical Training (OPT) (post-completion)**
  - Same as pre-completion OPT
- **H-1B Specialty Occupation Visas**
  - A visa for people coming to the USA to work for a US employer in a professional-level position. Valid for 3 years initially, can be extended to 6.
  - Candidate Requirements:
    - Candidate must have secured job offer from a US source.
    - Need the equivalent of a US college or university degree in a relevant subject.
  - The employing company, serving as the petitioner of the H-1B visa petition, must make a number of confirmations. It is important that the employer familiarize itself with the statements it's agreeing to so as to avoid future inadvertent noncompliance and possible penalties.
  - Part of the H-1B process involves submitting a Labor Condition Application (LCA) to the Department of Labor (Form ETA 9035). The LCA contains a number of important attestations that the employer agrees to.
  - Employers are responsible to cover the application fees, which includes base filing fee, attorney fee, fraud prevention, AICWA fee (American Competitiveness and Workforce Improvement Act of 1998) and so on. The total application fees range from \$1500 to \$6000, depending on the company's size and different situations.
- Science, Technology, Engineering, and Mathematics (**STEM**) **Optional Practical Training Extension (OPT)**
  - Allows training for 24 months maximum

## Hiring a foreign professional

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- **H-1B Specialty Occupation Visas**
  - If job seekers have been educated outside the US, the requirement can often be met by:  
EITHER - A non-US and/or only partly relevant degree, followed by three or more years work experience.  
OR – Twelve years of high-level work experience.
  - More information about H-1B can be found here:  
<http://www.h1base.com/visa/work/information%20obligations%20for%20h1b%20employers%20sponsors/ref/1172/>  
<https://www.uscis.gov/forms/h-and-l-filing-fees-form-i-129-petition-nonimmigrant-worker>

Hiring an international student is not as complicated as many think. Explore their opportunity for your company and embrace the diversity.



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