Employer’s Guide to Hiring International Students

Obtaining authorization for international students to work in the US is easier than you may think.
Frequently Asked Questions

Are international students legally authorized to work in the US for an internship/co-op?

• **YES!**
  - International students on an F-1 student visa qualify for Curricular Practical Training (CPT) for an internship/co-op.
  - J-1 visa holders can also obtain authorization called Academic Training (AT).
• Both need employment authorization; it is issued directly by Ivanhoe International Center and no additional steps are required by the employer.

What is the difference between F-1 and J-1 status?

• Both are temporary, nonimmigrant statuses. F-1 is for students in US academic degree programs; J-1 is for exchange students/visitors.

Are international students legally authorized to work in the US after graduation?

• Yes, F-1 students have full US work authorization as part of Optional Practical Training (OPT) for up to 12 months after completion of the degree program. They may be eligible for an additional 24 months of US work authorization as part of the STEM OPT extension. This means a student could work for you up to three (3) years through the OPT work authorization.
• J-1 students have full US work authorization through the Academic Training (AT) work authorization. Time allowed is based on the academic program.
• Employment must be directly related to the student’s major area of study for both OPT and AT.

Do I have to complete any paperwork to hire a student on CPT, OPT or AT?

• No, the employer does not need to complete any paperwork except for the offer letter. The STEM OPT extension requires a job description and regular performance reviews.
• The necessary work authorization formalities are undertaken by the student and the Ivanhoe International Center.
Frequently Asked Questions

Are international students eligible for long-term US employment?
• After a student’s OPT or AT duration, a different type of work visa is required. The common temporary working visa, the H-1B, can be obtained initially for three years and extended once for a combined total of six years.

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 will not take a job from a qualified American. (TARP-funded employers were required to under the “Stimulus Bill”, however, this expired on February 17, 2011.)

May an individual in the US in a nonimmigrant visa status change to H-1B without leaving the US?
• Yes, he or she may change status if he or she meets all of the criteria for H-1B status and is in valid nonimmigrant status.

What if we decide we want to employ the foreign national permanently?
• At any time during the employment relationship, it is possible to apply for a labor Certification Application for the employee. This is a process that requires some recruitment efforts to prove to the Department of labor that the foreign national employee is not taking the job away from a qualified, interested and available US worker. If the process is started early enough, an employee who is in H-1B status can extend that status beyond six years and until the employee becomes a permanent resident. For more information, see http://curranberger.com/content/view/60/105/
Two Types of Student Status

F1 Student

• nonimmigrant status
• for studying in US academic programs

Types of Work Authorization
• Internships and Co-ops during a degree program
  • Curricular Practical Training (CPT)
• Employment After Graduation
  • Optional Practical Training (OPT)
  • STEM Extension Optional Practical Training (STEM OPT)

J1 Student

• nonimmigrant status
• Short term exchange visitor

Types of Work Authorization*
• Internships and Co-ops during a degree program
  • Academic Training (AT)
• Employment After Graduation
  • Academic Training (AT)

*J students are listed in the following categories in section 4 of the DS-2019: Student (Bachelor), Student (Master), Student (Doctorate), Student (Non-Degree). All other categories are NOT classified as students for immigration purposes.
WHAT IS IT?
• Off-campus work authorization for F-1 students who are currently pursuing degree programs at SD Mines and have completed one academic year
• Employment must be related to student’s field of study and can be paid or unpaid
• Typically issued for internships or short-term employment opportunities
• Authorized by the SD Mines Ivanhoe International Center (IIC)

DURATION OF EMPLOYMENT
• Employment authorization is given on a semester by semester basis
• CPT may be extended or renewed with advance approval
• Generally, students are limited to part-time (20 hours or less per week) during the Fall/Spring semester and full-time work during the summer; some graduate students may be eligible for full-time CPT

EMPLOYER’S ROLE
• Provide student with an offer of employment
• Request a copy of the CPT I-20 from the student for I-9 purposes
• There is no cost to the employer and the CPT application is entirely the responsibility of the student

PROOF OF AUTHORIZATION
• A new CPT I-20 listing the authorized employer, address, dates of the authorization, and whether part-time or full-time employment has been granted on page 2
• Work cannot begin until student obtains authorization

STUDENT’S ROLE
• Verify eligibility for CPT
• Obtain academic department approval & enroll in concurrent academic course as determined by academic department, if applicable
• Submit complete CPT application to IIC at least 3 business days prior to beginning employment

For more information: http://www.sdsmt.edu/Campus-Life/Ivanhoe-International-Center/Current-International-Students/Working-in-the-USA/Curricular-Practical-Training/
Employment After Graduation
Optional Practical Training (OPT) for F-1 students

WHAT IS IT?
• Employment authorization for F-1 students who have completed all coursework for their academic program
• Employment must be related to student’s field of study and can be paid or unpaid
• Recommended by the IIC and authorized by United States Citizenship and Immigration Services (USCIS) based on student’s petition for benefits

DURATION OF EMPLOYMENT
• Typically, 12 months of employment are granted
• Designated STEM majors working for eligible employers may extend (see next page)
• Full-time employment is allowed

PROCESSING TIME
• Typical time from submission to approval by USCIS is 90 days
• Students may apply up to 90 days prior to and up to 60 days after program completion

EMPLOYER’S ROLE
• Request a copy of the EAD from the student for I-9 purposes
• There is no cost to the employer and the OPT application is entirely the responsibility of the student
• Student can be approved for OPT without an offer of employment

PROOF OF AUTHORIZATION
• Employment Authorization Document (EAD card/Form I-766) indicating start and end dates of work authorization
• Student must have EAD card in order to begin work

STUDENT’S ROLE
• Verify eligibility for OPT
• Submit complete and timely OPT application to USCIS in order to obtain approval prior to beginning employment
• Report employment to IIC at international@sdsmt.edu
• Ensure work is related to field of study

For more Information: http://www.sdsmt.edu/Campus-Life/Ivanhoe-International-Center/Current-International-Students/Working-in-the-USA/Optional-Practical-Training/
Employment After Graduation

STEM Extension Optional Practical Training (OPT) for F-1 students

WHAT IS IT?
- An extension of a student’s 12-month OPT
- Student must be a recipient of a STEM designated degree and working for an E-Verify employer
- Employment must be related to student’s STEM major field of study
- Volunteer, unpaid, and self-employment are not allowed
- May be based on a previously earned STEM Degree
- Recommended by the IIC and authorized by USCIS based on student’s petition for benefits

DURATION OF EMPLOYMENT
- An additional 24-month extension of the 12-month OPT for a total of 36 months of OPT work authorization
- Allows total of 2 lifetime STEM Extensions, the 2nd after earning a new STEM-eligible degree at a higher level and obtaining a new, higher level of 12-Month OPT

PROCESSING TIME
- Typical time from submission to approval by USCIS is 90 days
- Students may apply up to 90 days prior to and up to 60 days after program completion

EMPLOYER’S ROLE
- Student must be employed or have offer of employment from a company
- Must be participating in E-Verify and provide student with E-verify & EIN number
- Must complete I-983 Training Plan and attest that wages and compensation are commensurate with “similarly situated U.S. workers”
- There is no cost to the employer
- See additional STEM OPT Reporting Requirements on the USCIS website.

PROOF OF AUTHORIZATION
- A new Employment Authorization Document (EAD card/Form I-766) indicating start and end dates of work authorization
- If a timely STEM OPT application has been filed with USCIS, the student may work for up to 180 days after the end date of their 12-month EAD card

STUDENT’S ROLE
- Verify eligibility for STEM Extension
- Submit complete STEM OPT application to USCIS prior to the end date of their 12-month OPT
- Report employment and any changes to IIC at international@sdsmt.edu

For more information: http://www.sdsmt.edu/Campus-Life/Ivanhoe-International-Center/Current-International-Students/Working-in-the-USA/OPT-STEM-Extension/
Internships/Jobs during Degree Program
Academic Training (AT) for J1 students

WHAT IS IT?
- Off-campus work authorization for J-1 students who are currently pursuing or have recently completed a study program in the U.S.
- Employment must be related to student’s field of study and can be paid or unpaid
- Typically issued for internships or short-term employment opportunities
- Authorized by the SD Mines Ivanhoe International Center (IIC)

DURATION OF EMPLOYMENT
- Duration is determined by the student’s length of study; students should consult with the IIC.
- Before completing the course of study, AT can be part-time (20 hrs or less per week) during the Fall/Spring semester or full-time in the summer

EMPLOYER’S ROLE
- Provide student with an offer of employment
- Request a copy of the DS-2019 from the student for I-9 purposes
- There is no cost to the employer and the AT application is entirely the responsibility of the student

PROOF OF AUTHORIZATION
- A new DS-2019 listing the authorized employer, address, dates of the authorization in section 5
- Work cannot begin until student obtains authorization

STUDENT’S ROLE
- Verify eligibility for AT
- Obtain academic department approval
- Submit complete AT application to IIC at least 3 business days prior to beginning employment

For more information contact the Ivanhoe International Center at: international@sdsmt.edu
Employment After Graduation  
Academic Training (AT) for J1 students

WHAT IS IT?
• Employment authorization for J-1 students who have completed a study program in the U.S.
• Employment must be related to student’s field of study and can be paid or unpaid
• Authorized by the SD Mines Ivanhoe International Center (IIC)

DURATION OF EMPLOYMENT
• Duration is determined by the student’s length of study; students should consult with the IIC.
• After completion of program, AT must be a minimum of 20 hours

PROCESSING TIME
• 3 business days upon receipt of a complete AT application to the IIC
• Students must apply before their DS-2019 end date or program completion date, whichever is earlier

EMPLOYER’S ROLE
• Provide student with an offer of employment
• Request a copy of the DS-2019 from the student for I-9 purposes
• There is no cost to the employer and the AT application is entirely the responsibility of the student

PROOF OF AUTHORIZATION
• A new DS-2019 listing the authorized employer, address, dates of the authorization in section 5
• Work cannot begin until student obtains authorization

STUDENT’S ROLE
• Verify eligibility for AT
• Obtain academic department approval
• Submit complete AT application to IIC at least 3 business days prior to beginning employment and within eligibility period
• Begin employment within 30 days of program end date

For more information contact the Ivanhoe International Center at: international@sdsmt.edu