



**INTERNATIONAL
STUDENT SERVICES**
University of Wisconsin-Madison
Where Campus Meets the World

EMPLOYING AN INTERNATIONAL STUDENT ~ What Employers Should Know

Most international students in the U.S. on non-immigrant student visas (F-1 and J-1) are eligible to accept employment under certain conditions with practical training approval.

Practical Training for F-1 Students

Practical training is a legal means by which F-1 students can obtain employment in areas related to their academic field of study. Students must have completed one academic year 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 (OPT)**

Summary: Work for up to 12 months– great for year long internships.

OPT must be authorized by the United States Citizenship and Immigration Services (USCIS) based on a recommendation from the designated school official (DSO) at the student's institution and noted on the student's I-20 document. The term "optional" means that students can opt to use all or part of their total practical training allotment of a maximum of 12 months. OPT can be authorized by the USCIS: (1) during vacation when school is not in session – full time employment is allowed; (2) for part-time work, a maximum of 20 hours per week, while school is in session; (3) after completing all course requirements for the degree; or (4) full-time after completion of the course of study. Students who have received OPT permission will be issued an Employment Authorization Document (EAD) by the 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 or three months, and students may begin employment only after they receive the EAD.

STEM Extension of OPT: For Science, Technology, Engineering & Mathematics fields

For some F-1 students who have majored in STEM fields (Science, Technology, Engineering or Math), an extension of the original Optional Practical Training may be possible. The student's specific degree field must be listed on the US Government STEM list and the employer must be enrolled in the E-Verify payroll system. If both of these criteria are met students should talk with their Designated School Official (DSO) to ensure they understand the correct procedures for the application of the STEM OPT extension. The students would then apply again with USCIS to obtain another EAD for an additional 17 months of work permission.

CURRICULAR PRACTICAL TRAINING

Summary: Work for a semester or summer at a time, full or part-time - great for summer internships

CPT is approved by the Designated School Official (DSO) at the student's institution and not by the USCIS. F-1 students participating in curricular-related employment such as cooperative education, work study, practicum and internship programs are eligible. Authorization is written on page 3 of the I-20 student copy and will include the name of the company, beginning and ending date, and signature of the designated school official (DSO). Since each institution has different policies related to curricular-related employment, students should speak to the DSO at their institution. Processing time for the authorization of CPT varies at each institution.

Practical training for J-1 students: Academic Training

Summary: 18 months of full-time work (renewal possible) - great for short term or post-doc work

Academic Training is a legal means by which J-1 students can obtain employment in areas related to their academic field of study. J-1 visa holders are eligible to work with approval from the Responsible Officer (RO) or Alternate Responsible Officer (ARO) at their institution. International students who complete a degree on J-1 visas are eligible for up to 18 months of academic training. Post-doctoral students are permitted three years. Some J-1 program participants are also allowed to work part-time during the academic program. Exchange students may be eligible to work for a period of time equivalent to their US study time.

MINIMAL PAPER WORK FOR THE EMPLOYER

Fortunately, there is little paperwork for an employer who hires F-1 or J-1 students. All paperwork is handled by the students, the school, and USCIS. For curricular practical training, the school will make a notation on the student's copy of the I-20 form indicating that curricular practical training has been authorized, and specifying the duration and place of employment. Students authorized for F-1 optional practical training are required to apply to USCIS (through the school) for an Employment Authorization Document (EAD). For J-1 academic training, the school will authorize work through a letter and notation on the student's immigration document, the DS-2019.

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 change in visa category-usually to H-1B. Students must have a minimum of a bachelor's degree in order to qualify for H-1B status and the employer must agree to sponsor the employee for this status. This work authorization is approved by the USCIS.

Please See Our Website for More Details and Answers to Frequently Asked Questions:

<http://iss.wisc.edu/intemployer.html> or [\(iss.wisc.edu\)/Students/](http://iss.wisc.edu/Students/) Information for Employers

For your reference

The *Code of Federal Regulations* (CFR) Title 8 and Title 22 citation numbers of regulations governing practical training are as follows:

F-1 Students: 8CFR 214.2 (f) (9) & (10)

J-1 Students: 22CFR 62.23 (f)

CFR Title 8 citations governing IRCA requirements are:

F-1 Students: 8CFR 274a.12(b) (6) (iii) and 8CFR 274a.12(c) (3) (i)

J-1 Students: 8CFR 274a.12 (b) (11)

Copies of Code of Federal Regulations are available from the Superintendent of Documents in Washington D.C. or from the web site: <http://www.access.gpo.gov/nara/cfr/index.html>

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