iCareer
US EMPLOYERS' GUIDE TO
HIRING INTERNATIONAL STUDENTS

Why?

The purpose of this guide is to **provide a brief overview of hiring international students** from James Madison University for internships or career opportunities post-graduation.

Most international students who are neither U.S. Citizens nor Permanent Residents enroll in academic programs under one of two non-immigrant visa types: F-1 or J-1. Since the majority of international students at James Madison University are F-1 student visa holders, **this guide will focus on how to hire an F-1 visa-holder**.

We urge employers to seriously consider this population as potential employees. The diversity of their backgrounds and talents can only serve to enhance an employer's organization.

International students bring a highly valued competency: Equity & Inclusion which NACE (National Association of Colleges and Employers) has identified as one of 8 requisite competencies that broadly prepare college graduates for a successful transition into the workplace. Individuals with Equity & Inclusion "Demonstrate the awareness, attitude, knowledge, and skills required to equitably engage and include people from different local and global cultures. Engage in anti-racist practices that actively challenge the systems, structures, and policies of racism." Moreover, **international students offer employers a wide range of skills and abilities**, such as:

- Functioning with a high level of ambiguity
- Achieving goals despite obstacles
- Managing time and multiple tasks

- Handling stress/difficult situations
- Adapting to new environments
- Gaining foreign language skills

- Ability to compromise
- Learning quickly
- Taking initiative & risks
- Identifying and solving problems

Additional Resources

- American Immigration Lawyers Association www.aila.org
- Department of Homeland Security www.dhs.gov/index.shtm
- Immigration & Customs Enforcement www.ice.gov
- Association of International Educators www.nafsa.org
- U.S. Citizenship & Immigration Services www.uscis.gov
- U.S. Department of State travel.state.gov
- U.S. Department of Labor www.dol.gov

This guide (printed and edited in Feb. 2022) is brought to you by:

JMU International Student & Scholar Services
Center for Global Engagement
www.jmu.edu/global/isss - (540) 568-5209

JMU University
Career Center
www.jmu.edu/career - (540) 568-7379

When hiring an international student

Curriculum Practical Training (CPT): is work authorization allowing F-1 visa holders to accept employment in their academic field after two consecutive semesters of full-time study. The internship or employment MUST be an integral part of an established curriculum and directly relate to the student's major area of study in order for CPT to be authorized. F-1 students may apply for part or full time.

- *Employer's Role:* Applying is solely the responsibility of the student. He/she will need a job offer letter detailing dates of employment, hours, pay (if applicable) and address of employer.

- *Duration:* If the student is eligible, then the internship start and end dates must correspond to the University's academic schedule for that respective academic year.

- *Cost & Processing:* There is no cost to the employer. Processing and approval time is done at the university in the ISSS office and may take 3 to 5 days.

Pre-Completion Optional Practical Training (OPT): is work authorization the student applies for to the U.S. Citizenship and Immigration Services to obtain practical work experience in their major or field of study before graduation.

- *Employer's Role:* Applying is solely the responsibility of the student and requires no action on the part of the hiring organization.

- *Duration:* Authorization is limited to one year for full or part time employment.

- *Cost & Processing:* There is no cost to the employer. Applications are sent to USCIS and can take between 3 to 4 months to be processed. Students are encouraged to apply as early as 90 days prior to their anticipated start date. The new employee must have the EAD card to begin work

When hiring a graduated international student

Post-Completion Optional Practical Training (OPT): is work authorization the student applies for to the U.S. Citizenship and Immigration Services to obtain practical work experience in their major or field of study after graduation

- *Employer's Role:* Applying is solely the responsibility of the student and requires no action on the part of the hiring organization.

- *Duration:* Students can apply for up to 12 months of OPT. If they are in certain STEM (Science, Technology, Engineering and Mathematics) fields and hired by an E-verify employer, they are eligible for an additional 24-month extension.

- *Cost & Processing:* There is no cost to the employer. JMU's ISSS helps students gather documentation and mail the application. The USCIS processing time is usually between 3 to 4 months; therefore, students are encouraged to apply as early as 90 days prior to graduation. The new employee must have the EAD card to begin work.

When retaining an international employee

The Work Visa (H-1B) An offered position must require the foreign national to have a bachelor degree in a specific field as a minimum entry into that position.

- *Employer's Role:* The employer is responsible for filing the H-1B application including the filling fees, to USCIS. Many companies find that retaining an experienced immigration attorney is helpful to facilitate the process.

- *Duration:* H-1B visas have a total of six years. It is initially granted for 3 years but can be renewed once for an additional 3 years.

- Cost & Processing: The filing fee for the H-1B varies. Inclusive of attorney and USCIS application fees, the total cost to apply for an H-1B visa is between $5,000-$7,000.

H-1B Cap- Under current regulations, there are 65,000 H-1Bs and 20,000 Master Degree H-1Bs. The earliest date to apply for an H-1B Cap is April 1st. Approved H-1B visas become effective October 1.

Who is exempt from the Cap? (1) Workers employed by institutions of higher learning, nonprofit institutions related to or affiliated with institutions of higher learning and nonprofit or government organizations, and (2) Workers applying for an H-1B extension or an H-1B change of employer (if previously subject to the Cap).

Other Visa Options:

TN Visa: for Canadian or Mexican citizens who will be working in a professional capacity, as outlined in the NAFTA Treaty. The visa is valid for up to 3 years after which the employee must request an extension to stay.

E-3 Visa: Australians working in professional positions in the U.S. may be eligible for the E-3 visa. The visa is valid for 24 months but may be renewed.

L-1 Visa: The L-1 visa is an intercompany transfer visa. Employees must work at the same or affiliated company outside of the U.S. for a minimum of 1 year in a management level role before being transferred to the U.S. The visa is valid for 3 years and may be extended for an additional 2 years, until the employee has reached the maximum limit of 7 years.