

The Office of International Students & Scholars (OISS) advises international students on the F-1 and J-1 visa and helps them maintain a legal status while in the U.S. *Please note that this guide should be used for informational purposes only; it is NOT a substitute for professional legal advice.*

Benefits of Hiring International Students

Our international students bring a unique, well-rounded global perspective to complex issues, making them an asset to our academic programs and to the companies that hire them. They often have been exposed to multiple cultures and models, have country-specific knowledge, speak several languages, are adaptable and deal well with ambiguity.

Myths: Hiring International Students

Hiring an international student is complicated and costly.

International students can work without sponsorship and at no additional cost to the employer during their program and for at least 12 months following graduation. F-1 students at UST can work under Curricular Practical Training (CPT) during their degree (full-time or part-time) and Optional Practical Training (OPT) immediately following graduation. J-1 students can work under Academic Training full-time or part-time during or after their degree. There is NO cost to the employer for either of these work authorizations.

There is too much paperwork involved in hiring an international student.

International students pursuing an internship or employment during their degree under CPT or Academic Training only require an offer letter from the employer and the position must relate to their current field of study. OISS provides the I-20 or DS-2019 as proof of work authorization to bring to the employer to complete the I-9. International students pursuing OPT do not require anything from their employer and will present an Employment Authorization Document (EAD) to complete the I-9.

International students can only work in my company on a short-term basis.

F-1 students can work under CPT full-time for 11 months and 29 days or unlimited part-time while pursuing their degree. F-1 students can work under OPT for 12 months following graduation and for an additional 24 months of STEM OPT if the employer is enrolled in the E-verify program through the Department of Homeland Security and the student has received a US degree in Science, Technology, Engineering & Math. J-1 degree seeking students can work for 18 months during and/or after their degree. Therefore, F-1 students can work up to 4 years full-time (Science, Technology, Engineering, Math majors) or 2 years (all other majors) before needing H-1B sponsorship to continue work (combining CPT and OPT time).

Employers must prove that U.S. citizens cannot fill a role before they can offer to international students.

When hiring an F-1, J-1 international student or H-1B worker, the U.S. government doesn't require employers to search or interview U.S. workers before making an offer to an international person.

Other visa options

There are other visa options should you want the international student to work longer than the above options. For inquiries on H-1Bs, TN, Permanent Residency (green card) and other visa options, please consult with an immigration attorney.

Social Security Administration (SSA)

Social Security Numbers (SSN) are generally assigned to people who are eligible to work in the US. If an international student has never worked in the US prior to your job offer, they will need to obtain their SSN but they are not required to have it before beginning to work. You (employer) can use a letter from SSA stating the employee has applied for the SSN. More information can be found here: www.ssa.gov/pubs/10181.html

Taxes

Students with F-1 and J-1 immigration status earning income under practical training are subject to applicable, federal, state, and local income taxes, unless exempt by a tax treaty.

Generally, F-1 and J-1 students are exempt from Social Security and Medicare tax requirements. However, if F-1 students are considered "resident aliens" for income tax purposes, Social Security and Medicare taxes should be withheld.

For more information on taxes, please visit this website: <http://www.irs.gov/Individuals/International-Taxpayers/Foreign-Students-and-Scholars>

Resources

OISS Immigration Attorney session: Life after F-1 - offered each semester at Minneapolis or St. Paul UST campuses (visit www.stthomas.edu/oiss for more details). Employers and students are welcome to attend.

Find an immigration attorney in the area: AILA - www.aila.org