The Employment Guide for International Students

Society of Hispanic Professional Engineers

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Purpose and Goals

Provide an informational package for members and leaders of SHPE at both the regional and national level. This document will contain the most common visa statuses undergraduate and graduate students can hold.

It will also create awareness of the importance of the international students/members within the organization, while providing the membership an additional set of tools to obtain employment opportunities.

Key Terms

**International Students:** Foreign students who are not U.S. citizens, immigrants or refugees that are enrolled in institutions of higher education in the United States.

**CPT:** Curricular Practical Training

**OPT:** Optional Practical Training

**EAD:** Employment Authorization Document, commonly known as “Work Permit.”

**USCIS:** United States Citizenship and Immigration Services

**STEM** Science, Technology, Engineering, and Mathematics

**TN- Trade NAFTA:** Specifically for Canadians and Mexican citizens.

Recommendations

If a member is looking for an internship opportunity, he/she will most likely hold an F-1 visa and it is recommended that the following sections be reviewed:

- F-1 Visa
- Curricular Practical Training (CPT)

If a member is looking for an entry-level position, he/she should address to the following sections:

- F-1 Visa
- Optional Practical Training (OPT)
- H-1B Visa
International Students:

- Foreign students who are not U.S. citizens, immigrants or refugees that are enrolled in institutions of higher education in the United States.

All non-U.S. citizens require a visa to enter the U.S. and need an authorization document to empower them to work in the U.S.

A majority of the international student enrolled in a U.S academic institution hold an F-1 Visa status.

Employer may sponsor an employee for permanent residence

Types of Visa for International Students:

- F-1 – Student
- J-1 – Exchange Visitor
- H-1B – Professional worker in a specialty occupation
- TN – Trade NAFTA
- O-1 – Alien of Extraordinary Ability

All nonimmigrant visas are valid for temporary period, and different rules and regulations apply to these visas; including what can and cannot be done by individuals holding the specific status.

F-1 Visa

An F-1 status holder is a non-immigrant allowed to remain in the United States for as long as he or she is:

- A full-time student making satisfactory progress toward a degree at the school he or she is approved to attend, or
- A student in a period of post graduation practical training that is directly related to his or her field of study and has been authorized by US Citizenship and Immigration Services (USCIS).

Working in the U.S. with a F-1 Visa:

- Students are only allowed to work in on-campus jobs
- For on-campus jobs, no authorization is needed

On-Campus Employment

- Up to 20 hours per week on Fall and Spring Semesters
- More than 20 hours per week only on holidays and Summer term
- Must have a Social Security number
  - If don’t have one, apply for a Social Security number.

Places to work on-campus:

- Libraries
- Dining Halls
- Computer Labs
- Office and Teaching Assistants
Off-Campus Employment

- To work off campus, students are required to have work authorization
  - Curricular Practical Training (CPT)
  - Optional Practical Training (OPT)
  - Severe Economic Hardship
  - Employment with an International Organization

Note: CPT, OPT, and Severe Economic Training employment authorization only begins after a student have completed at least 1 academic year of study in the US.

Curricular Practical Training (CPT):

F-1 regulations define Curricular Practical Training as “An integral part of an established curriculum...alternate work/study, internship, cooperative education, or any other type of required internship or practicum which is offered by sponsoring employers through cooperative agreements with the school.”

- CPT will be authorized only for 1 semester at a time
- CPT can be part or full-time
  - Part-time CPT is 20 hour/week or less
  - Full-time CPT is over 20 hours/week
  - Full-time CPT will generally not be authorized while you are enrolled full-time (Spring or Fall semesters) or in Summer if enrollment is full-time
- Part-time CPT does not affect the time allowed for OPT
- Employment may NOT begin without CPT Authorization

CPT for Undergraduate Students

If you are an undergraduate student, your CPT must fall within one of these 3 categories. If your desired employment does not meet the following criteria, then CPT will
  - You will be given course credit for the internship
  - Internship is necessary for completion of your Bachelor’s degree program
  - Example: For FSU students, register for a Career Experience Opportunities (CEO) internship or cooperative work experience through FSU’s Career Center
    - Please contact your respective Career Center for similar opportunities
- What documentation is required for Undergraduate CPT?
  - Curricular Practical Training Application Form
    - To find this form, refer to similar office centers such as FSU Center of Global Engagement
      - http://cge.fsu.edu/forms/f1forms/f1_cpt_undergrad.pdf
- A copy of the original internship/training offer and/or letter of acceptance from the Employer - letter should be on company letterhead and state the following:
  - The physical address of the employer (NOT a PO Box)
  - Position title and description
  - Dates of employment.
  - Is the position paid or unpaid?
- For FSU students, register for CEO internship with FSU Career Center, if applicable

**CPT for Graduate Students**

- The student will be given course credit for the internship.  
- Employment is essential for completion of the thesis/project or dissertation.  
- For FSU students, register for a Career Experience Opportunities (CEO) internship or cooperative work experience through FSU’s Career Center.  
- What documentation is required for Graduate CPT?  
  - Curricular Practical Training Application Form  
  - A copy of the original internship/training offer and/or letter of acceptance from the Employer - letter should be on company letterhead and state the following:  
    - The physical address of the employer (NOT a PO Box)  
    - The position description and title  
    - Dates of work  
    - Is the work paid or unpaid?  
- For students using CPT to complete thesis or dissertation  
- For students registered for (Summer only) CEO internship with FSU Career Center

**Optional Practical Training (OPT):**

Optional Practical Training is a 12 months of employment authorization during or after the course of study. OPT employment must be in the field of study and can begin only after an Employment Authorization Document (EAD card) has been received from the U.S. Citizenship and Immigration Services (USCIS).
  - Pre-Completion OPT  
    - Pre-completion OPT is available for eligible students who wish to have authorization for part-time employment off-campus in their field of study.  
  - Post-Completion OPT  
    - OPT is up to 12 months of full-time employment authorization after completion of all coursework requirements or after completion of all degree requirements. Employment must in the field of study listed on your I-20. Initial OPT employment may begin only after an Employment Authorization Document (EAD card) has been received from U.S. Citizenship and Immigration Services.  
    - Employment Authorization Document (EAD) after completion of studies
o 12-month: standard employment authorization
o 29-month: 17-month extension, available in some circumstances

o OPT Legibility
  • F-1 students who have completed at least 1 continuous academic year of study in the U.S.
  • F-1 students who have completed all coursework requirements or who have completed all degree requirements.
  • F-1 students who have not used 12 months or more of full-time Curricular Practical Training (CPT) during the current degree level.
  • OPT employment must be in the field of study listed on your I-20.

o When to apply for Optional Practical Training:
  • 90 days prior to graduation; or
  • 60 days after graduation

o Employer must participate in E-Verify

o 17-month OPT extension available to:
  • Students in Science, Technology, Engineering, Mathematics (STEM)
  • To qualify for 17-month:
    ▪ STEM OPT extension, must file extension application:
    ▪ Will get 180 days of continuous employment authorization while extension pending

o F-1 OPT holders must be employed:
  • 90 days of unemployment = out of status (for standard 12-month OPT)
  • 120 days of unemployment = out of status (for STEM 29-month OPT)
  • What constitutes employment:
    ▪ Full-time, part-time, internship, self-employment, volunteering

Economic Hardship
You are eligible to apply for part-time or full-time off-campus employment based upon severe economic hardship if:
  • You are in good academic standing
  • You have been in F-1 status for an academic year, and
  • You are undergoing severe economic hardship caused by unforeseen circumstances beyond your control.

International Organization
  • F-1 students may be authorized for employment with an International Organization for part or full-time employment.
  • You must have a job offer from a recognized International Organization.
  • A list of recognized International Organizations can be found here online: www.state.gov/documents/organization/87183.pdf
F-2 Visa

- F-2 Dependent status is the status held by dependent spouses or children
- Not available for other relatives (i.e. parents or grandparents, siblings, aunts/uncles) or friends
- No work authorization
  - F-2 spouses and children are not eligible for any employment.
- F-2 spouses may not study full time
- F-2 children may attend Kindergarten through 12th grade.
  - Also be aware that child dependents may only maintain F-2 status until they reach the age of 21.

J-1 Visa

J-1 student status is given to students attending a higher-level institution with funding from their home government or the U.S. government, and at the specific request of those funding entities. If a J-1 visa holder wants to work in the U.S., he or she needs employment authorization, which is given by the Responsible Officer (R.O.) or the Alternate Responsible Officer (A.R.O.) of the institution or agency that issued your form DS-2019.

Working in the U.S. with a J-1 Visa:

On-Campus Employment

Students are allowed to work in on-campus jobs without the need of any authorization documents
- Up to 20 hours per week on Fall and Spring Semesters
- More than 20 hours per week only on breaks and Summer term
- Must have a Social Security number
  - If don’t have one, apply for a Social Security number
Places to work on-campus: Libraries, dining halls, teaching assistants, among others

Off-Campus Employment

- To work off campus, J-1 holders can do:
  - Academic Training (AT)
  - Economic Hardship

Academic Training (AT)

Academic training is work (paid or unpaid) specifically in your field of study and as an essential and integral part of your academic program in the United States. Students may engage in AT:
• Before completion of the program of study - part-time (20 hours/week) while classes are in session - full-time during official breaks and holidays in the academic calendar
• After completion of the program of study (full-time or part-time) • Students may engage in AT for 18 months or the equivalent length of the program of study, whichever is shorter.

An additional 18-month extension may be possible depending upon the nature of the academic training. The R.O./A.R.O. can only approve AT for students who receive a written job offer before graduation and submit all required documentation at least two weeks prior to graduation. Approval is not guaranteed.

Economic Hardship
You are eligible to apply for part-time or full-time off-campus employment based upon severe economic hardship if:
• You are in good academic standing
• You are undergoing severe economic hardship caused by unforeseen circumstances beyond your control.

In order to maintain employment eligibility, students must enroll in a full course of study, comply with the insurance requirements, and follow all other rules and regulations pertaining to the J Exchange Visitor Program.

J-2 Visa
• J-2 Dependent status is the status held by dependent spouses or children
• Spouse may apply for work authorization

H-1B Visa
H-1B visa status allows foreign individuals to work in the U.S. in a specialty occupation. This type of visa can only be requested by the employer, not the employee/applicant. Employers initiate the requests for new petitions, extensions, and amended petitions by completing the forms and submitting the appropriate documents and fees to the government.

• H-1B Specialty Occupation Visa requirements:
  Must hold bachelor’s degree or equivalent in a specific specialty
  Job must require at least bachelor’s degree in specialized field
• Petition should be submitted 3-4 months prior start date of employment; max. 6 months
• Maximum period permitted in H status is 6 years
• Employer’s responsibilities:
  Ensure that job is specialty occupation
  Pay prevailing wage
Offer same benefits as to U.S. workers
Attest that no strike at workplace
Maintain Public Access File
If H-1B worker terminated, must pay for return transportation home (if worker returns home)
• H-1B is subject to an annual cap (private industry employers only):
  65,000 visas issued each fiscal year
Additional 20,000 issued to graduates of U.S. advanced degree programs (master’s or above)
  Cap is often reached before end of the year
• H-1B USCIS filing fees:
  Standard fee: $325
  Fraud prevention and detection fee: $500 (only with initial filing)
Training fee (only for cap-subject employers for initial filing and first extension):
  • $1,500 for employers with 26 or more employees
  • $750 for employers with 25 or fewer employees
Premium processing fee (optional): $1,000

**H-4 Visa**

• H-4 Dependent status is the status held by dependent spouses or children, under 21
• Spouse cannot obtain employment authorization

**TN Visa – Trade NAFTA**

TN (Trade NAFTA) status is a special non-immigrant status in the United States unique to citizens of Canada and Mexico. It allows U.S., Canadian and Mexican citizens the opportunity to work in each other’s countries in certain professional occupations. It has similar purposes as the H-1B visa, but it also has many unique features. Within the TN set of occupations, an American, Canadian or Mexican can work for up to three years at a time. The TN status may be renewed indefinitely in three-year increments.

• TN (Trade NAFTA) Visa requirements:
  Applicant must be citizen of Canada or Mexico
  Applicant will work full-time or part-time for U.S. employer (self employment not permitted)
  Applicant has required qualifications
  • Applicant must maintain nonimmigrant intent
  • May apply at border (for Canadians) or at consulate (for Mexicans)
  • TN visa valid for 3 years, and may be extended indefinitely
  • Extensions may be filed with USCIS
  • TN USCIS filing fee: $325
TD Visa

- TD Dependent status is the status held by dependent spouses or children, under 21
- Dependents without TD status would need to apply for the TD visa at a U.S. Consulate showing evidence of their relationship to the TN principle
- TD Dependents may study in the U.S., and they would be classified as out-of-state for tuition purposes

O-1 Visa

The O-1 visa category is for those who have extraordinary ability in their field, "demonstrated by national or international acclaim recognized in the field through extensive documentation."

- O-1 Extraordinary Ability Visa (Science, Education, Business, Athletics) requirements:
  - Must demonstrate “sustained national or international acclaim and recognition for achievements”
  - Must show that has risen to the top of the field
- How to demonstrate “sustained acclaim:”
  - Evidence of a one-time achievement (a major, internationally recognized award); or
  - Evidence of at least 3 regulatory criteria
- Valid for 3 years, with 1-year extensions
- May extend O-1 visa indefinitely
- O-1 USCIS filing fee: $325 (premium processing available)
- Must meet at least 3 of the following criteria:
  - National or international awards
  - Membership in associations in the field that require outstanding achievements
  - Published material about beneficiary
  - Participation as a judge of the work of others
  - Original scientific or scholarly contributions of major significance
  - Authorship of scholarly articles in professional journals
  - Employment in a critical/essential capacity for organizations with distinguished reputation
  - High salary or remuneration for services
- Suggested evidence in support of petition:
  - Confirmation of achievements (publications, presentations, peer-review or editorial duties, awards, memberships, etc.)
  - Reference letters (8-10) from experts in the field
  - Press about beneficiary or his/her work
- Present as much evidence as possible to meet more than 3 criteria
- O-1 visa may be stepping stone for green card

- O-1 Extraordinary Ability Visa (Arts and Motion Picture or TV Arts) requirements:
  - Lower legal standard
  - Different standards for the arts and motion picture/television arts
• O-1 visa in the arts, including performing arts, fine arts, visual arts, and culinary arts:
  o Must show “distinction”
  o Distinction: “a high level of achievement … substantially above that ordinarily encountered”
  o Must be “prominent, renowned, leading, or well-known” in the field

• O-1 visa in the motion picture or TV arts:
  o Must show “record of extraordinary achievement”
  o Extraordinary: “very high level of accomplishment … significantly above that ordinarily encountered”
  o Must have “skill and recognition significantly above that ordinarily encountered”
• Must have one-time achievement or meet at least 3 of the following criteria:
  o Lead/starring participant in productions/events with distinguished reputations
  o Recognition through critical reviews or publications in major papers, trade journals or other professional publications
  o Lead, starring or critical role for organizations and establishments with distinguished reputations
  o Record of major commercial success
  o Recognition from organizations, critics, agencies, or experts
  o High salary or other remuneration

O-3 Visa
• O-3 Dependent status is the status held by dependent spouses or children, under 21
• Spouse cannot obtain employment authorization
Tips for talking to an employer/interviewer

Interviewing Strategies
• Use EAD as stepping stone to prove yourself
• Be upfront about immigration status
• Ask about company sponsorship policies
• Offer to hire own immigration attorney
• Offer to pay all fees allowed by law
• Explain extra benefits of hiring international staff

Why to hire International Staff?
• International life and work experience
• Multi-lingual communication skills
• Understanding of global cultures, markets, and business practices
• Adaptability and perseverance in managing changing environment
• Strong motivation and work ethic
• Enthusiasm and team-oriented attitude
• Ability to work internationally
• Fresh perspectives and new problem-solving skills
• Commitment to employer because of visa sponsorship
• Diversity in the workplace
Links

General Information
http://cge.fsu.edu/index.cfm

F-1 Visa Students Information
http://cge.fsu.edu/infofordept/f1students.cfm

Curricular Practical Training Information – F-1 Visa
http://cge.fsu.edu/f1students/cpt.cfm

Optional Practical Training Information – F-1 Visa
http://cge.fsu.edu/f1students/opt.cfm

J-1 Visa Students Information
http://cge.fsu.edu/j1students/immigrationbasics.cfm

For H-1B Visa Process and Questions/Answers
http://cge.fsu.edu/h1bworker/process.cfm
http://cge.fsu.edu/h1bworker/overview.cfm

For TN-Visa Process and Questions/Answers
http://cge.fsu.edu/tnworker/process.cfm
http://cge.fsu.edu/tnworker/overview.cfm

For O-1 Visa Information
http://cge.fsu.edu/o1alien/overview.cfm

Information on how to apply for Social Security Number
http://cge.fsu.edu/f1students/socialsecurity.cfm

Most of the information obtained is based from the Florida State University International Center.
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