

HOW TO HIRE AN INTERNATIONAL STUDENT

Visas are available to hire the best & brightest international graduates of U.S. colleges. Even if the new graduate you want to hire is not a U.S. Citizen or Permanent Resident, there are efficient processes to hire these excellent workers.

There are two common ways to hire international students:

I. OPTIONAL PRACTICAL TRAINING: Students holding F visas may work for up to 12 months after graduation in any employment that requires a degree in their specialty. Students with STEM (Science, Technology, Engineering, and Math) degrees may work for up to 29 months. Some students holding J visas may work for up to 18 months in a similar status.

Processing Time: Students apply to USCIS (US Citizenship and Immigration Services) for an Employment Authorization Document (EAD) before graduation. They may work as soon as they receive the card.

Cost: The student pays \$380 for the EAD. The employer pays \$0.

Employer Obligations: Treat OPT employees exactly like US employees, with the same pay, benefits, and responsibilities as those in similar positions. Notify university of termination within 2 business days. If employing a STEM graduate more than 12 months, employer must enroll in E-Verify as part of the I-9 employment authorization verification process.

II. H-1B VISAS: USCIS authorizes tens of thousands of H-1B visas annually. The H-1B is available to foreign workers holding at least a Bachelor's Degree who are working in a job that requires a degree in their field. The employer must submit a visa petition to USCIS. The visa is good for 3 years and may be renewed for a second 3-year term if the employer chooses.

There is an 'H-1B cap' of 85,000 visas annually (Oct 1-Sep. 30). 20,000 of these are reserved for holders of US Master's Degrees. Many schools and nonprofits are exempt from the cap. Renewals are also exempt from the cap.

Processing Time: Normally an H-1B approval takes 4 months, so if you make offers in the winter hiring season a student can be approved by summer. Premium Processing is available, which can speed up approval to less than 1 month. The Premium Processing Fee is \$1,225.

Cost: The employer pays either \$1,575 (fewer than 25 employees) or \$2,325 (25+ employees). Schools and certain nonprofit research organizations pay \$825. There is a \$2,000 additional fee for foreign-owned companies that are heavily reliant on H-1B workers. Premium Processing is \$1,225.

Employer Obligations: Inform your US employees that you are hiring an H-1B worker through a workplace posting and a public access file. Treat H-1B employees exactly like US employees, with the same pay, benefits, and responsibilities as those in similar positions. Pay at least the Prevailing Wage as determined by the US Department of Labor. Pay H-1B worker's return transportation home in some circumstances.

III. SPECIAL OPTIONS FOR CERTAIN COUNTRIES: There are special visas available for people from Canada, Mexico, Chile, Singapore, Australia, the Marianas Islands, and other countries. These visas may be less expensive or may be more readily available.

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UPDATED OCTOBER 2011

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