EMPLOYER'S GUIDE
to Hiring International Students

The purpose of this guide is to inform U.S. employers about:

- International students' F-1 and J-1 work authorization options
- The ease of procedures and costs involved when hiring University of Colorado Boulder (CU Boulder) international students for internships or full-time opportunities after graduation
- How CU Boulder Career Services can support employers' recruiting efforts

LEGAL NOTICE: This guide is not intended to and does not serve as legal advice; it is for informational purposes only. CU Boulder's International Student and Scholar Office serves CU Boulder international students directly and does not give immigration advice. Content is subject to change. Employers are advised to consult an experienced U.S. immigration attorney with any additional questions.

University of Colorado Boulder Career Services and International Student & Scholar Services: How we support employers and international students

Career Services: CU Boulder Career Services supports employers by providing many resources and opportunities for employers to get involved on campus and connect with CU Boulder talent. We support international students throughout their career development by helping them identify internships and jobs that both align with their major and qualify them for work authorization.

CU Boulder ISSS: International Student and Scholar Services (ISSS) seeks to support international students and scholars in pursuing their educational, research, and/or professional objectives at the University through comprehensive advising; engagement and programming; and advocacy efforts.

Why Hire International Students?

CU Boulder international students represent over 100 countries and pursue a diverse array of degrees and career goals. They possess qualities that top employers seek:

- **Diverse Perspectives:** Enhance creativity in the workplace, contribute to creative problem solving, and increase workplace diversity
- **Global Experience:** First-hand understanding of other cultures and languages, which helps your organization's presence in the global economy
- **Adaptability and Resiliency:** Earning their degree in another country and often in a second-language develops adaptability and resiliency, which means international students will be ready to jump into new challenges at your organization
- **Top Talent:** Typically, only the best and the most motivated students come to study in the U.S. Their resourcefulness and desire to succeed will benefit your organization

Career Services
UNIVERSITY OF COLORADO **BOULDER**

START HERE.
ROAM ANYWHERE.

The majority of CU Boulder international students are in F-1 or J-1 immigration status, which includes off-campus work authorization benefits during and after the academic program. The next section of this guide provides an overview of these work authorization options.

Getting permission for international students to work in the U.S. is not as difficult as many employers think. 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 OPT). We hope the information in this guide will help to clarify and streamline the hiring process of international students.

Important Note: *Employers should note that a Social Security Number alone is not sufficient proof of work authorization for international students. It is critical that employers confirm an international student's work authorization prior to the employment start date to prevent any liability for the student and the employer in the future.*

F-1 Students
Curricular Practical Training (CPT) for F-1 students

What is it?
- A temporary off-campus employment authorization for an "alternative 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 can only be authorized prior to student's degree completion
- Employment must be related to student's field of study and can be paid or unpaid
  - 1099 contract employment is not allowed
- Typically issued for internships or short-term employment opportunities
- Authorized by CU Boulder ISSS

Duration/Hours of Employment
- Employment authorization is given on a semester-by-semester basis
- Students may only work during the authorized start and end dates listed on page 2 of their I-20 under "Employer Information"
- CPT Authorization is either part-time (20 hours per week or less) or full-time (more than 20 hours per week)

CPT Processing Time
- ISSS recommends students begin the CPT Agreement Form to request CPT work authorization at least 2 weeks prior to their requested start date
- Once ISSS receives the completed CPT Agreement Form it takes 2-5 business days to process and create the CPT I-20

Student's Role

- Verify their eligibility for CPT

    - To be eligible for CPT, a student must be a maintaining status, have completed one full academic year (Fall & Spring) of continuous full-time enrollment, be in good academic standing, and have a qualifying GPA

- Begin the CPT Agreement Form electronically via DocuSign

- Pick-up their new CPT I-20 after they have received work authorization

Proof of Authorization

- After a F-1 student has received CPT authorization, CU Boulder ISSS issues them a new CPT I-20 listing the authorized employer, work site location, dates of the authorization, and whether the student is authorized for part-time (less than 20 hours per week) or full-time (20 hours or more a week) employment (found on page 2 of the student's I-20)

- Students may not begin working prior to their CPT authorized start date and they must have received their CPT I-20

Employer's Role

- Provide the student with an offer of employment

- There is a section of the CPT Agreement Form that an Official with Signatory Authority or the Work Supervisor the employer will need to sign via DocuSign

- The CPT Agreement Form will be sent electronically to the employer's email address, which the student provides on the DocuSign form

- Request a copy of the CPT I-20 from the student for I-9 purposes

- There is no cost to the employer and it is the responsibility of the student to request CPT through CU Boulder ISSS

Please see the F-1 Curricular Practical Training page on our CU Boulder ISSS website for more information: ***https://www.colorado.edu/isss/students/current-students/f-1-overview/f-1-curricular-practical-training***

Optional Practical Training (OPT) for F-1 students

What is it?

- Defined by the regulations as "temporary employment authorization for practical training directly related to a student's major field of study." There are two types of OPT:

    - **Pre-Completion OPT:** Authorized prior to the student completing all required coursework for their academic program

    - **Post-Completion OPT:** Authorized after the student completes of all degree requirements (excluding thesis or dissertation work)

- Employment must be related to student's major field of study and can be paid or unpaid
- OPT work authorization is recommended by CU Boulder ISSS and authorized by the United States Citizenship and Immigration Services (USCIS) based on the student's petition for benefits

Duration of Employment
- **Pre-completion OPT:** Students can apply for up to 12 months of employment and are permitted to work 20 hours per week or less
- **Post-completion OPT:** Typically, 12 months of employment are granted and students must work at least 20 hours per week
  - Designated STEM majors working for eligible employers may apply to extend their OPT authorization for an additional 24 months (see 24 Month STEM Extension of Optional Practical Training (OPT) for F-1 Students below for more information)

Processing Time
- Typical time from submission of OPT application to approval by USCIS is 1-5 months
- Students may apply for OPT up to 90 days prior to and up to 60 days after their degree program completion

Student's Role
- Verify their eligibility for OPT
- Submit OPT application to CU Boulder ISSS for review and receive an OPT I-20
- Submit complete and timely OPT application to USCIS in order to obtain approval prior to beginning employment
- Work only between the authorized OPT dates listed on their Employment Authorization Document (EAD card)
- Report employment and any changes in employment through the Student and Exchange Visitors Program (SEVP) Portal
- Ensure work is directly related to field of study

Proof of Authorization
- Employment Authorization Document (EAD card/Form I-765) indicates the start and end dates of work authorization
- Student must have an EAD card in order to begin work and can only work between the approved authorized OPT dates listed on the EAD card

Employer's Role
- Request a copy of the student's EAD card from the student for I-9 purposes
- There is no cost to the employer and the OPT application is entirely the responsibility of the student
- Student can be approved for OPT without an offer of employment

Please see the F-1 Optional Practical Training page on our CU Boulder ISSS website for more information: *https://www.colorado.edu/isss/students/current-students/f-1-student-overview/f-1-optional-practical-training*

24 Month STEM Extension of Optional Practical Training (OPT) for F-1 Students

What is it?
- A 24-month extension of a student's initial 12-month post-completion OPT benefit
- Student must be a recipient of a qualifying STEM degree and be working for an E-Verify employer
  - For list of qualifying STEM degrees, please see: *https://www.ice.gov/sites/default/files/documents/Document/2016/stem-list.pdf*
- Employment must be related to student's STEM major field of study
- Volunteer positions, unpaid positions, or self-employment are not allowed; there must be a bona fide employer-employee relationship
- May be based on a previously earned STEM Degree, but the degree must have been earned within the last 10 years
- Recommended by CU Boulder ISSS and authorized by USCIS based on student's petition for benefits

Duration of Employment
- An additional 24-month extension of the initial 12-month post-completion OPT for a total of 36 months of OPT work authorization
- Students are allowed a total of 2 lifetime STEM Extensions, the 2nd after earning a new STEM-eligible degree at a higher level and obtaining a new, higher level of 12-month OPT

Processing Time
- Typical processing time from application submission to approval by USCIS is 1 to 5 months
- Students may apply up to 90 days prior to the end date of their 12-month OPT, but no later than their OPT end date

Student's Role
- Verify their eligibility for STEM Extension
- Submit STEM Extension OPT I-983 Training Plan to CU Boulder ISSS for review and receive a STEM OPT I-20
- Submit complete STEM Extension OPT application to USCIS prior to the end date of their initial 12-month post-completion OPT
- Report any changes to employment to ISSS

Proof of Authorization

- The student will receive a new Employment Authorization Document (EAD Card/ Form I-766) indicating start and end dates of extended work authorization

- If a timely STEM OPT application has been filed with USCIS, the student may work for up to 180 days after the end date of their initial 12-month post-completion OPT as listed on their original EAD card

Employer's Role

- Student must be employed or have an offer of employment

- Must be participating in E-Verify and provide student with E-verify & EIN number

- Must complete I-983 Training Plan and attest that wages and compensation are commensurate with "similarly situated U.S. workers."

- Must have sufficient resources and personnel available to provide appropriate training in connection with the specified opportunity at the location(s) specified in the Form I-983, Training Plan for STEM OPT Students

- There is no cost to the employer

For information about Employer's Training Obligation, please see:

- USCIS OPT Extension for STEM Students: ***https://www.uscis.gov/working-united-states/students-and-exchange-visitors/students-and-employment/stem-opt***

- The Form I-983 Overview: ***https://studyinthestates.dhs.gov/form-i-983-overview***

- Please also review the STEM OPT Reporting Requirements: ***https://studyinthestates.dhs.gov/students-stem-opt-reporting-requirements***

For further information about the 24-month STEM extension of OPT, please see the STEM Extension of OPT page on our CU Boulder ISSS website: ***https://www.colorado.edu/isss/students/current-students/f-1-overview/stem-extension-opt***

J-1 Students
Internships/Jobs - Academic Training (AT) for J-1 students

What is it?

- Off-campus work authorization for J-1 students who are currently pursuing or have recently completed a study program in the U.S.

- Employment must be related to student's field of study and can be paid or unpaid

- Typically issued for internships or short-term employment opportunities

- Authorized by CU Boulder ISSS

Duration of Employment

- Duration is determined by the student's length of study; students should consult with CU Boulder ISSS

- Before completing the course of study, Academic Training (AT) can be part-time (20 hours or less per week) during the Fall/Spring semester or full-time in the summer

Processing Time

- 2-5 business days upon receipt of a complete AT Request Form to CU Boulder ISSS

Student's Role

- Verify eligibility for AT

  - To be eligible for AT, a student must be a maintaining status and be in good academic standing. The students also cannot have already exceeded the maximum participation limit

- Obtain an offer letter from prospective employer

- Obtain an AT recommendation from Academic Advisor

- Submit complete the AT Request Form to CU Boulder ISSS at least 5 business days prior to requested start date employment and no later than 21 days after the program completion date

Proof of Authorization

- A new DS-2019 listing the authorized employer and dates of the authorization (found in section 5)

- Work cannot begin until student obtains authorization

Employer's Role

- Provide the student with an offer of employment

- Request a copy of the DS-2019 from the student for I-9 purposes

- There is no cost to the employer and the AT application is entirely the responsibility of the student

For further AT information, please see the Academic Training for Students on J-1 Visas handout found on the J-1 Employment and Training webpage on our ISSS website: *https://www.colorado.edu/isss/student-resources/current-students/j-1-overview/j-1-employment-and-training*

Long-Term Employment in the U.S.

There are several other non-immigrant temporary worker visas and immigrant visas. Further information on the different options can be found at:

- Temporary (Nonimmigrant) Workers: *https://www.uscis.gov/working-united-states/temporary-nonimmigrant-workers*

- Permanent Workers: *https://www.uscis.gov/working-united-states/permanent-workers*

Employers who have questions about their international candidate's ability to work in the U.S. should consult an immigration attorney.

Resources

- U.S. Equal Employment Opportunity Commission (EEOC) Laws and Guidance: *http://www.eeoc.gov/laws/index.cfm*
- U.S. Department of Labor Fact Sheet on Internships: *http://www.dol.gov/whd/regs/compliance/whdfs71.pdf*
- U.S. Citizenship & Immigration Services (USCIS): *http://www.uscis.gov/*
  - Information for Employers about the E-Verify process: *https://www.e-verify.gov*
- American Immigration Lawyers Association: *http://www.aila.org/*

Frequently Asked Questions

Does it cost anything to hire an international student?
There are no fees required to hire an international student who has work authorization through their F-1 or J-1 status.

Is there a lot of additional paperwork when hiring an international student?
There is very little to no additional paperwork required when hiring international students. Please see each section above to identify what is required of the employer when hiring international students for different types of work authorization.

Do I need to sponsor an international student in order to hire them?
International students who have work authorization through their F-1 or J-1 status do not need sponsorship to be hired. However, they may need sponsorship to continue working after their period of work authorization ends.

Do I have to prove that there isn't an available American student when hiring an international student?
No need to do this!