

## Hiring International Employees

### Non-immigrant

An alien admitted to the United States for a specific purpose for a temporary stay that will end when its purpose has been accomplished; a student, for example. While there are numerous types, this information will focus on the most common types found at UCO:

- **F1** – student
- **CPT** – student employment prior to graduation
- **OPT** – student status continuing one year beyond graduation
- **H1B** – employee hired by a sponsoring employer
- **EA** – may work anywhere; doesn't require a sponsoring employer

**F1** – international student status. Status, including grades, is monitored by the International Office. F1 students may work on campus, including other on-campus vendors, but cannot work off-campus unless approved by U.S. Citizenship and Immigration Service (USCIS).

#### **Q: What is Curricular Practical Training for F1 students?**

A: Curricular Practical Training (CPT) is a type of work permission which allows students to accept employment in their major field of study. The employment must either be required or an integral part of the curriculum including internship or practicum offered by sponsoring employers through cooperative agreements with the university. Departments offering CPT's must list the training as a course in the class schedule.

Undergraduate students are subject to the following requirements:

- Must have been enrolled full-time for one academic year prior to the CPT
- Must be enrolled full-time while participating in the CPT
- Must register for the practicum or internship course, but it does not count toward their full-time enrollment
- The internship or practicum must be required or integral to the degree program
- The employer must write a letter on company letterhead describing the employment or training
- An academic advisor must write a letter of recommendation which includes the projected degree completion date
- The student must apply semester by semester no later than 14 days after the start of classes for the semester for which the CPT is requested. The length of time cannot exceed the semester end date.

#### **Q: What is Optional Practical Training?**

A: Optional Practical Training (OPT) is temporary employment authorization that gives F1 students an opportunity to apply knowledge gained in the classroom to a practical work experience off campus. Students may use some or all of the available 12 months of practical training during their course of study or save the full twelve months to use after graduation.

Authorization for OPT is granted by the U.S. Citizenship and Immigration Service (USCIS) – formerly known as the Immigration and Naturalization Services or INS – and can take at least 90 days and frequently up to 120 days to obtain.

Arrangements for OPT are made by the institution granting the degree. The work authorization must be received prior to the employee beginning work.

**Q: What are the eligibility requirements for F1 OPT?**

A: To be eligible to apply for OPT, the student must:

- Have been in full-time student status for at least one full academic year preceding the submission of the OPT application
- Maintain valid F1 status at the time of the application
- Have received a conditional offer of hire to work in a position directly related to their major field of study

**H1B** – sponsored by employer for a specific position; therefore, can ONLY work for that employer in that position. May apply for transfer from original employer. Original is issued for 3 years; then can have extensions not to exceed a combined total of six (6) years (certain exceptions apply).

**Q: What is an H1B visa?**

A: The H1B visa program is the primary method for bringing in professional level foreign employees to the US. The H1B visa enables US employers to hire foreign professionals for a specified period of time. The H1B program allows workers in specialty occupations to work for up to a total of six (6) years. One of the things that makes this visa so desirable is that, unlike many other nonimmigrant visa categories, it is a “dual intent” visa. This means that a visa will not be denied simply because a person has intentions to become a permanent resident. The assumption is that if for some reason the permanent residency petition is denied, the person would still have the intention to return home.

Aside from documenting that the position offered is in a specialty occupation and that the employee has the appropriate credentials for the job, the employer needs to verify that the H1B visa worker is being paid the prevailing wage for the work being performed and that employment of a foreign worker is not harming conditions for US workers.

H1B visa qualifying occupation categories are jobs in the fields of computer science, health care, university teaching, engineering, law, accounting, financial analysis, management consulting, architecture and scientific research positions.

The number of H1B visas issued each year is subject to a cap determined by Congress. For example, the cap for FY2006 was set at 65,000. Universities are exempt from this cap.

Other regulatory provisions permit:

- The employer to request a period of less than three years
- The employee to work on a part-time basis
- The employee to work for more than one US employer concurrently

**EA** – employment authorization. The alien may work part-time or full-time at any job for any employer. Pays taxes like any other US citizen.

## **Immigrant**

**PR** – permanent residency; this is the “green card” status; the employer must provide proof that they were unsuccessful in recruiting a US citizen for the position.

For Employment Based (EB) immigration, there are five categories, listed in order of preference. (i.e. EB-1 is given first preference.)

### **EB-1 Priority workers**

Individuals with “extraordinary” ability in the sciences, arts, education, business or athletics

Outstanding professors and researchers

Select Multinational executives

### **EB-2 Professionals with ‘advanced’ degrees or exceptional ability**

Individuals who hold an advanced degree in their profession

Exceptional ability in the sciences, arts or business

### **EB-3 Skilled or professional workers**

Professionals who hold a bachelor’s degree, who do NOT qualify for the EB-1 or EB-2 categories

Skilled workers who have a minimum of two years training and experience

Other workers who have less than two years training and experience

(EB-3 is typically for H1B visa holders)

### **EB-4 Special Immigrants**

Current employees or former employees of the US government abroad

Religious workers who are members of a non-profit religious organization in the US

### **EB-5 Immigrant Investors**

Individuals who wish to establish a new commercial business

Invest in a new commercial business

Create new employment

## **Citizenship through naturalization**

The following requirements must be met:

- Must be at least 18 years old
- Must have been lawfully admitted to the US for permanent residency (green card status)
- Satisfy residence and physical presence requirements
- Show good moral character
- Show attachment to the principles of the US Constitution
- Subject to certain exemptions, must demonstrate ability to write, speak and understand English language
- Demonstrate knowledge and understanding of fundamentals of history and principles and form of government of the US; also subject to some exceptions
- Must take Oath of Allegiance