Why Hire International Students?

International students at the University at Albany represent 100 different countries and study in programs from Accounting to Women’s Studies. They possess qualities top employers seek:

- International students bring cross-cultural competencies and multiple language skills to your organization.
- International students can make significant contributions to a team-centered environment.
- International students exhibit high quality skills such as leadership, independence and ability to adapt to change.
- International students provide diversity and introduce new perspectives for problem-solving and approaches to business.
- International students demonstrate maturity, flexibility, and dedication, and can share business practices from other cultures, helping your organization adapt to new challenges globally.
Overview

- Obtaining permission for F-1 and J-1 international students to work in the U.S. is not as difficult (or costly) as many employers think!
- Most students are eligible to accept employment under Practical Training (Academic, Curricular, Optional) and H-1B Temporary Worker status

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

WHAT IS IT?
- Off-campus work authorization for F-1 students who are currently pursuing degree programs at UAlbany and have completed one academic year of classes
- 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 International Student and Scholar Services Office (ISSS) at UAlbany and supported by the academic department

DURATION OF EMPLOYMENT
- Employment authorization is given on a semester by semester basis
- CPT may be extended or renewed with approval of academic advisor
- Generally, students are limited to part-time (20 hrs or less per week) during the Fall/Spring semester and full-time work during the summer/winter; some graduate students may be eligible for full-time CPT

PROCESSING TIME
- 5-7 business days upon receipt of a complete CPT application by the ISSS office

STUDENT’S ROLE:
- Verify eligibility for CPT
- Obtain academic department approval & enroll in concurrent academic course as determined by academic department, if applicable
- Submit complete CPT application at least 7 business days prior to employment start date

PROOF OF AUTHORIZATION
- A new CPT I-20 (page 3) authorizing work for a particular employer, specific duration of time, and part-time or full-time employment
- Work cannot begin until student obtains authorization

EMPLOYER’S ROLE
- Provide student with an offer of employment
- Request a copy of the CPT I-20 and other appropriate documentation from the student for I-9 purposes
- There is no cost to the employer and the CPT application is entirely the responsibility of the student
- Ensure the student works within the date, employer and field of study parameters of the CPT employment authorization
Employment After Graduation: Optional Practical Training (OPT) for F-1 Students

**WHAT IS IT?**
- Employment authorization for F-1 students who have completed all coursework for their academic program
- Employment must be related to student’s major field of study, can be paid or unpaid, and must be 20 or more hours/week
- Recommended by ISSS and authorized by United States Citizenship and Immigration Services (USCIS) based on student’s petition for benefits
- Student, not employer is responsible, for cost of application

**DURATION OF EMPLOYMENT**
- Typically, 12 months of employment is granted
- Designated STEM majors working for eligible employers may apply for a STEM extension (see next page)
- Full-time employment is allowed

**PROCESSING TIME**
- Standard time from submission to approval by USCIS is 90-120 day more
- Students may apply up to 90 days prior to and up to 60 days after academic program completion

**STUDENT’S ROLE**
- Verify eligibility for OPT
- Request OPT recommendation from ISSS
- Submit complete and timely OPT application to USCIS in order to obtain approval prior to beginning employment
- Ensure work is related to field of study

**PROOF OF AUTHORIZATION**
- Employment Authorization Document (EAD card) indicating start and end dates of work authorization
- Student must have EAD card with valid start date in order to begin work

**EMPLOYER’S ROLE**
- Request a copy of the EAD 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
STEM Extension Optional Practical Training (OPT) for F-1 Students

**WHAT IS IT?** • An extension of a student’s 12-month OPT • Student must be a recipient of a STEM designated degree and working for an E-Verify employer 20 or more hours/week • Employment must be related to student’s STEM major field of study • Volunteer, unpaid, and self-employment are not allowed. • May be based on a previously earned STEM Degree • Recommended by UAlbany ISSS and authorized by USCIS • Student, not employer is responsible, for cost of application

**DURATION OF EMPLOYMENT** • An additional 24-month extension of the 12-month OPT for a total of 36 months of OPT work authorization • Allows total of 2 lifetime STEM Extensions, the 2nd after earning a new STEM-eligible degree at a higher level and obtaining a new, higher degree level of 12-Month OPT

**PROCESSING TIME** • Typical time from submission to approval by USCIS is 90-120 days or more • 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 eligibility for STEM Extension • Request OPT STEM extension recommendation from ISSS • Submit complete STEM OPT application to USCIS prior to the end date of their 12-month OPT • Report employment and any changes to employment to ISSS. • Submit self-evaluations via form I-983

**PROOF OF AUTHORIZATION** • A new Employment Authorization Document (EAD Card) 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 12-month EAD card while the STEM OPT application is pending

**EMPLOYER’S ROLE** • Student must be employed or have offer of employment from a company • Must be participating in E-Verify and provide student with E-Verify / proof of E-Verify & EIN number • Must complete I-983 Training Plan and attest that wages and compensation are commensurate with “similarly situated U.S. workers” • Employer, not third party, must provide employment training and supervision

What Is It? • Specific employers may have special agreements or Memorandums of Understanding (MoUs) with Departments/Schools at the University at Albany • MoU agreements must include specific sections on student employment that allow an international student to work without off-campus work authorization. • Both the student and the position must be designated under the MoU as eligible for “on-campus” employment

Employer’s Role • Both the employer and the University Department must agree that a student’s work is included within the MoU. It is best that the student be notified in writing that the employment is covered under the MoU

Student’s Role • Working under an MoU is typically considered on-campus employment. Students therefore must abide by the rules for on-campus employment, including part-time (20 hrs or less per week) during the Fall/Spring semester and full-time work during the Summer/Winter terms

Note: As ISSS does not manage Ualbany MoUs, it is not able to verify/approve new positions as “on-campus” employment
Academic Training (AT) for J-1 Students: Internships/Jobs During Degree Program

**WHAT IS IT?**
- Off-campus work authorization for J-1 students.
- 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 ISSS.

**DURATION OF EMPLOYMENT**
- Duration is determined by the student’s length of study; students should consult with ISSS.
- Before completing the course of study, AT can be part-time (20 hrs or less per week) during the Fall/Spring semester or full-time in the summer/winter.
- After completion of program, AT must be a minimum of 20 hrs per week.

**PROCESSING TIME**
- 5-7 business days upon receipt of a complete AT application.

**STUDENT’S ROLE**
- Verify eligibility for AT.
- Obtain academic department approval.
- Submit complete AT application at least 7 business days prior to beginning employment and within eligibility period.

**PROOF OF AUTHORIZATION**
- A new DS-2019 listing the approved employer and dates of the authorization in section 5.
- Work cannot begin until student obtains new I-20 with proper authorization.

**EMPLOYER’S ROLE**
- Provide 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.
- Ensure the student works within the date, employer, and field of study parameters of the CPT employment authorization.
Long-Term Employment in the U.S. – The H-1B Visa

WHAT IS IT? • Employer-sponsored visa that permits temporary employment in “specialty occupations” • A limited number of H-1B applications are granted every year • Exceptions to the quota are granted to some non-profit, research and educational institutions

PROCESSING TIME • Total processing time (including preparation & application) may take several months; renewals, extensions, & change of employer may be shorter • For most private employers, H-1B applications should be submitted on April 1 for cap subject applications • Approved applications are effective October 1 • Exceptions to the timeline may be granted to some non-profit, research and educational institutions

STUDENT’S ROLE • Student may be eligible for a “Cap-Gap” Extension of OPT (Optional Practical Training) while the H-1B petition is pending or waiting for the effective date • Student should consult with ISSS for instructions and eligibility

PROOF OF AUTHORIZATION • Employer will receive official approval letter from USCIS listing the effective date • Students eligible for the “Cap Gap” Extension will be issued a new I-20 by ISSS upon request

EMPLOYER’S ROLE • The employer, with a qualified immigration attorney, is responsible for preparing and filing the petition • Costs will include attorney and USCIS application fees, some which may be share by the students • The employer is responsible for filing a timely petition

Note: While basic H1-B information is provided above, ISSS at UAlbany does not advise students or employers on H-1B issues. Please refer to resources page for more details on H-1B.
Other Possible Employment Visa Categories

Other visa categories may be possible depending on the international students job, academic major, country of citizenship, and other variable. A sample of those are listed below. For more information about these and other employment visa categories, refer to the resources page at the end of this guide.

- **Pre-Completion OPT**: On a limited basis and with ISSS consultation, enrolled F-1 students may be eligible to apply for OPT while still in school.
- **Specialty Occupation Professional from Australia (E3)**: Australians working in professional positions in the U.S.
- **Intra-Company Transfer (L-1)**: Intra-company transferees who, within the three preceding years, have been employed abroad continuously for one year, and who will be employed by a branch, parent, affiliate, or subsidiary of that same employer in the U.S. in a managerial, executive, or specialized knowledge capacity may be eligible for L-1 status.
- **NAFTA Professional (TN)**: Canadian or Mexican citizens may be eligible for the TN-1 status if the position is listed in the NAFTA specified occupation list.
- **EB1-EB3 Permanent Residency**: Lawful permanent residency is a status granted by the U.S. government to citizens of other countries.
Resources

UAlbany ISSS Employment Website
- www.albany.edu/isss/85536.php

Immigration Attorneys/Firms
- American Immigration Lawyers Association (AILA) and member immigration attorneys: www.aila.org

Other Information
- Visa and Related Jobs Data: www.myvisajobs.com
- Immigration Art Video Series:
  www.youtube.com/channel/UCaROuOh08EialqQ8Apka2Yw

Federal Regulatory Bodies
- Immigration & Customs Enforcement (ICE): www.ice.gov
- United States Citizenship & Immigration Services (USCIS):
  www.uscis.gov
- Study in the States: STEM Hub:
  www.studyinthestates.dhs.gov/stem-opt-hub