

The University of Texas at Austin enrolls over 4,500 international students on temporary visas. These students are not U.S. citizens or U.S. permanent residents ("green card holders"), but their UT education combined with their multicultural and multilingual skills make them a potential asset to U.S. employers.

This handout is designed to clarify the legal obligations of both the employer and the international job applicant, and to encourage you as the prospective employer to include these talented graduates in your human resource development plan.

The International Student and Scholar Services (ISSS) is willing to discuss these laws and regulations with you, and if requested by an international student, can review the specific legal status of the job applicant enrolled or recently graduated from UT Austin.

Verifying Employment Eligibility: Completing the I-9

The Immigration Reform and Control Act (IRCA) of 1986 did not change the rights and privileges of nonimmigrant students wishing to accept a job in this country. For employers, the new law prescribed specific procedures to be followed in verifying the employment eligibility of every person hired after November 6, 1986. All employees, including international students, must complete the **I-9, *Employment Eligibility Verification*** form. This is simply a record that the employer has verified the identity and legal employment eligibility of every person hired.

"Practical Training" Employment After Graduation

International students generally hold the F-1 (foreign student) visa. A few hold the J-1 (exchange visitor student) visa. In both cases, the U.S. Citizenship and Immigration Services (USCIS, formerly known as INS) permits employers to hire students, who have completed their course of study, in a status called "practical training" for F-1 students and "academic training" for J-1 students. USCIS defines practical training as *employment related to the student's course of study*. Eligible students need not change their visa status to accept this type of employment.

☐ Time Limits for Practical Training

- F-1 students may work for up to twelve months as practical trainees.
- J-1 students may work up to eighteen months on academic training. Post-doctoral fellows are eligible for another eighteen months of academic training. Some J-1 students are subject to a "two-year home country residence" requirement and are prohibited from continuing beyond academic training employment on the H-1B visa unless the requirement is waived.

☐ Little Paperwork for the Employer

- All paperwork is handled by the student and ISSS or the J-1 student's program sponsor. In some cases a brief letter offering employment is required.

Consult with our office if assistance is needed in hiring an international graduate of
The University of Texas at Austin.

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Long Term Employment: Changing to a Different Visa

Federal regulations require that employment terminate at the conclusion of the training period. However, in most cases, the international student may continue to be employed, provided that a change to another visa type is approved by the immigration service. Following is a description of the most common work visa.

Temporary Worker (H-1B) Visa

- The employer petitions for the H-1B, or Temporary Worker Visa, through the Department of Labor and U.S. Citizenship and Immigration Services.
- The employee may hold this visa for up to six years.
- The H-1B visa is intended for "professional" employment.
- These applications should be prepared with careful attention to the documents required for submission to the above government agencies.
- The entire process can take up to 4-6 months to grant the new immigration status to the employee.
- Legal consultation is strongly recommended.
- The quota for H-1B visas is currently set at 65,000 per fiscal year (from October 1 until September 31). Universities and some non-profit research institutions are exempt from the H-1B quota.

A note about the "green card" or immigrant visa status

We have drawn attention to nonimmigrant visa options above because (1) they often represent a satisfactory alternative to the so-called "green card" or immigrant visa/permanent resident status, and (2) much less time, expense, and paperwork is involved in filing for a nonimmigrant visa than in obtaining the green card.

International students seeking opportunities for post-graduate career employment in this country may intend to return to their home countries, after having established themselves professionally over a period of years, and are therefore suitable candidates for employment in a nonimmigrant visa status. In such cases, efforts to secure the green card are neither necessary nor appropriate.

However, if an employer wanted to retain the services of the valued professional, the employer could choose to sponsor the employee for permanent residency with the U.S. Citizenship and Immigration Services. There are several "employment based" preferences, details of which go beyond the current publication.

Points to remember:

- Minimal paperwork required to hire an international employee
- Employment authorization possible for up to seven years without requirement to recruit U.S. workers
- Talented multicultural & multilingual employees
- Assistance in verifying employee eligibility
- No USCIS requirement to recruit U.S. workers when hiring international students on practical training

Information in this brochure has been adapted from the publications of State University of New York at Binghamton, Fordham University, Indiana University/Bloomington, and Cornell University.