

# Quick Reference Guide for Employers Looking to Hire International Students with Visas

## Types of Student Visas

**F-1 Student Visa**-- The F-1 Visa is the most popular/ common visa that is issued to incoming students into the USA. Generally it is issued to students who are coming to the USA to study on an academic program or to come to learn English as a Second Language.

**H1-B Visa**-- The US H1-B visa is a non-immigrant visa, which allows a US company to employ a foreign individual for up to six years. Individuals can not apply for an H1-B visa to allow them to work in the US. The employer must petition for entry of the employee.

**J-1 Student Visa**-- The J-1 Visa is issued to students who need to have practical training as part of the academic program, however there is also a large program called the "Work/ Travel Program" under the J-1 Visa where students can come to the USA for three to four months to gain employment and travel the USA.

**M-1 Student Visa**-- An M-1 visa is issued to a student who is going to attend a non-academic or vocational school.

*Many employers are concerned about liability related to the employment of international students in the United States. Getting permission for international students to work in the U.S. is not as difficult as many employers think...*

**Paperwork**--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 the Bureau of Citizenship and Immigration Services (BCIS). The only cost to the employer hiring international students is the time and effort to interview and select the best candidate for the job.

**Authorization**--International students must have the work authorization before they begin actual employment, but not before they are offered employment. A college's International Department may also be able to assist a student with authorization as well.

**Stealing Work?**--American employers are not required to document that a citizen of another country did not take a job from a qualified American if that person is working under a F-1, J-1 or H-1B visa. Employers must document that they did not turn down a qualified American applicant for the position only when they wish to hire foreign citizens on a permanent basis and sponsor them for a permanent resident status (green card).

**Taxes**-- A company may save money by hiring international students because the majority of them are exempt from Social Security (FICA) and Medicare tax requirements. **Information on tax treaties may be found in Internal Revenue Services Publication 519, U.S. Tax Guide for Aliens, and 901, U.S. Tax Treaties.** Unless exempted by a tax treaty, F-1 and J-1 students earning income under practical training are subject to applicable federal, state, and local income taxes.

**Volunteers/Internships**--If the internship involves no form of compensation and is voluntary the students may volunteer without having to do any paperwork with the BCIS. If, however, the internship provides a stipend or any compensation, students must obtain permission for practical or academic training prior to starting their internship.

**Listed below are links and locations to further information regarding hiring International Students with Visas:**

1. [www.uscis.gov](http://www.uscis.gov) → Code of Federal Regulations citation which governs international student employability is:
  - F-1 students: **8CFR 214.2(f)(9)(ii)(c)** and (10)(i) and (ii).
  - J-1 students: **22 CFR514.23(f)** and (g).→ The CFR citations governing IRCA requirements for international students are:
  - F-1 students: **8 CFR 274.a12(c)(3)(i)** and (iii).
  - J-1 students: **CFR 274a.12 (b) 11.**
2. <http://www.niu.edu/CareerServices/guides/IntlGuide.pdf>