

VERIFYING EMPLOYMENT ELIGIBILITY: COMPLETING THE FORM I-9

The Immigration Reform and Control Act (IRCA) of 1986 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.

Please contact us for a free consultation at 757.446.8600 with questions about hiring and completing the I-9 for an international student or graduate.



Note: Some J-1 students have a "two year home residence" requirement and are prohibited from continuing beyond practical training employment on the H1-B visa, but this requirement can often be waived.

Adapted from a brochure developed by Ms. Janene Oettel, Director, International Student & Scholar Office, Towson University, MD.

HIRING INTERNATIONAL STUDENTS

THE IMMIGRATION LAW GROUP AT
VANDEVENTER BLACK WILL:

MINIMIZE PAPERWORK REQUIRED TO
HIRE AN INTERNATIONAL STUDENT

•
EXPLAIN HOW EMPLOYMENT
AUTHORIZATION IS POSSIBLE FOR
UP TO SEVEN YEARS WITHOUT THE
REQUIREMENT TO RECRUIT U.S.
WORKERS

•
FACILITATE YOUR HIRING OF
TALENTED MULTICULTURAL AND
MULTILINGUAL EMPLOYEES

•
PROVIDE ASSISTANCE IN VERIFYING
EMPLOYMENT ELIGIBILITY

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AN EMPLOYER'S GUIDE TO HIRING INTERNATIONAL STUDENTS



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INTERNATIONAL STUDENTS AS EMPLOYEES

Nationwide hundreds of thousands of international students are in the United States on temporary visas (i.e., not U.S. citizens or permanent residents). These students have many assets to offer employers, including their multicultural and/or multilingual skills, their ability to adapt to a challenging situation, confidence to be successful and their advanced education.



This brochure is designed to provide an overview for employers hiring international students. The information included is not to be considered legal advice. If you need help with immigration matters, contact Vandeventer Black at 757.446.8600 and one of the attorneys in our Immigration Law Group will be glad to help you. We encourage you to consider the inclusion of these talented international students in your human resource development plan.

PRACTICAL TRAINING EMPLOYMENT

International students generally hold the F-1 (foreign student) visa. A few hold the J-1 (exchange visitor) visa. In both cases, the United States Citizenship and Immigration Services (USCIS) permits employers to hire students during their authorized period of practical training. Practical training is defined as *employment related to the students' course of study*. Students do not have to change their visa type, but must apply for authorization before completing their course of study.

TIME LIMITS FOR PRACTICAL TRAINING

F-1 students may pursue either curricular practical training (CPT) or optional practical training (OPT). Curricular practical training is typically arranged as a one-semester internship. Optional practical training, usually pursued upon graduation, allows the student a maximum of 12 months of full-time work experience. J-1 students may be authorized for a maximum of 18 months of academic training.



MINIMAL OR NO PAPERWORK FOR THE EMPLOYER

CPT, OPT and Academic Training employment authorizations are handled by the student and their University's International Office for F-1 students. For J-1 students Academic Training, a brief letter offering employment is required for the student's file. Employers will complete their standard employment-related paperwork in this process.

LONG-TERM EMPLOYMENT: CHANGING VISAS

Employment must be terminated at the end of the authorized period of practical training. However, in many cases, the employer may sponsor the student for a change of visa status to a status which allows further employment. If the application is approved by the USCIS, the student may continue to be employed. The H1-B is the most common work visa.

TEMPORARY WORKER (H1-B) VISA

Application for the H1-B, or Temporary Worker, visa is made by the employer through the Department of Labor and the USCIS. Our Immigration Law Group, if retained as counsel, will prepare all the paperwork and comply with all the rules governing the application process. An H1-B may be continued for up to six years. It is intended for "professional" employment that requires a bachelor's degree as a minimum entry level requirement. There is no requirement that U.S. workers be recruited or preferred. The entire process can take up to three or four months. Legal advice is strongly suggested as employers unfamiliar with the process may find it quite overwhelming.

THE "GREEN CARD" OR PERMANENT RESIDENCY STATUS

Attention has been drawn to previously mentioned F-1, J-1 and H1-B visa options because (1) they often represent a satisfactory alternative to U.S. permanent residency, and (2) much less time, expense and paperwork is involved than in obtaining a "green card." The "green card" can be pursued at a later date if the employer and employee seek to establish a longer term of employment.

However, some international students upon graduation may intend to return to their home countries at a later date. The F-1 and J-1 training and the H1-B visa provide them an opportunity to establish themselves professionally, further improving their job prospects once they return home. In such cases, efforts to secure the "green card" are neither necessary nor appropriate.