

How to Hire a University of Minnesota International Student

Hello employers! We are glad you are interested in hiring UMN international students/alumni at your organization. In addition to the world-class education that all UMN students receive, most international students offer skills of adaptability, perseverance, and knowledge of other cultures.

INTERNSHIPS

Internships can be part-time all year, or full-time during school breaks, and can be paid or unpaid. The work must be related to the student's major. UMN can authorize students to work for the duration of the educational program (in maximum one-year increments and after studying for two semesters). Students are responsible for filing paperwork with UMN prior to beginning employment. UMN can authorize student internships in as little as seven business days.

As the employer, you do not need to pay fees or complete government filings in order to hire an international student for an internship. You only need to give the student an employment offer.

12 MONTHS WORK AFTER GRADUATION (Optional Practical Training or OPT)

Positions can be part-time or full-time for 12 months after the student's graduation and can be paid or unpaid. The work must be related to the student's major. Students are responsible for filing paperwork with UMN and USCIS (US immigration service). They may be eligible to begin work as early as the day after graduation.

As the employer, you do not need to pay fees or complete government filings in order to hire an international student post-graduation. You only need to give the student an employment offer.

Some students in science, technology, engineering or math (STEM) majors are eligible for an **additional 24 months** of part-time or full-time work if you are an e-verify employer.

Employers pay no fees to hire an international student in a STEM major. The student and the employer fill out an application form, which the student sends to UMN. The student is required to have biannual performance evaluations.

BEYOND OPT

Employers can sponsor international employees for longer-term work. The most common way is to apply for an H-1B. There are other visa possibilities, including permanent residence ("green card").

- **H-1B:** no minimum duration, maximum is three years at a time. Renewable for up to six years. Costs range from \$2,000-6,000.
- **Permanent Residence:** also known as the green card. Expenses vary.

NOTE: Most University of Minnesota students hold an F-1 visa and the work authorization described here applies to F-1 students. The small number of international students on other types of visas, such as J-1, have slightly different work authorization rules. University of Minnesota students are responsible for knowing their own visa status and being prepared to explain their rights and restrictions to employers. Also, advisers at International Student and Scholar Services (ISSS) at UMN Twin Cities offer general advice to employers about F-1 and J-1 work options for UMN international students. You can contact ISSS at iss@umn.edu or 612-626-7100.

Legal Disclaimer: This guide is not intended as, and does not serve as, legal advice. It is for informational purposes only and is not a substitute for professional legal advice. Content is subject to change, and employers are advised to consult an experienced U.S. immigration attorney for advice and further information. For tax information, see www.irs.gov.

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FREQUENTLY ASKED QUESTIONS

Isn't it illegal to hire international students because they do not have a green card?

- No. U.S. immigration regulations allow international students to work, within certain limits. They receive work authorization either from the University of Minnesota (UMN) or from the U.S. Immigration Service (USCIS).

OK, so it's legal. Won't it cost my company a lot of money and involve a lot of paperwork?

- No. The only cost to the employer who hires an international student is the time and effort to interview and select the best candidate for the job. The student and UMN handle much of the paperwork. In fact, some companies find they save money by hiring international students because the majority of them are exempt from Social Security (FICA) and Medicare tax requirements. See IRS Publication 519.

How long can international students work in the U.S. on their student visa?

- International students can work during their studies (after one year of study in the U.S.) plus at least 12 months after graduation, as long as the job is in their major.

Don't international students need work authorization before I can hire them?

- No. International students must have the work authorization before their first day on the job with you, but not before they are offered employment. In some cases, students need a written job offer from your organization in order to apply for the work authorization. The student can give you a reasonable estimate of when they expect to receive their work authorization. Before graduation, it can be as little as seven business days!

What does the international student's work authorization look like?

- When hired while they are in school, the student presents their Form I-20 where UMN has issued the authorization (per U.S. immigration regulations, "No Service endorsement is necessary:" 8CFR 274a.12(b)(6)(iii)).
- When hired post-graduation, the student presents an Employment Authorization Document, a small photo identity card that indicates the dates for which they are permitted to work.
- To begin any job, the student must also present a Social Security Number or a receipt showing their Social Security application is in process.

Doesn't an employer have to prove that international students are not taking jobs from a qualified American?

- In most cases, no. The STEM OPT extension form asks the employer to attest that a U.S. worker was not displaced. The only time an employer must prove and document that they did not turn down a qualified American applicant for the position is when they wish to hire the international employee permanently and sponsor them for permanent resident status ("green card").

What if my organization wants to continue to employ an international student after their work authorization expires?

- With some planning ahead, you can keep an international student (now employee) by supporting their work visa application. The H-1B visa is the most common and allows an international employee to work for up to six years. The H-1B visa is for a worker in a "specialty occupation," and the job must meet two basic requirements: 1) The salary must meet the US Department of Labor's prevailing wage; and 2) A bachelor's degree is a minimum normal requirement for the position.

Please see the reverse side for important disclaimers and more information.