

VISA 101: The Basics of Hiring U of M International Students

This guide is designed to help you gain basic information about common visa types and discover how easy it can be for students/employers to acquire work authorization.

Common visa types and work authorization:

F – 1 Students

- Most common non-immigrant student visa type.
- Students can receive work authorization before completion of degree, called Curricular Practical Training (CPT). Employment must be related to student's field of study. International Student and Scholar Services (ISSS) authorizes CPT for U of M students for up to one year of full-time CPT before degree completion. Processing time = 1 week minimum.
- Students can receive up to one year of full-time Optional Practical Training (OPT) before or after degree completion. OPT is authorized by the **U.S. Citizenship and Immigration Services (USCIS)**. Employment must be related to student's field of study. Processing time = 2-4 months.

J – 1 Students

- Non-immigrant student visa for students participating in an exchange program and/or are sponsored by organizations, such as Fulbright and Institute of International Education.
- Students can receive work authorization, called Academic Training (AT), which can take place before or after completion of studies. Full- or part-time Academic Training is authorized by the J-1 program sponsor and must be related to field of study. 18 months total for most students, 36 months for post-doctoral training.

J – 2 Dependents

- Visa for a dependent of a J-1 visa holder.
- Allows visa holder to obtain work authorization through USCIS on a part-time or full-time basis.
- Employment need not be in area related to degree.

H – 1B Employees

- Employer-specific and job-specific visa allowing foreign nationals to be employed by a U.S. company, institution or organization for up to six years.
- Students can start employment with F-1 CPT, OPT, or in some cases, J-1 Academic Training, and change to H-1B during first year.
- Job must require specialized knowledge and employee must have received degree *before* petition for visa is submitted. Typically for "specialty occupations."
- Wage for position must meet USCIS and U.S. Department of Labor regulations.

Non-immigrants must have authorization before job begins.

Required steps and what this means for you as an employer:

F – 1

- Students acquire appropriate authorization from academic adviser and submit paperwork to ISSS or USCIS. ***No additional steps need to be taken by the employer.***

J – 1

- Students acquire authorization from their J-1 program sponsor. ***Job offer letter is only requirement needed from employer.***

J – 2

- Visa holders acquire appropriate authorization from USCIS. ***No additional steps need to be taken by the employer.***

H – 1B

- Employer petitions USCIS for permission to hire a particular foreign employee for a specific position. **Employers are required to pay most expenses related to H-1B applications.** Employer's HR or legal staff, or an outside attorney, usually handles the H-1B application.

*** For additional information on hiring F & J students from U of M, please contact ISSS at (612) 626-7100 or iss@tc.umn.edu. You can also visit our website at www.iss.umn.edu. For hiring H-1B employees check the USCIS website (<http://uscis.gov/graphics/index.htm>) or contact an immigration attorney ***