

UNIVERSITY OF SOUTH DAKOTA

EMPLOYER OVERVIEW: HIRING INTERNATIONAL STUDENTS

Important note: this is a general overview for employers, not a student guide.

ISN'T IT ILLEGAL TO HIRE INTERNATIONAL STUDENTS?

In the world of higher education, off-campus employment authorization for students who hold a temporary F1 or J1 visa* and are in good standing with their university is a benefit allowed and regulated by the federal government. These students are in the country on a visa that includes the option to apply for a period of full-time work authorization after having been a full-time student for one academic year and upon earning a degree, provided the employment is directly related to the student's major field of study and commensurate with the degree level.

**temporary = the duration of the program of study + time-limited employment authorization. The majority of USD international students hold an F1 visa.*

BENEFITS OF HIRING USD INTERNATIONAL STUDENTS

- USD prepares and empowers leaders, researchers, and graduates who enter the workforce with in-demand skillsets in data sciences, AI/machine learning, health care and more. International students are exceptionally able and eager to contribute to the workforce and grow and share their skills and cultural competencies.
- Acclimating to a new culture requires versatility, perseverance, flexibility, an out-of-the-box mindset, enhanced problem-solving strategies, and a passion for learning. Each of these attributes and competencies can contribute positively to sustaining a productive, motivated, and actively engaged workforce.
- USD-educated international students will bring insight that can help your company overcome communication barriers and decipher the maze of worldwide customs and business styles. In some instances, they may bring insight into new markets and other growth opportunities.

HOW LONG ARE INTERNATIONAL STUDENTS AUTHORIZED TO WORK AFTER DEGREE COMPLETION?

There are three primary work authorizations:

- **Optional Practical Training (OPT) for F1 visa holders:** after degree completion, 12 months. Minimum of 20 hours/wk.
- **STEM Extension to OPT for F1 visa holders:** 24 additional months. Minimum of 20 hours/wk. Only for qualifying STEM degrees. For more information about the specific eligibility requirements, please visit the [STEM OPT Hub on Study in the States](#). (recommend reading: Employer Resources section)
- **Academic Training for J1 visa holders:** undergraduate and masters students have a maximum of 18 months and PhD student 36 months. Internships held during the academic year are deducted from the maximum allowable months.
- [Official descriptions of OPT, STEM OPT, and CPT](#)

CAN INTERNATIONAL STUDENTS ACCEPT INTERNSHIP POSITIONS PRIOR TO COMPLETING A DEGREE?

Yes, if the internship is part of the academic program, is integral to the student's major field of study and is authorized by designated officials in the Gallagher International Center. USD's curriculum, not the student's desire for employment, drives Curricular Practical Training (CPT) policy development.

Both F1 and J1 visa holders complete the internship work authorization process through the Gallagher International Center. Authorized students may work up-to full-time when school is not in session over the summer break or winter breaks. Internships approved for the fall or spring terms when a student is also registered full-time are limited to 20 hours per week.

EMPLOYER RESPONSIBILITIES IN THE HIRING PROCESS

With all visa types, employers are **not** responsible for completing paperwork, paying fees or assisting prospective employees in obtaining work authorization. The Gallagher International Center offers our students information sessions and one-on-one guidance that explains the timeline, requirements, and the federal application process for temporary employment authorization. While not guaranteed, students who meet the requirements, follow official guidance, and file a timely application are rarely denied employment authorization.

Employers **are** responsible for reviewing student visa holders' documentation, and they verify they have done so through the process of completing employee I-9 forms. The I-9 form is required for every employee upon hire as verification of each worker's identity and eligibility to work in the US. Students will either have an EAD card issued by USCIS (F1 visa holders who have completed their degrees) or a notation on their I20 (currently enrolled students) or DS2019 (J1 visa holders). STEM extension requires student and employer to work together to complete the Form I-983 (see p.1 STEM extension for link).

DO INTERNATIONAL STUDENTS HAVE SOCIAL SECURITY NUMBERS?

If they have worked in the US, students will have a SSN. For those who do not, a letter of employment grants eligibility to apply for a SSN, and the Social Security Administration provides official documentation that an application was submitted. Employers may allow employees to start work with proof of SSN application, and many do. However, a social security number alone is not proof of work authorization. International students also must complete the I-9 process when their employment begins.

TAXES AND F1/J1 INTERNATIONAL STUDENTS

Student F1 & J1 visa holders are subject to special rules with respect to the taxation of their income. There is no minimum dollar amount of income that triggers a filing requirement; filing income tax is required for wage earners. Specific information can be [found on the IRS website](#).

QUESTIONS?

USD staff in the Gallagher International Center and the Center for Career & Life Design are happy to answer general or clarifying questions. We cannot discuss individual students. Email isso@usd.edu or career@usd.edu

October 2024