Employer's Guide: Hiring Creighton's International Students

Educating a Global Community

Creighton University prides itself in educating a diverse body of students and preparing our graduates to thrive as global citizens. Our ongoing Creighton Global Initiative, implemented in 2017, strives to "*animate, enrich and embrace an intentional global focus for the University community*" which we could not achieve without our international students. The John P. Fahey Career Center is committed to helping you find the best employees for your company. This guide will help you navigate the hiring process when considering the candidacy of one of our international students.

Strengths of the International Candidate

We strongly encourage our recruiting partners to consider hiring international students. These students have proven strengths in **adaptability** and **resilience** in acclimating to a new culture and bring their perspective and skills to their new work environment. Additionally, most of our international students are at least **bilingual** and have experiences navigating international environments. Their **global perspectives** and experiences can deliver new ideas to solving challenges and contribute to your organization's **cultural competency**. Most organizations, even if operations are exclusively located stateside, are impacted by globalization and international influence. Having diverse talent that understands the intricacies of the global landscape will help your organization grow and thrive in this ever-changing climate.

Internship Hiring

Our international student body is composed of students on both F-1 visas and J-1 visas. The majority of our students are here on an F-1 visa and therefore utilize Curricular Practical Training (CPT) when seeking internships. In this guide we will spend a greater emphasis on CPT, but will also cover the employment authorization tied to J-1 visas, Academic Training (AT).

Hiring F-1 Students for Internships:
Understanding Curricular Practical Training (CPT)

What is CPT?
- Off-campus work authorization for F-1 students who are currently pursuing degree programs at Creighton University.
- CPT allows students to seek paid or unpaid employment that is related to their field of study.
- CPT is issued *during* the student's academic program and is issued for internships or short-term employment opportunities.

Duration of Internship/Employment under CPT:
- CPT issued during the fall and spring semesters is typically limited to part-time work (20 hours or less per week), while CPT issued during winter and summer breaks is eligible for full-time work (20 hours or more per week); some graduate students may be eligible for full-time CPT during the academic year.
- Students are authorized for CPT on a semester basis and CPT may be extended or renewed with advanced approval by Creighton University's Global Engagement Office (GEO).

Student's Role:
- Meet with the GEO to verify eligibility for CPT.
- Obtain academic department approval and enroll in concurrent academic course, if applicable.
- Submit completed CPT form to GEO office at least 7 days prior to start date of employment.

Creighton's Role:
- Process student's CPT paperwork and update their I-20 which begins their work authorization.
  - **Authorization Proof**: The I-20 will list the CPT authorization along with the employer's organization, organization address, dates of authorization, and indication of full-time or part-time work. Work cannot begin until the student obtains authorization.

Employer's Role:
- Provide student with an offer of employment that includes:
  - Name and address of company
  - Job title of student
  - Brief explanation of job duties and responsibilities
  - Start and end date
  - Number of hours per week student will be working
  - Supervisor name, phone number, and email address
- Request a copy of the CPT I-20 form for I-9 purposes.

Cost and Processing Time:
- There is **no cost** to the employer and the CPT application is entirely the responsibility of the student.
- It may take the GEO up to 3-5 business days to process CPT authorization.

Hiring J-1 Students for Internships: *Understanding Academic Training (AT)*

What is AT?
- Off-campus work authorization for J-1 students who are currently pursuing or have recently completed a study program in the U.S.
- AT allows students to seek paid or unpaid employment in their field of study.
- Most frequently issued for internships or short-term employment opportunities as students in J-1 status are typically foreign exchange students.

Duration of Internship/Employment under AT:
- Eligible length of employment is determined by length of student's length of study in the U.S.; students should consult with the GEO to determine. The maximum amount of Academic Training allotted is 18 months.

- Before completion of their program of study, students can engage in part-time AT (20 hours or less per week) during fall/spring and can be full-time (20 hours or more per week) during summers. Post-graduate AT can be part-time or full-time.

Student's Role:
- Meet with Creighton's Global Engagement Office to verify eligibility for AT.
- Obtain academic department approval.
- Submit a completed AT application to GEO at least 2 weeks prior to employment start date.

Creighton's Role:
- Process AT application within 3-5 business days of submission and update students' DS-2019 form to signify work authorization.
  - **Authorization Proof**: The DS-2019 will list the AT authorization along with the employer's organization and dates of authorization. Work cannot begin until the student obtains authorization.

Employer's Role:
- Provide student with an offer of employment that includes:
  - Name and address of company
  - Job title of student
  - Brief explanation of job duties and responsibilities
  - Start and end date
  - Number of hours per week student will be working
  - Supervisor name, phone number, and email address
- Request a copy of the DS-2019 from the student for I-9 purposes.

Cost and Processing Time:
- There is **no cost** to the employer and the AT application is entirely the responsibility of the student.
- It may take the GEO up to 3-5 business days to process AT authorization.

There is no cost to hiring an international student (F-1 or J-1) for an internship!

Post-Graduation Employment

International students who are ready to enter the workforce bring a lot to the table from their ambition and adaptability to their cultural expertise and perspective taking. Those seeking long-term post-graduation employment are typically our F-1 visa holders and they will use Optional Practical Training (OPT) work authorization to join your organization.

Hiring F-1 Students for Post-Graduation Employment:
Understanding Optional Practical Training (OPT)

OPT Eligibility:
- Student must be in valid F-1 status.
- Employment must be related to student's major field of study and can be paid or unpaid.
- OPT is recommended by GEO and authorized by the United States Citizenship and Immigration Services (USCIS) based on student's application.

Duration of Employment under OPT:
- OPT is issued for a maximum of 12 months for non-STEM students (full-time and part-time employment is allowed).
    - Students enrolled in a STEM-designated degree program who are seeking employment aligned with their major can apply for an additional 24 months of work authorization (additional details in the following section).
    - STEM designated degree program list:
      https://www.ice.gov/sites/default/files/documents/Document/2016/stem-list.pdf

Student's Role:
- Meet with a GEO advisor to verify OPT eligibility.
- Submit completed OPT application to USCIS within official timeline to obtain work authorization approval prior to beginning employment.
- Ensure that employment is related to field of study and report employment to GEO.
- No employment offer needs to be made for students to apply and be approved for OPT.

Creighton's Role:
- Update student's I-20 to reflect OPT recommendation.

Employer's Role:
- Request a copy of the Employment Authorization Document (EAD) card and a copy of the I-20 from the student for I-9 purposes.

Cost and Processing Time:
- There is **no cost** to the employer and the OPT application is entirely the responsibility of the student.
- Typical time from submission to approval by USCIS is 90 days. Students may apply up to 90 days prior to and up to 60 days after program completion.
    - **Authorization proof:** Employment Authorization Document (EAD card/Form I-766) indicating start and end dates of work authorization.
    - Student must have EAD card and start date on EAD card must be reached in order for student to begin work.

Hiring STEM Majors: Understanding the STEM Extension

Students who have completed a degree in a STEM field may be eligible for a 24-month extension of OPT, known as STEM Optional Practical Training (STEM OPT). Similar to post-completion OPT, STEM OPT is a work authorization granted by USCIS.

STEM OPT Eligibility:
- Student must be in valid F-1 Visa status.
- Must be in a period of 12-month post-completion OPT.
- Must have completed a STEM degree listed on the STEM Designated Degree Program List.
    - https://www.ice.gov/sites/default/files/documents/Document/2016/stem-list.pdf
- Must be employed in a paid position and working a minimum of 20 hours per week.
- Employment must be directly related to major.
- Employer must be enrolled in E-Verify.

Duration of Employment under STEM OPT:
- STEM OPT is a 24-month extension. In total a STEM OPT student would have 3 years of work authorization.

Student's Role:
- Verify eligibility for STEM extension.
- Submit completed STEM OPT application to the GEO no earlier than 90 days prior to the end date of their 12-month OPT.
- Report employment and any changes to employment to GEO.

Creighton's Role:

- Update student's I-20 to reflect STEM OPT recommendation.

Employer's Role:

- Student must be employed or have offer of employment from a company.
- Employer must be participating in E-Verify and provide student with E-Verify & EIN.
- Must complete I-983 Training Plan and complete evaluations during the STEM extension.
- See additional STEM OPT Reporting Requirements for more information.

Cost and Processing Time:

- There is **no cost** to the employer for STEM extensions.
- Creighton's GEO requests up to 3-5 business days to process a STEM OPT recommendation.
- Typical time from submission to approval by USCIS is 90 days. Students may apply up to 90 days prior to the end date of their 12-month OPT, but no later than their OPT end date.
  - **Authorization Proof:** Student will be issued a new Employment Authorization Document (EAD Card) indicating start and end dates of extended work authorization.
  - If an extension application is received by the USCIS before the end date of the student's post-completion OPT, student may continue working for up to 180 days while the application is pending.

Retaining International Talent

Even before the international candidate joins your organization under OPT, you can begin thinking ahead to retaining your new employee long-term by sponsoring an H-1B visa application. The H-1B is a very popular work visa and is available to foreign nationals who (a) have at least a U.S. Bachelor's Degree or foreign equivalent and (b) will be working in a job that requires at least a bachelor's degree. If you would like to learn about additional non-immigrant visas, you'll find further information at https://travel.state.gov/content/travel/en/us-visas/employment/temporary-worker-visas.html

Long-Term Hiring: Understanding H-1B Visa Sponsorship

What is the H-1B Visa?
- Employer-sponsored visa that permits temporary employment in "specialty occupations."
- A limited number of H-1B applications are granted every year (65,000 visas for international candidates with undergraduate degrees and an additional 20,000 visas for candidates with graduate degrees).
  - Exceptions to the quota are granted to some non-profit, research, and educational institutions.

Duration of Employment under H-1B Visa:
- Employment is initially granted for 3 years with an option to renew for 3 additional years.

Student's Role:
- Student should consult with their employer, an HR manager who works with H-1B petitions, or an attorney for instructions and eligibility questions.

Employer's Role:
- The employer is responsible for filing the H-1B application. Often employers will work with an experienced immigration attorney to facilitate the process.
- To begin the visa sponsorship process, the employer obtains a Labor Condition Application (LCA) from the U.S. Department of Labor and completes form I-129 (Petition for Non-Immigrant Worker) with USCIS. The LCA requires two conditions:
  - The employer agrees to pay the beneficiary a "prevailing wage" for the position.
  - The employer agrees to provide working conditions that will not adversely affect other similarly employed workers.

Cost:
- Costs include attorney and USCIS application fees and is estimated between $2,000-$7,000 depending on the size of the employer's workforce and in-house verus external legal counsel.

Processing Time:
- Total processing time (including preparation and application) may take 2-6 months.
- For most employers, the H-1B application is submitted on **April 1** and approved applications will become effective starting **October 1**.
  - Student may be eligible for a "cap gap" extension of OPT that allows them to work between the time that their OPT ends and when their H-1B begins.
- Exceptions to the timeline may be granted to some non-profit, research, and education institutions.
  - **Authorization Proof:** Employer will receive an official approval letter from USCIS listing the effective date of the H-1B Visa.

Sample H-1B Application Timeline
Apply for H-1B -- **April 1, 2018**
Graduation -- **May 2018**
OPT Starts (12 months) -- **June 2018**
Apply for H-1B (if not successful in first round) -- **April 1, 2019**
OPT Ends -- **June 2019**
H-1B Visa Begins -- **October 1, 2019**

Frequently Asked Questions

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

No. Although international students must have work authorization before they begin actual employment, they do not need authorization before they are offered a position. Many F-1 students will be in the process of obtaining work authorization while they are interviewing for employment, and J-1 students must have a written job offer in order to apply for work authorization. The candidate can give employers a reasonable timeline for when they expect to receive work authorization.

Does an international student have a Social Security Number?

Yes. Students who are on either CPT or OPT are issued a Social Security Number in order to track their earnings.

What qualifies as a "specialty occupation?"

An occupation that requires specialized knowledge in an area AND requires attainment of a bachelor's or higher degree in the specific specialty.

What is a "prevailing wage?"

Established by the U.S. Department of Labor, a prevailing wage is "set for the occupational classification in the geographical area of employment by the weighted average of wages paid to similarly employed workers (ex: workers having substantially comparable jobs in the occupational classification within a particular area.)" Prevailing wages may be hourly or salary.

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

No. If an employer is not [H-1B dependent](#), they are not required to document that they first attempted recruiting a U.S. citizen before hiring a foreign citizen. If an employer has previously been a willful violator of H-1B requirements or receives funding described in the Employ American Workers Act (EAWA), additional regulations apply.

If an employer wishes to hire a foreign citizen on a permanent basis and sponsor the employee for a green card, the employer must then document that they did not turn down qualified American applicants for the position in question.

Quick Reference: Visa Types & Terms to Know

Throughout this guide we discussed concepts and terms that are important for employers to know when hiring international students. Refer to this section if you encounter a term or visa you would like to learn more about.

Visa Types:

- **F-1** Non-immigrant visa for those wishing to study in the United States. Most of our international students are F-1 visa holders.

- **J-1** Exchange visitor visa for students participating in study-based exchange programs.

- **H-1B** Non-immigrant visa that allows U.S. companies to employ graduate level workers in specialty occupations that require theoretical or technical expertise. Any professional level job that usually requires a bachelor's degree or higher can come under the H-1B visa for specialty occupations. Visa is valid for up to six years.

- **L-1** Intracompany transfer available to employees of an international company that has offices in both the U.S. and abroad. Employee must have worked for one year abroad before eligible for the visa.

- **O-1** Non-immigrant visa for the individual who possesses extraordinary ability and has national or international claim in the sciences, arts, education, business, or athletics.

International Student Terms:

- **I-20** The Form 1-20 is a Certificate of Eligibility for Nonimmigrant Student Status issued by a certified school that provides supporting information to the United States on a student's F-1 status. At Creighton University the I-20 is issued by the Global Engagement Office.

- **AT** Academic Training; a type of off-campus work authorization for students in J-1 status.

- **CPT** Curricular Practical Training; a form of work authorization available to F-1 students seeking internships or short-term employment during their academic career.

- **DHS** Department of Homeland Security; the DHS and its agencies play a pivotal role in the processing, regulation, and compliance of students seeking non-immigrant visas to study and work in the United States.

- **DS-2019** The DS-2019 Form is a "Certificate of Eligibility for Exchange Visitor (J-1) Status" and, similar to the I-20, is issued by a certified school to an international student. At Creighton University the DS-2019 is issued by the Global Engagement Office.

- **EAD** Employment Authorization Document. An official government document that is proof of an international student's authorization to work in the United States.

- **EIN** The Employer Identification Number (EIN) is a unique nine-digit number assigned by the Internal Revenue Service to business entities operating in the United States for the purposes of identification.

- **E-Verify** An [Internet-based system](#) that compares information from an employee's Form I-9, Employment Eligibility Verification, to data from USDHS and Social Security Administration records to confirm employment eligibility.

- **OPT** Optional Practical Training; a form or work authorization available to F-1 students seeking post-graduate employment. More information in the below sections.

- **STEM** An acronym of "Science, Technology, Engineering, and Mathematics." Due to job demand, the government affords international students who seek majors in these areas an additional amount of post-graduate work authorization.

- **USCIS** United States Citizenship & Immigration Services. The Government agency that oversees lawful immigration to the United States.

Resources

American Immigration Lawyers Association

www.aila.org/

Creighton's Global Engagement Office

www.creighton.edu/geo/

E-Verify

www.uscis.gov/e-verify

U.S. Customs & Immigration Services

www.uscis.gov/working-united-states/information-employers-employees/employer-information

U.S. Department of Homeland Security

www.dhs.gov/index.shtm

U.S. Department of Labor

dol.gov/whd/foremployers.htm

U.S. Department of State

https://travel.state.gov/content/travel/en/us-visas/employment/temporary-worker-visas.html

Contact Us

The Creighton Career Center is here for you! Contact us when questions arise.

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