

Hiring an International CCA Graduate

Information about Optional Practical Training (OPT)

What is an F-1 Visa and What is OPT?

Most international students who come to study in the U.S. do so on a F-1 student visa. While employment is generally restricted for students in this status, international students are eligible to apply for specific types of work authorization. While a student is enrolled in a program of study, the most common type of work authorization is Curricular Practical Training (CPT), although pre-completion Optional Practical Training is occasionally used. After graduating, many students take advantage of a type of work authorization called post-completion Optional Practical Training (OPT).

Post-Completion OPT -- Frequently Asked Questions

What is it?

Post-completion OPT is a type of work authorization that allows students to work up to 12 months after graduation at a position in their field of study. F-1 students must apply for OPT and have it approved by the U.S. Citizenship and Immigration Services (USCIS) in order to take advantage of this benefit.

Additionally, certain CCA majors have a STEM designation that allows students in these fields to apply for an additional 24 months of OPT after completing the first 12 month period. These programs include Architecture, Animation, and Interaction Design.

Key points:

- *The job/employment must be related to a student's degree and at an appropriate level for someone with that degree.
- *The student must work at least 20 hours per week on average. Full-time employment is perfectly fine. The student and the employer should keep records that document the number of hours a student works (i.e. an offer letter, timesheets, pay stubs, etc...)
- *The employment situation can be fairly flexible. As long as all labor laws are complied with, the job may be paid, unpaid, and/or contract work.

How much does it cost?

There is no cost at all to the employer beyond any compensation package that is offered.

What are the employer's obligations?

The employer must treat the international student just like any other employee in terms of pay, working conditions, terminations, etc...

How do I know a student is authorized to work?

Students approved for OPT are issued an Employment Authorization Document (commonly called an EAD card) by USCIS. Other documents a student will have include a valid passport, a printout of their electronic I-94 (document that establishes a foreign national's immigration status in the U.S.), and a Form I-20 from CCA recommending OPT on page 2. The USCIS Handbook for Employers provides information on completing an I-9 for an employee who is on OPT.

Common Misconceptions About Hiring a Graduate on OPT

*The employer must sponsor a student on OPT. – FALSE OPT is linked to a student's F-1 status and the student remains in F-1 status while they are on OPT. It is a general work authorization and not tie to a specific employer.

*There are lots of extra costs associated with hiring an international student. – FALSE There are no additional costs associated with hiring an international student on OPT. If, after the year of OPT work authorization ends, the employer wishes to continue to employ the student by sponsoring them for a work visa (most commonly an H-1B), then there are some costs involved. The attorney's fees to submit an application for an H-1B are generally between \$2,000-\$3,000 and the government filing fees are between \$1,600-\$7,400, depending on the size of the sponsoring company and if the sponsoring company chooses to do premium processing. The sponsoring employer is required to pay all government fees, and the employer generally pays the attorney's fees as well, although they are not required to do so.

*The employer must prove there are no U.S. workers willing and able to do the job. – FALSE Employers do not have to prove that there are no U.S. citizens able and willing to do the job if they are hiring an international student on OPT. There are certain requirements when sponsoring a person for an H-1B visa or permanent residency. The Department of Labor publishes a guide to H-1B visas (<http://www.dol.gov/compliance/guide/h1b.htm>) and an immigration attorney would be able to answer questions concerning sponsoring an employee for legal permanent residency.

Tax Information

International students on OPT are subject to most of the same federal, state, and local taxes as U.S. citizen employees. There are exceptions, however, and further information can be found at: <http://www.irs.gov/Individuals/International-Taxpayers/Foreign--Students--and--Scholars>.

Code of Federal Regulations – Sections Relevant to International Students

The sections of the Code of Federal Regulations relevant to practical training/employment and international students include 8 C.F.R. 214.2(f)9 and 8 C.F.R. 214.2(f)10. The electronic version is available online at: https://www.nafsa.org/_file/_/amresource/8cfr2142f.htm

Helpful Resources for Employers Interested in Hiring International Employees

American Immigration Lawyers Association: <http://www.aila.org>

Department of Labor's guide to H1-B visas: <http://www.dol.gov/compliance/guide/h1b.htm>

USCIS Handbook for Employers: Go to <http://www.uscis.gov/>, and search "Handbook for Employers"

CCA Office of International Student Affairs and Programs Contact Information

Email: isap@cca.edu

More Information:

<https://portal.cca.edu/campus/international-student-affairs-and-programs/employment-options-international-students/optional-practical-training-opt/>