

YES, YOU CAN HIRE AN INTERNATIONAL STUDENT WITHOUT A GREEN CARD

Overview of Information

The following handout is designed as an introduction for EMPLOYERS on the basic regulations concerning international students working in the United States. Often, the employer is unaware that students can work in their field of study during academic sessions, vacation periods and after completion of study - WITHOUT costly applications and attorney fees. It is hoped that this information clarifies this relationship.

Before Graduation

Students who are pursuing a degree at San Francisco State University are generally eligible to receive employment authorization for degree-related work experience during the summer vacation months and/or during the academic year.

After Graduation

Most students who complete or are nearing completion of their U.S. degrees are eligible to accept from 12 to 18 months of employment for "practical or academic training" experience. It is not necessary for them to change their visa status for this type of legal employment.

Applying for Employment Permission

A student's application for permission to accept employment for practical or academic training is initially submitted to and must be endorsed by a Foreign Student Advisor in the SFSU Office of International Programs (OIP). Employers do not need to document recruitment or information on other applicants for this type of employment. For more details on application requirements, students or employers should contact OIP.

Verifying Employment Eligibility

Employers are encouraged to consult OIP if assistance is needed in verifying the employment eligibility of a current student or graduate of San Francisco State University holding a nonimmigrant visa. IRCA (1986). The Immigration Reform and Control Act (IRCA) of 1986 did not change the rights and privileges of non-immigrant students wishing to accept jobs in this country. For employers, the law prescribed specific procedures to be followed in verifying the employment eligibility of any individual they wish to hire.

Employment Eligibility Verification Form I-9

All employees, including international students, must complete the I-9 "Employment Eligibility Verification" form. This is simply a record that the employer has verified the identity and legal employment eligibility of every person hired.

Documentation for Employment Permission

San Francisco State University students or graduates who have applied for and been given official permission to accept employment under practical training will have documentation of current eligibility to present to a prospective employer.

Temporary Worker (H-1) Visa

If an employer should want to retain an SFSU graduate, it is often possible to secure an H-1B visa for this purpose. Application for the H-1B or Temporary Worker visa is made by the employer through the Department of Labor and the Bureau of Citizenship and Immigration Services (BCIS, formerly the INS). Although services of an attorney are not required, these applications should be prepared with careful attention to the instructions provided concerning documents to be submitted with the completed forms. The entire process can take up to 3-4 months. An H-1B may be continued for up to six years. It is intended for "professional" employment. There is no requirement that American citizens be recruited or preferred for H-1B positions.

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