

SECTION 1

WORK AUTHORIZATION OPTIONS IN THE U.S.

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How to answer “Are you authorized to work in the U.S.?”

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WORK IN THE U.S. BEFORE GRADUATION

On Campus Limitation

Students in F-1 and J-1 status are required to be full-time students and may work on-campus up to 20 hours or in the “practical training” options below.

Practical Training Options

International students are eligible for temporary work authorization that permits them to engage in part- or full- time employment in their field of study.

1. Curricular Practical Training (CPT)

CPT is temporary employment authorization directly related to a F-1 student’s academic program and granted by the Office for International Students and Scholars (OISS).

CPT is typically authorized on a part-time (up to 20 hours a week) basis during the school year and can be authorized on a full-time (over 20 hours a week) or part-time basis during vacation periods. CPT gives students the possibility to work off-campus or to work for more than 20 hours a week on campus if certain qualifications are met.

Some types of CPT are as follows:

Required for the degree program: In order for training to be considered “required”, all students in the degree program must be required to complete an internship or practicum in order to receive their degree. A few programs at MSU have such requirements.

Integral part of an established curriculum: If the internship/work experience is not required, then it must be taken for academic credit. Students will work with their academic advisor to fill out the “CPT Authorization Form” issued by OISS.

The student must receive a job offer before securing the employment authorization, and thus will be unable to provide documentation at the interview stage. OISS needs a signed, written offer of employment on the company’s letterhead as part of the CPT application requirements.

Proof of Work Authorization: The employer and dates for which the student is authorized to work will appear on the student’s Form I-20 (certificate of eligibility). Students cannot begin work before the start date on the Form I-20, or continue working after the end date. CPT authorization may be renewable if the student continues to be eligible.

To apply for CPT: <https://oiss.isp.msu.edu/files/7515/2571/3183/cpt.pdf>

2. J-1 Academic Training

J-1 students may apply for temporary work authorization called “Academic Training” (AT) either prior to or after completion of studies to accept positions within their field of study.

Students seeking or completing bachelor’s or master’s degrees are eligible for 18 months of AT. Students seeking or completing doctoral degrees are eligible for 36 months of AT.

Non-degree (exchange) students are eligible for AT authorizations matching the length of time they have spent studying in the U.S. Example: A one-semester (4-month) exchange student is eligible for up to 4 months of AT.

WORK IN THE U.S. AFTER GRADUATION

The U.S. government allows students to apply for authorization to gain practical work experience to supplement their academic programs. Many employers find this to be a useful opportunity to hire a student with valuable international perspectives.

1. F-1 Optional Practical Training (OPT)

OPT is defined as “temporary employment authorization directly related to the field of study”. F-1 students are eligible for up to 12 months of employment authorization under this category. For students whose majors are given the STEM (Science, Technology, Engineering and Mathematics) designation, employment may be extended for an additional 24 months, if the F-1 visa holder is employed by an E-Verify employer. More information about STEM:

<https://oiss.isp.msu.edu/immigration1/visa-immigration/workintheus/>

OPT is recommended by OISS at MSU and granted by United States Citizenship and Immigration Services (USCIS). The application process can take several months.

Proof of Work Authorization: Students on OPT will receive an employment authorization document or EAD card. USCIS issues the EAD and it specifies the dates of authorized employment.

To apply for OPT:

Complete the required and tuition-free OISS - Optional Practical Training Course available in D2L during your final semester.

Steps for registering for the OISS - Optional Practical Training Course:

- Log into D2L
- Click on “Select Self Registration”
- Click on the course named “OISS - Optional Practical Training (OPT)”
- Register for the course

2. After you finish the OISS - Optional Practical Training Course:

Print the OPT Certificate of Completion. The certificate must be dated during your final semester. Complete the application and gather required documents as directed in the course.

2. J-1 Academic Training: see the “before graduation” section.

EMPLOYMENT OPTIONS FOR NON-IMMIGRANT VISAS

Beyond CPT, OPT, or AT, there are options for employing internationals.

Temporary Worker (H-1) Visa

The H-1B visa allows foreign nationals to work in the United States in specialty occupations. The H-1B visa category has the following key requirements:

Applicant must have theoretical and practical application of a highly specialized body of knowledge and must have a minimum of a Bachelor’s degree or its equivalent in a specialized field. The company is the petitioner

of the H-1B and the international is the beneficiary. The company should consult their HR and legal counsel when completing these petitions.

The employer makes an H-1B visa petition to the Department of Labor and USCIS. An employer may petition for H-1B status for a maximum of 3 years at a time. An individual can hold H-1B status for up to a maximum of six years. It is advised to plan petition applications early as timing of filing is critical due to H-1B visa limits.

WORK IN THE U.S. AFTER GRADUATION

O-1 Visa: Individuals with Extraordinary Ability to Achievement

The O-1 nonimmigrant visa is for the individual who possesses extraordinary ability in the sciences, arts, education, business, or athletics, among other fields, and are recognized nationally or internationally for those achievements. An O-1 petition has an initial period of stay of up to 3 years. Subsequent extensions may last for no more than one year at a time. There is no limit to the number of extensions.

Nonimmigrant NAFTA Professional (TN) Visa

The TN visa allows citizens of Canada and Mexico, as NAFTA professionals, to work in the U.S. in a prearranged business activity for a U.S. or foreign employer. Permanent residents, including Canadian permanent residents, are not able to apply to work as a NAFTA professional. Both Canadian and Mexican citizens can be admitted to the United States in TN status in increments of up to three years. There is no cumulative time limit on TN status. Status is renewable indefinitely, provided the stay remains temporary in nature.

E-3 Certain Specialty Occupation

Professionals from Australia The E-3 classification applies only to nationals of Australia. The specialty occupation requires theoretical and practical application of a body of knowledge in professional fields and at least the attainment of a bachelor's degree, or its equivalent, as a minimum, for entry into the occupation in the U. S. There is no cumulative time limit on E-3. It is renewable every two years indefinitely, provided the stay remains temporary in nature.

Intra-Company Transfer (L) Visa

Intra-company Transferees who, within the three preceding years, have been employed abroad continuously for one year, and who will be employed by a branch, parent, affiliate, or subsidiary of that same employer in the U.S. in a managerial, executive, or specialized knowledge capacity may be eligible for an L Visa.

USCIS website: <https://www.uscis.gov/working-us>

PERMANENT RESIDENCY

Lawful permanent residency (PR) is a status granted by the U.S. government to citizens of other countries. One option to obtain PR is through an “employer-based petition”. For example, the employer may document the need for a person’s occupational skills, or the individual must prove international recognition in his or her field. While an employer may sponsor an individual, USCIS makes the final decision and makes no promise or guarantee to the employee.

USCIS website: <https://www.uscis.gov/working-united-states/permanent-workers>

LEGAL SUPPORT

Find an immigration attorney

OISS can only provide general information on visa categories beyond F and J. International students and U.S employers need to talk to an immigration attorney regarding specific cases.

American Immigration Lawyers Association (AILA) offers a “find a lawyer” option. <http://www.aila.org/>

COMMON US WORK AUTHORIZATION OPTIONS FOR STUDENTS

CPT

Curricular Practical Training

Definition: Temporary employment authorization directly related to student's academic program

Authorized By: Designated School Official (DSO) at OISS

Duration: Employment dependent but is granted on a semester basis

Who is eligible? F-1 visa students who have completed at least one academic year full-time

When to Apply When applicable but after first year of full-time status

Start Date Employment dependent but must have offer first before applying

Permitted Work Hours Part-time CPT: no more than 20 hours a week during fall and spring semester

OPT

Optional Practical Training

Definition: Temporary employment authorization directly related to the field of study

Authorized By: United States Citizenship and Immigration Services

Duration: 12 Months

Who is eligible? Full-time F-1 visa students who will be completing degree requirements this semester

When to Apply 90 days prior to program end date and up to 60 days after

Start Date Decided by student, last date to start is 60 days after degree completion

Permitted Work Hours Minimum of 20 hours a week



AT

Academic Training

Definition: Training for students in their field of study as a form of experiential learning

Authorized By: International Student Advisor and/or Program Sponsor

Duration: 18 months for Bachelors/Masters Graduates. 36 months for Doctoral Graduates. Non-degree AT: length based on duration of study (1-2 semesters)

Who is eligible? J-1 Students

When to Apply Pre or Post-Graduation

Start Date Employment dependent but must have offer first before applying. Last date to start is 30 days after degree completion

Permitted Work Hours Maximum of 20 hours a week (part-time) or a minimum of 20 hours a week (post-completion of program)

HOW TO ANSWER “ARE YOU AUTHORIZED TO WORK IN THE U.S.?”

Discussing Your Immigration Status

Although it is illegal for a potential employer to ask you your race, nationality, or immigration status, they can however, ask you if you are authorized to work in the U.S. You are not required to offer the information if not asked about your employment eligibility, but it is very important that you are able to explain it if necessary.

Not all employers are familiar with the work authorization associated with various immigration categories, so the more knowledgeable you are about the employment options available to you, the more confident you will feel about the discussion.

The Office for International Students and Scholars (OISS) can help you to understand your work authorization options.

If a company says they don't hire international students, it may still be okay to apply. While some employers cannot hire international students for certain reasons -- U.S. governmental contracts, for example, when employers say they don't hire international students it may simply mean they haven't hired any yet. In order to convince prospective employers, it is your responsibility to educate them about the process of hiring an international student. Keep in mind that they still may not hire you. It is recommended that you first target organizations with a history of sponsoring individuals for H-1B (temporary worker) visas.¹

Be knowledgeable about your work authorization options: You need to know the benefits and restrictions of your particular immigration status and be able to discuss comfortably (depending on your visa

type) Academic, Curricular, and Optional Practical Training (AT, CPT, OPT) and H1-B visas, among other possible visa types. The more knowledgeable you are about your employment options, the more confident you will feel and appear during the discussion with your prospective employer. You should also practice responses to potential questions such as “Are you authorized to work in the US?”

Know the appropriate time to reveal that you are an international student: If your interviewer asks about your visa and work eligibility, answer directly and honestly. If your interview is coming to a close and the visa issue has not been mentioned yet, it is a good idea for you to bring it up casually. You can say: *“I would like to mention that I am on a student visa and will need to briefly discuss my legal employment options with you if I'm hired. My international student advisor has explained the procedures that exist for my lawful employment.”* By bringing up the topic yourself, you are showing the employer that you are motivated to get the job and that you are ready to assist them with the procedure.²

When interviewing you should emphasize the positive: It is an advantage for employers to have a diverse group of employees. Especially as more companies are going global, it is a benefit to many employers to have a bilingual employee and/or an employee familiar with work abroad. The fact that you have lived and studied abroad shows your confidence and resourcefulness. Convey to the interviewer challenges you have faced and overcome in this process. Be prepared to explain to your potential employer how hiring you offers more advantages than challenges.

HOW TO ANSWER “ARE YOU AUTHORIZED TO WORK IN THE U.S.?”

Frequently Asked Questions

How do I answer when I am asked by an employer if I can legally work in the U.S.?

(F-1 Student)

Start by explaining that you are legally able to apply for your own work authorization through your university while you are on an F-1 visa at *no cost to them* (using either Curricular or Optional Practical Training). Utilizing this practical training may allow you to work anywhere from 12 to 29 months (or more if you combine CPT and OPT together), depending on your major.

(J-1 Student/Scholar)

Same as the F-1 student though the time you have available may differ and, in certain cases, you must get permission from your sponsor to work. If you are unsure, please check with the Office for International Students and Scholars (OISS).

Please refer to the OISS website (<https://oiss.isp.msu.edu>) for more information under “Employment”. You can also share with the employer - “my work authorization can be renewed for another three to six years with an H-1B temporary worker visa.”

Avoid saying the word “sponsor” when talking about the H-1B application process, instead use “petition”.

Explain to the employer that they “petition” for the visa and you are the beneficiary.

Note: An H-1B petition *does not* require an employer to test the labor market, meaning they do not have to prove there are no qualified U.S. citizens or Permanent Residents available for the position. It may also be useful to explain that you do not need a “Green Card” in order to work in the U.S. and that an H-1B visa is different from this.

Will you now or in the future require sponsorship for employment (e.g., H-1B visa)?

Yes! Many employers will ask this because they need to know whether a petition for H-1B is needed. Following the question above, explain that you will require an H-1B petition to work for up to six years after you have exhausted your F or J visa options. The legal fee for applying usually runs from \$1800 to \$3,500 with additional filing fees paid to the U.S. government.

You can also share with the employers the **“Employers Guide to Hiring International Students”** section of this document.

CHALLENGES INTERNATIONAL STUDENTS MAY ENCOUNTER

No job search goes exactly as you plan. Successful searches require preparation for the cultural expectations of U.S. employers as well as addressing potential concerns.

Language: Finding the right words to express yourself professionally in a language that is not your first can be difficult. Take advantage of all your campus resources (Career Services Network, English Language Center, OISS programs) to practice your English and the vocabulary you need to make a positive impression on an employer in the U.S.

Hiring Complexities: When your student work eligibility expires, in order to continue working in the U.S., your employer will be required to sponsor you for a 'change of status' to a work visa. The transition to another visa status requires careful planning well in advance of the expiration of your current immigration status. Not all employers have their own immigration department, therefore it is important that you are aware of the time it will take to change your status and be proactive in making sure your employer is aware. Because of this, as well as the costs involved in changing an employee's immigration status, some employers hesitate to hire international students. This is why you must be prepared to demonstrate what you can bring to the organization, as well as the benefits of hiring a non-U.S. citizen.

Commitment: Some employers fear international employees will return to their home country soon after the employer has invested time, money, training resources, and possibly sponsoring him/her for a work visa. It is important to show the employer your loyalty to the company and how you are an asset to the company's overseas operations.

Animosity: Some Americans feel that by hiring an international student employers are taking jobs away from U.S. citizens. Due to the current economy, this sentiment may be more pronounced right now. You should be able to demonstrate how your skills and knowledge will be an asset to the company. Also, research diversity and its benefits in the workplace. If you are pursuing a degree in any of the Science, Technology, Engineering and Math (STEM) fields, you may also want to arm yourself with statistics that show international students are the majority of graduates in many of these fields.

Location: International students often limit their job search to the east or west coasts (California, Seattle, Boston, New York, Washington D.C., etc.). The competition for these jobs thus becomes very intense. Be open to all locations, especially Southeast Michigan. Michigan is the first state to create a program specifically to recruit international students to live and work in the Detroit area. **The Global Talent Retention Initiative (GTRI)** is being developed as a resource to connect employers in the Detroit area with international students seeking internships and full time employment, particularly in the STEM fields, during their practical training period.



Global Talent Retention Initiative

To get the latest information on SE Michigan Employment opportunities for international students, "LIKE" us on Facebook www.facebook.com/MiGTRI

Prepared by the GTRI, adapted for Michigan State University by the Office for International Students and Scholars (OISS)

WORKING VISA REALITIES IN THE U.S

Limited visa options and industries

H-1B temporary working visa is the most commonly used visa for U.S employers to hire international employees. However, the application is extremely competitive, has many limitations, and is largely based on luck.

Who is eligible?

There are three types of individuals who may have petitions filed on their behalf under the H-1B category.

1. Specialty Occupations

Typically, companies file for individuals to come to the United States to perform services in specialty occupations. These positions normally require bachelor's degrees (or higher) in a specialty field.

2. Department of Defense Cooperative Research and Development Projects.

Individuals who will be engaged in cooperative research and development projects administered by the U.S. Department of Defense are eligible.

3. Fashion Models

Individuals who are fashion models of distinguished merit and ability are eligible.

Below are some key requirements that you must meet to be classified as an H-1B Temporary Worker:

- **You must have an employer-employee relationship with the petitioning U.S. employer.**
- **Your job must qualify as a specialty occupation by meeting one of the following criteria:**
 - A bachelor's or higher degree, or its equivalent is normally the minimum requirement for the particular position;
 - The degree requirement is common for the position in the industry, or the job is so complex or unique that it can only be performed by someone with at least a bachelor's degree in a field related to the position;
 - The employer normally requires a degree or its equivalent for the position;
 - The nature of the specific duties is so specialized and complex that the knowledge required to perform the duties is usually associated with the attainment of a bachelor's or higher degree.
- **Your job must be in a specialty occupation related to your field of study.**
- **The petitioning employer must submit evidence that a labor condition application (LCA) has been certified by the U.S. Department of Labor.**
- **You must be paid at least the actual or prevailing wage for your occupation, whichever is higher.**
- **An H-1B visa number must be available at the time of filing the petition, unless the petition is exempt from numerical limits.**

Source: https://my.uscis.gov/exploremyoptions/h1_visas_for_temporary_workers

JOB SEARCHING STRATEGIES FOR INTERNATIONAL STUDENTS

Due to all the language, cultural and immigration challenges you may encounter while looking for a job in the U.S, the strategies below are highly recommended by your fellow peer international students and alumni to help you get prepared!

- **Resources**

MSU's Career Services Network (<https://careernetwork.msu.edu/resources-tools/student-resources/resources-for-international-students.html>) has a webpage with dozens of tips and resources just for international students - it's a great place to start.

- **Start early**

Your career development begins the moment you join MSU. MSU Career Services is here to help you explore how your interests, values, skills and personality fit together to give shape to your future. If you already know what you want to do, we can you prepare for your career path and search for great internships! Begin by creating your Handshake account, and connecting with a career advisor with expertise in your area of interest.

- **Use Handshake**

Handshake (<https://careernetwork.msu.edu/services-locations/handshake/handshake-student-info.html>) is MSU's system for career advising, career events, and thousands of internships and jobs, just for Spartan students.

- **Work on campus first**

You'll quickly discover that MSU has a very large campus. Working in the dining hall near your room or in an office on campus will help you manage your time and travel around campus. This early work experience is important in helping you to obtain an internship in your desired career field. MSU hires 17,000+ students to work on campus each year, so opportunities are plentiful.

- **Use work authorization options from your student visa**

Take advantage of CPT and OPT, and make sure that you understand your work authorization options. See Section 1 of this guide to start!

- **Volunteer, study away and study abroad to gain experience**

MSU's Center for Service Learning and Civic Engagement offers opportunities for students to get involved in service activities on campus and in the local community - a great way to develop your resume. Study away opportunities are class or internships held in another part of the U.S., usually for credit - the College of Social Science, James Madison College, the College of Arts and Letters, and the College of Natural Science all offer these programs. You do not need to be a student in those colleges to participate in their study away programs. Last, study abroad through MSU! MSU's Office of Education Abroad offers 275+ education abroad opportunities around the world.

- **Internships are the key to a full-time job**

Internships are challenging work opportunities related to your major and intended career that force you to reflect on and integrate your college learning in the professional world. International students use their Curricular Practical Training (CPT) work authorization option in these roles. These experiences are important in helping you be a strong candidate for jobs after graduation. Internships on MSU's campus may be more attainable for international students, or a good option during a students' earlier years.

JOB SEARCHING STRATEGIES FOR INTERNATIONAL STUDENTS CONTINUED

- **Understand the immigration policies and be able to explain to potential employers**

Being familiar and up-to-date on U.S. visa regulations is important. Whether you are considering employment during your time as a student at MSU or afterward, it is important to partner with both the Office for International Students and Scholars and the Career Services Network. OISS can explain your work authorization options and assist you with the proper documentation in many instances as the CSN offers programs and resources to help you build your resume writing and job interviewing skills.

Make sure you understand the differences between various employment authorizations, and the paperwork or processing required for each. Refer to the table on page 8 of this guide for more specific information.

- **Have a back-up plan - dual country job searching**

Whether you wish to work in the U.S. after graduation, work in another country, or return home, it's important for international students to spend time exploring work options in your home country. Connect with MSU alumni (<https://alumni.msu.edu>) in your home country, and join student groups (<https://oiss.isp.msu.edu/get-involved/student-leadership/international-student-organizations/>) to meet people from your home country or that share your interests.