

H-1B

Federal regulations require that practical training end at the conclusion of the authorized period. However, a student in F-1 status may continue to be employed, provided that a petition and change of status application are filed with and approved by the Immigration and Naturalization Service. Such a petition is usually filed for H-1B (specialty occupation) status. The H-1B status is valid for up to six years, and is intended for professional employment. The application process can take several months, and legal assistance with the filing of the application may be helpful. For more information on H-1B visas visit www.uscis.gov.

Questions

We encourage you to contact our office if you are struggling with a particular employment situation. The student in question will have to give us written permission to discuss his/her case with you, but most are willing to do that. We may have options to offer, so please contact us for possible solutions.

Resources

American Council International Personnel
www.acip.com

American Immigration Lawyers Association
www.aila.org

Immigration Resources
www.visalaw.com

US Citizenship & Immigration Services
www.uscis.gov

Department of Homeland Security
www.dhs.gov

E-Verify
www.uscis.gov/E-Verify

International Student & Scholar Services
www.gsu.edu/iss



**Georgia State
University**

International Student &
Scholar Services

Employer's Guide to Hiring International Students



Georgia State University

International Student & Scholar Services
Sparks Hall—Room 252
33 Gilmer Street, SE
Atlanta, GA 30303

Phone: 404-413-2070

Fax: 404-413-2072

Email: iss@gsu.edu

Curricular Practical Training (CPT)

International students in F-1 status may register for an internship which allows them to seek employment in their field of study off-campus. Students will need to request a letter from their employer and academic advisor. ISSS will process the request and issue a new I-20 endorsed for the specific CPT employment on page 3.

Optional Practical Training (OPT)

An international student in F-1 status may apply for up to one year of employment authorization called Optional Practical Training, or OPT, to take place after the student has completed his/her program of study. The student's application is sent to the U.S. Citizenship and Immigration Services (USCIS) for adjudication.

Upon approval, the student receives an EAD card (Employment Authorization Document), a picture ID card showing the student's personal information including the start and end dates of the authorized period of employment. The student may not start employment until he/she has the EAD card in hand and the start date on the card has been reached.



Employment Authorization Document issued by U.S. Citizenship and Immigration Services.

Reporting Unemployment

Employment will be required during OPT to remain in status after graduation. When a student on OPT ends employment with your company you must contact their Designated School Official within 48 hours of the break in employment. Please email ISSS at opt@gsu.edu with the following information:

- Student Last Name, First Name
- Date of Birth
- SEVIS Number

Students will be limited to 90 days of unemployment during the one-year OPT period. Students who receive the 17-month extension are allowed an additional 30 days, for a total of 120 days of unemployment.

STEM Extension

17-Month STEM OPT Extension: Optional Practical Training (OPT) can be extended beyond the normal 12 months to 29 months for STEM degree holding F-1 students who are currently participating in a 12 month period of OPT.

STEM: Science, Technology, Engineering and Mathematics (STEM) fields. Georgia State University students in the following majors are eligible:

- Actuarial Science
- Astronomy
- Biology
- Business Analysis
- Chemistry
- Computer Science
- Computer Information Systems
- Decision Sciences
- Geology/Earth Science
- Hydrogeology
- Mathematics
- Operations Research
- Physics

E-Verify

E-Verify is a free, internet-based system operated by United States Immigration and Citizenship Services in partnership with the Social Security Administration. The U.S. government encourages companies to register for E-Verify in order to confirm that all employees are legally authorized to work. At present, only students whose employers are registered for E-Verify are eligible for the STEM extension. For more information on E-Verify, visit the Department of Homeland Security website at www.dhs.gov and look under E-Verify.



Cap-Gap Extension

All F-1 students who are currently on OPT, have timely filed for an H-1B, and have a USCIS issued I-797 receipt from immigration will have their immigration status and OPT work permission extended until the effective H1-B start date. No application is required.

Tax Matters

F-1 students are subject to all applicable federal, state and local income taxes. In some cases, tax relief may be available to individuals from countries that have entered into tax treaties with the U.S. F-1 students are exempt from FICA for their first five years in the U.S. as students. For more helpful information visit www.irs.gov and read the 519 publication, U.S. Tax Guidance for Aliens.

