

## Easy Guide to Hiring Foreign Students

**Do not let confusion of the visa process prevent you from hiring the best and brightest graduates available.** U.S. law provides several ways for employers to hire foreign college graduates. For example, CIS (formerly INS) issues tens of thousands of H-1B work visas each year. In addition, graduates of U.S. institutions in F-1 status are eligible for “practical training” and are hired regularly by U.S. employers.

The two most common mechanisms for hiring foreign graduates are the following.

### 1. Practical Training

For graduates in F-1 student status, Optional Practical Training allows up to 12 months of employment after graduation (for those holding Science, Technology, Engineering or Math degrees, may get 17 additional months). The student must obtain permission from the University, and work authorization card from the CIS. The university can provide additional information.

**Timing:** F-1 Graduates can begin working immediately upon receipt of the work authorization card.

**Cost:** No cost to employer. Student pays a nominal filing fee to CIS to get card.

**Employer Obligations:** Treat employees on practical training just like other U.S. employees in terms of pay, discipline, termination, etc.

### 2. H-1B Visas

This is an extremely popular work visa. It 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. Allows employment for up to six years, or longer. The employer must submit an application to the CIS. **Approvals can take as little as 15 days.**

#### Employer Obligations

- There is no need to advertise the position, and no need to determine if U.S. workers are available to fill the position. (Sole exception: Employers receiving TARP funding or funding under Section 13 of the Federal Reserve Act must first advertise to recruit U.S. workers. No other employers have this obligation.)
- All employers must post a notice for ten days at the worksite stating that the employer is hiring an H-1B worker, providing information about the job. This is NOT an advertisement. It is just a notice.
- Employers must post the same wage and benefits provided to U.S. workers in similar jobs. Pay return transportation in some circumstances.

**Timing:** Normal processing times can take several months. However, CIS has special “premium processing” which guarantees processing in 15 days, but requires an extra \$1,000 filing fee.

**Cost:** CIS’ normal filing fee for private employers is \$320, plus a \$1,500 “training fee,” plus a “fraud prevention” fee of \$500. (NOTE: University employers, primary/secondary schools and certain governmental and nonprofit research organizations do not pay the “training fee.” Employers with 25 or fewer employees pay only \$750 “training fee.”)

**H-B Cap:** CIS issues 65,000 new H-1B approvals each year (CIS year – October 1 through September 30). CIS accepts cases beginning April 1 for October 1 H-1Bs. Exceptions to the cap: university jobs; nonprofits affiliated with universities; nonprofit research organizations; H-1B extensions with same employer; H-1B transfer to new employer. Graduates with U.S. advanced degrees have special allocation of 20,000 H-1Bs above the 65,000. Citizens of Chile and Singapore have a special allocation of H-1B’s.

### 3. Other Visas

Other visa options may be available (for example TN for Canadians or Mexicans working in certain jobs; E-3 visa for Australians in professional positions, and other possible options).

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