TO: Prospective Employers of International Students on F-1 Visas

International Students on F-1 non-immigrant visas may, either during or following their course of study, work off campus in their field of study. Most students use this employment benefit following the completion of their course of study. At that time, they apply to the U.S. Citizenship and Immigration Services (USCIS) for one year of employment authorization to gain work experience in their major field of study. Authorization for this period of full time employment, called Optional Practical Training (OPT), is based on United States government regulations found at 8 CFR 214.2 (f)(10)(ii). Students may apply for this work authorization either before they have obtained employment or after they have received a job offer.

The authorization for employment comes in the form of 1) an endorsement on the backside of the student’s I-20 ID by a Designated School Official of the student’s school, and 2) the issuance of an Employment Authorization Document (EAD) (Form I-688B) by the USCIS. The EAD includes a photograph of the student and indicates the period of time for which the student is legally authorized to work; for I-9 purposes the EAD establishes both identity and employment eligibility (List A).

Persons using OPT retain the status of non-immigrant F-1 students. As such, they may be exempt from social security tax withholding and reporting requirements. It is important to note that persons using OPT should not begin employment until they have obtained their EAD.

OPT is valid for one year and can not be renewed or extended. However, employers may apply for an H1-B visa on behalf of such an employee, which would allow for three additional years of employment and can be extended for three additional years. It is a relatively common practice for F-1 students on OPT to change status to H1B. The application for an H-1B visa is a fairly simple one, but most employers prefer to have the application submitted by an attorney knowledgeable in immigration law.

If you have any questions, or would like additional information, please feel free to contact me.

Cordially,

Kelly S. Moran, Director
Center for International Education