EMPLOYMENT OPTIONS FOR INTERNATIONAL STUDENTS

Dacia Gauer
Office of International Services
ois.jhu.edu
Employment Options for International Students

- Off Campus Employment
  - F-1 Optional Practical Training [OPT]
  - F-1 OPT Extension
  - J-1 Academic Training

- Beyond F-1 & J-1 Student Employment Options
F-1 Optional Practical Training

- 12 months of work authorization in the U.S.
- Very flexible
- Work must be related to your degree program
- Application fee of $380
- OIS must recommend your participation, USCIS (immigration) grants you the authorization (an EAD card)
- During OPT, still in F-1 status, Hopkins is still your program sponsor
Am I Eligible for OPT?

- Requirements:
  - You have completed at least one academic year of your program.
  - You have not engaged in 12 months or more of full-time CPT.
  - You have not previously received OPT authorization at the same educational level.
How do I apply for OPT?

- Visit our website for detailed instructions ois.jhu.edu
- Attend an OPT workshop (mandatory)
- Submit OPT Request Packet / set up appointment with OIS advisor
- Get recommendation from OIS and submit an application to USCIS
When do I apply for OPT?

- Can apply up to 90 days prior to program completion (last registered class day)
- 3-4 months to receive the EAD card (Employment Authorization Document)
Certain Science, Technology, Engineering and Mathematics fields (STEM) are eligible for a one-time 17 month extension of OPT if the employer uses E-verify.

Students pursuing a Master or Doctoral degree in the following departments are eligible for the extension:

- Biochemistry and Molecular Biology
- Biostatistics
- Epidemiology
- Environmental Health Sciences
- Molecular Microbiology and Immunology
J-1 Academic Training

- Authorization required for J-1 off-campus employment
- Must be degree-related
- Full-time or Part-time
- Relatively flexible work authorization
- 18 months or length of program, whichever is shorter
- Up to 36 months for those who complete a doctorate level degree
J-1 Academic Training

- Job offer is required by completion date of program
- Work permission & extensions are issued by your program sponsor (JHMI OIS/IIE/Fulbright/Other) not by immigration (USCIS)
- Must receive authorization from program sponsor prior to expiration of DS2019
Beyond F-1 & J-1 Students

- What are some typical visas sponsored by Academic Institutions & Academically Affiliated Research Institutions?
  - J-1 Research Scholar, Short-Term Scholar
  - H-1B
  - TN

- What are the factors that Universities must consider?
  - Institutional Policies
  - Job Title
  - Cost
  - Timing
  - Employer Obligations
J-1 Research Scholar

- For academic appointments only
- Allows a maximum of 5 years
- Documents & Extensions are issued by the international office
- Allows for transfer to other universities in the U.S. (in certain circumstances)
TN

- Available as a provision of the North American Free Trade Agreement (NAFTA) for Canadian and Mexican citizens
- Must have job offer to be eligible for sponsorship
- Position must be one of approved professional occupations (see OIS website for list of acceptable occupations)
- No maximum time limit for holding TN status
- Must be renewed in 1-3 year increments
H-1B

- All Universities and University affiliated research institutions are not subject to the H-1B CAP
  - Availability of H-1B “numbers” is not a factor
- There are still factors to consider
  - Employer Obligations
  - Prevailing Wage
  - Timing
  - Cost
Additional Questions???

Walk-in Advising Hours (F & J questions only)

Monday and Wednesday 1pm-4pm
Tuesday and Thursday 9am-12pm

Website
ois.jhu.edu

Contact the OIS
intl-students@jhmi.edu
WORK OPTIONS FOR FOREIGN STUDENTS

Mark B. Rhoads, Esquire
Phone: (804) 775-3824
Email: mrhoads@lawmh.com

Helen L. Konrad, Esquire
Phone: (804) 775-3825
Email: hkonrad@lawmh.com

McCandlish Holton PC
Website: www.lawmh.com
POST-GRADUATION EMPLOYMENT

- Employers like qualities of international students - smart, independent, motivated
- Employers do not understand visas
- Students must understand the immigration process, and be able to explain
TYPICAL POST- COMPLETION EMPLOYMENT PATH

- F-1 - Optional Practical Training (12 or 29 months)
  - or
- J-1 – Academic Training (18 or 36 months)
  - then
- H-1B – Most common work visa (6 years of work eligibility)
INTRODUCTION TO U.S. IMMIGRATION LAW

- **Permanent Resident Green Cards:**
  - Live forever in the United States
  - Ease of Employment
  - Ease of Travel
  - Only limited ways to obtain / lengthy processing

- **Temporary Non-Immigrant Visas:**
  - Many categories (A – V)
  - Few allow employment
  - Focus on:
    - F-1 – OPT
    - H-1B
EMPLOYER CONCERNS

- Cost
- Timing
- Obligations and Responsibilities
WORK AFTER GRADUATION

- **H-1B – Most Common Work Visa**
  - Employer must “sponsor” (offer a job that requires a degree)
  - Applicant must have degree
  - Degree must relate to the job
    - No need to advertise for U.S. workers
H-1B ISSUES

- **Duration**
  - 3 years initially
  - 3 year extension
  - 6 year maximum

- **Scope of H-1B Authorization**
  - Can only work for this employer, doing what was described on the petition in the location described on the petition

- **Change Employer**
  - New employer must file new petition
  - But can begin working as soon as new petition is filed without waiting for approval
On average in 2010 and 2011, around 70,000 employers filed labor condition applications (LCAs) for H-B workers.

- Almost half requested only one worker
- 94 percent requested fewer than 10
- The 100 highest requesting employers in 2010-2011 account for 20 percent of national demand

Source: Brookings Institute, Metropolitan Policy Program (July 2012)
### H-1B Filings by Occupation

<table>
<thead>
<tr>
<th>Rank</th>
<th>Minor Occupation Group</th>
<th>2010-2011 Average</th>
<th>Share</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Computer Occupations</td>
<td>152,350</td>
<td>46.8%</td>
</tr>
<tr>
<td>2</td>
<td>Engineers</td>
<td>26,817</td>
<td>8.2%</td>
</tr>
<tr>
<td>3</td>
<td>Health Diagnosing and Treating Practitioners</td>
<td>20,789</td>
<td>6.4%</td>
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<tr>
<td>4</td>
<td>Financial Specialists</td>
<td>18,482</td>
<td>5.7%</td>
</tr>
<tr>
<td>5</td>
<td>Business Operations Specialists</td>
<td>12,991</td>
<td>4.0%</td>
</tr>
<tr>
<td>6</td>
<td>Life Scientists</td>
<td>12,072</td>
<td>3.7%</td>
</tr>
<tr>
<td>7</td>
<td>Social Scientist and Related Workers</td>
<td>7,719</td>
<td>2.4%</td>
</tr>
<tr>
<td>8</td>
<td>Postsecondary Teachers</td>
<td>7,700</td>
<td>2.4%</td>
</tr>
<tr>
<td>9</td>
<td>Operations Specialties Managers</td>
<td>7,177</td>
<td>2.2%</td>
</tr>
<tr>
<td>10</td>
<td>Other Management Occupations</td>
<td>7,025</td>
<td>2.2%</td>
</tr>
<tr>
<td>11</td>
<td>Preschool, Primary, Secondary, and Special Education School Teachers</td>
<td>6,222</td>
<td>1.9%</td>
</tr>
<tr>
<td>12</td>
<td>Mathematical Science Occupations</td>
<td>5,932</td>
<td>1.8%</td>
</tr>
<tr>
<td>13</td>
<td>Physical Scientists</td>
<td>5,191</td>
<td>1.6%</td>
</tr>
<tr>
<td>14</td>
<td>Art and Design Workers</td>
<td>5,151</td>
<td>1.6%</td>
</tr>
<tr>
<td>15</td>
<td>Advertising, Marketing, Promotions, Public Relations, and Sales Managers</td>
<td>4,727</td>
<td>1.5%</td>
</tr>
<tr>
<td>16</td>
<td>Media and Communication Workers</td>
<td>3,063</td>
<td>0.9%</td>
</tr>
<tr>
<td>17</td>
<td>Top Executives</td>
<td>2,868</td>
<td>0.9%</td>
</tr>
<tr>
<td>18</td>
<td>Life, Physical, and Social Science Technicians</td>
<td>2,391</td>
<td>0.7%</td>
</tr>
<tr>
<td>19</td>
<td>Other Sales and Related Workers</td>
<td>1,815</td>
<td>0.6%</td>
</tr>
<tr>
<td>20</td>
<td>Health Technologists and Technicians</td>
<td>1,575</td>
<td>0.5%</td>
</tr>
<tr>
<td></td>
<td><strong>ALL OCCUPATIONS</strong></td>
<td><strong>325,522</strong></td>
<td></td>
</tr>
</tbody>
</table>

Source: Brookings Institute, Metropolitan Policy Program (July 2012)
Cost - Who Pays?

- Legal Fee
- CIS Filing Fees
  - Base fee - $325
  - Fraud Prevention Fee - $500
  - “Training Fee” - $1500 ($750 for 25 employees or less)
  - Optional Premium Processing Fee (15 days) - $1225
  - Additional $2000 fee for companies with 50 or more employees, and 50% or more of workforce is H-1B or L.
H-1B QUOTAS

- **CIS FISCAL YEAR**: October 1 – September 30

- **Quotas**:
  - 85,000 H-1Bs available
  - U.S. Advanced Degree Applicants – 20,000
  - All Degrees – 65,000

- **Current availability**: ?
BEAT THE H-1B CAP

- October 1 – new quota released
- April 1 – pre-filing for new quota
- May/Dec – graduation & OPT
H-1B “CAP GAP” RELIEF

- If you file an H-1B application on or after April 1, AND
- OPT is still valid at the time of filing, THEN
- OPT is extended until September 30
H-1B EXEMPT ORGANIZATIONS

- Universities
- Non-profit organizations affiliated with universities (such as research facilities or hospitals)
- Non-profit research organizations, engaged primarily in basic or applied research
- Governmental research organizations
H-1B ALTERNATIVES

- Canada, Mexico, Chile, Singapore, Australia
- L-1 Manager / Executive / Specialized Knowledge. Work overseas for one year; now working for affiliate in United States
- E treaty investor/trader (not China, India) working for companies owned by citizens of your country in the United States
- Re-enroll in full-time study (F-1 or J-1)
- Other possible options are very limited (O-1, Q, J-1). Consult qualified immigration specialist
GREEN CARD

- **Limited Ways to Obtain**
  - Family Relationships
  - Lottery
  - Employment/Special Skills
    - EB-1 – Extraordinary / Outstanding / Multi-national
    - EB-2 - Advance Degree / Exceptional
    - EB-3 - Bachelor’s Degree/ Skilled worker
  - PERM Processing – lengthy
  - Must maintain non-immigrant status
EXTEND H-1B BEYOND 6 YEARS

- Normal length of H-1B – 6 years
- Can Extend for the following:
  - Recapture time outside the U.S.
  - Green card pending at least 1 year – can extend H-1B in 1 year increments
  - Approved I-140, but no quota number to adjust - - 3 year extension
CHOOSING AN ATTORNEY

- **Location** - Irrelevant
  - Immigration law is federal, not state specific
  - All H-1B filings are done centrally in California or Vermont

- **Knowledge and Experience** – Very Relevant
  - Cheaper is NOT better
  - One chance to file
RESOURCES

- www.lawmh.com
  - Practice Areas
  - Immigration

- Mark Rhoads
  mrhoads@lawmh.com
  (804) 775-3824

- Helen Konrad
  hkonrad@lawmh.com
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