



Why Hire
International
Students
from Tuck

Employment
Authorization
for International
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F-1 and J-1 Visas



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Employment after
the Practical/Academic
Training Period

H-1B Visas



Why Hire International Students from Tuck

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To compete in the global economy, companies need global talent.

Approximately 32% of Tuck's student body is international.

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Obtaining authorization for international students to work in the US is not as difficult as many employers may think.

This guide includes answers to frequently asked questions from employers regarding the hiring process beyond the completion of the MBA Program. If you have any further questions or would like to discuss incorporating more inclusive strategies for a diverse talent pool, please contact Mathias Machado at mathias.machado@dartmouth.edu.

We strongly encourage companies to consider international candidates. Each brings diverse skill sets and backgrounds to meet your organization's goals. Not only do they contribute to the nation's workforce with unique, global perspectives, they diversify your organization's human resources to give you a competitive edge. Here are some benefits that international students bring to your organization and reasons to consider them in your recruiting strategy:

- **Top MBA programs like Tuck scour the world for the best talent.** Companies that don't interview international students are missing 32% of our student population.
- **International candidates speak the language** of the countries where organizations are doing business or seeking new opportunities for growth.
- **They have knowledge of markets, business practices, and cultures** of different countries. This is especially attractive to companies that do business or have operations in the MBA's home region.
- **They bring valuable new perspectives and problem-solving skills** to the way companies do business. They have already learned how to live in a culture other than their own, and can bring that skill set to the workplace.
- Because it can be difficult for employees on a work visa to change jobs, **international employees are less likely to leave unexpectedly.** This lowers your costs for talent recruitment in the long-term while also creating loyalty among your employees.
- International students who want to study and work in the US or another foreign country **have tremendous adaptability and perseverance.** They are accustomed to managing change after having to adjust to another part of the world with different customs and a different way of life.
- If an international student has a **specialized skill set or range of global experiences** that the employer desires, he or she may be a better fit for the position than available US candidates.
- International employees **make it easier for companies to attract and retain a diverse workforce.**

Employment Authorization for International Students

F-1 and J-1 Visas

Tuck strives to make the process of hiring international students as simple as possible by assisting with required work authorization documents before they report to work.

Options to the H-1B temporary working visa:

VISA	ELIGIBILITY
O-1	Individuals with a national or international reputation in his or her field ("Extraordinary Ability")
L-1	Employing a foreign national overseas for 1 year and then transferring the employee back to the US
E-2	For foreign-owned companies employing an individual with the same nationality

Country-specific long-term working visas:

VISA	ELIGIBILITY
H-1B1	Citizens of Singapore or Chile
E-1	Citizens from a treaty country hired to carry out substantial trade with the U.S.
E-3	Citizens of Australia
TN	Citizens of Canada or Mexico

Here are some answers to commonly asked questions about hiring the MBA talent that your organization requires:

What is the difference between an F-1 and J-1 visa?

Both are temporary nonimmigrant visas. F-1 is for studying in US academic programs and J-1 is for exchange visitors.

Are international students legally authorized to work in the US for summer internships?

Yes, international students on an F-1 student visa qualify for **Curricular Practical Training (CPT)** during the summer internship period. J-1 visa holders can also obtain authorization called **Academic Training (AT)**. Summer employment authorization is issued directly by Dartmouth College and no additional steps are required by the employer.

Are international students legally authorized to work in the US after graduation?

Yes, F-1 students have full US work authorization as part of **Optional Practical Training (OPT)** for up to 12 months post-completion of the MBA program. J-1 students have full US work authorization for up to 18 months as part of **Academic Training (AT)** work authorization. Employment must be directly related to the student's major area of study.

Do I have to complete any paperwork to hire a student on CPT, OPT or AT?

No, the employer does not need to complete any paperwork. The necessary work authorization formalities are undertaken by the student and the Office of Visa and Immigration Services at Dartmouth College.

Do students need a green card (permanent US residency)?

No, a green card, or immigrant visa classification, only confers permanent US residency status. Work authorization is issued independently from any type of residency status.

Are international students eligible for long-term US employment?

After a student's OPT or AT duration, a different type of work visa is required. The common temporary working visa, the H-1B, can be obtained initially for three years and extended once for a combined total of six years (see the following section on H-1B visas).

The H-1B visa is only one option. Your company can file for an H-1B petition for the student already working under OPT or AT, allowing the student to apply for a change of status from F-1 or J-1 to H-1B or to another category (see table).

Are there any country-specific long-term working visas?

Yes, these other options include certain advantages, such as no quotas and in some cases lower fees and quicker processing (see table).

Continuing Employment after the Practical/Academic Training Period

H-1B Visas

With some planning, an employer can hire or continue to employ international students after their OPT/AT period and their F-1/J-1 status expires.

Most frequently, the continuation of employment will be in H-1B status. The H-1B is an employer-sponsored temporary working visa for foreign nationals employed in a "specialty occupation," which includes any position that requires an MBA degree. In most cases, an individual may remain in H-1B status for a maximum of six years.

There may also be other visas available for those working for multinational companies, such as the E-1, E-2 and L-1 (see table on previous page).

What is involved in applying for H-1B status?

A Labor Condition Application (LCA) is submitted online with the US Department of Labor. Upon receipt of the certified LCA, the employer must then file the Form I-129, Petition for Nonimmigrant Worker. Upon approval, the employee may apply for an H-1B visa at a US Consulate, or be granted a change of status if in the US.

What are the filing fees for H-1B status?

The filing fee is US \$325. Employers must also pay a \$1500 (\$750 for employers with 25 or fewer employees) "US Worker Training Fee" to the Department of Homeland Security for the initial petition and for the first extension on behalf of a particular employee. Employers are also required to pay a \$500 "Anti-Fraud Fee" for the initial petition filed on behalf of a particular employee.

Is there a certain wage that must be paid to an H-1B employee?

Yes. The wage paid to an H-1B employee must be the higher of 1.) the "prevailing wage" (generally, the average wage for the occupation in the geographic area in which the employee will be employed) or 2.) the "actual wage" (the wage paid by the employer to other employees in the occupation with similar qualifications).

May an employee in H-1B status travel outside the US?

Yes, an employee in H-1B status may travel if the H-1B status is valid and has the H-1B visa in his or her passport. If the employee does not have a valid H-1B visa, then the employee must obtain it abroad.

May an H-1B employee work part-time?

Yes, an H-1B employee may work part-time if the employer petitioned for part-time employment and all other H-1B requirements are met.

How long does this petition process take?

It may take from 6 to 16 weeks to complete the petition process if all of the required documentation was filed with the petition. US Citizenship and Immigration Services (USCIS) provides an option to pay an extra fee of \$1225 and obtain "premium processing" of an H-1B petition, which guarantees adjudication within two weeks of filing.

What happens if the OPT ends before the start date of the H-1B?

For private industry, a new set of H-1B visas becomes available for the fiscal year beginning October 1. F-1 students whose 12-month OPT permission expires before this date and their employers can benefit from what is known as a "Cap-Gap" extension. Recent federal regulations have provided for an automatic extension of OPT authorization and F-1 status for a beneficiary of a timely filed H-1B petition requesting change of status for an employment start date of October 1 of the following fiscal year. No additional OPT application or filing fee is required. The Cap-Gap extension allows the F-1 student to remain employed continuously on OPT while the H-1B is pending and/or until it becomes effective on October 1.

Continuing Employment after the Practical/Academic Training Period

H-1B Visas

Employers are under no obligation to offer employment to US Citizens or Permanent Residents first, as far as the USCIS or Department of Labor is concerned. For further information, please visit the Dartmouth College Office of Visa and Immigration Services at www.dartmouth.edu/~ovis or 63 South Main Street, Suite 303, Hanover, NH 03755. The contact for Tuck School of Business is Suzanne Pendergrass, +1 603-646-3474.

Are there any times of the year when new H-1B visas are unavailable?

Yes. In recent years, the quota or "cap" for H-1B visas has been reached as early as April. When the cap is reached, no individual may obtain an H-1B until October 1 of the following fiscal year unless the individual has already had H-1B status through another employer. H-1B petitions may be filed as soon as six months ahead of time (on April 1) for an October 1 start date.

Don't let the nationwide quota discourage you: An additional 20,000 allotment is available for those who have US Masters degrees or higher. Also, keep in mind that students who have held H-1B status before starting the MBA program are not subject to the annual H-1B cap.

Does a foreign national who is working for an American company outside of the US and who is being paid in US dollars to a US bank account need a visa?

No US visa is required. A US visa is only required if a foreign national will be located in the US. If the foreign national will be working in a country other than his or her home country, a working visa may be required under the laws of the country in which the services will be provided.

If my company has received TARP funding, can I still hire an international student?

Yes, international students have full US employment authorization for up to 12 to 18 months as part of Optional Practical Training (OPT) or Academic Training (AT) respectively (see the previous section on F-1 and J-1 visas). While the student is already working under OPT or AT, your company can still file for an H-1B petition, while the student applies for a change of status from F-1 or J-1 to H-1B.

Doesn't an employer have to prove that international students are not taking jobs from a qualified American?

No, American employers are not required to document that a citizen of another country will not take a job from a qualified American. (TARP-funded employers were required to under the "Stimulus Bill", however, this expired on February 17, 2011.)

May an individual in the US in a nonimmigrant visa status change to H-1B without leaving the US?

Yes, he or she may change status if he or she meets all of the criteria for H-1B status and is in valid nonimmigrant status.

What if we decide we want to employ the foreign national permanently?

At any time during the employment relationship, it is possible to apply for a Labor Certification Application for the employee. This is a process that requires some recruitment efforts to prove to the Department of Labor that the foreign national employee is not taking the job away from a qualified, interested and available US worker. If the process is started early enough, an employee who is in H-1B status can extend that status beyond six years and until the employee becomes a permanent resident.



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