U.S. Employer's Guide to Hiring UC Berkeley International Students

The purpose of this guide is to inform U.S. employers about:
- International students' F-1 and J-1 work authorization options
- The ease of procedures and costs involved when hiring UC Berkeley international students for internships or full-time opportunities after graduation
- How the Career Center can support employers' recruiting efforts

LEGAL NOTICE:
This guide is not intended to and does not serve as legal advice; it is for informational purposes only. Berkeley International Office serves UCB international students directly and does not give immigration advice or respond to questions from employers. Content is subject to change. Employers are advised to consult an experienced U.S. immigration attorney with any additional questions.

Career Center and Berkeley International Office:
How we support employers and international students

**CAREER CENTER**

Berkeley
INTERNATIONAL OFFICE

The Career Center prepares undergraduates, graduate students, and alumni to make informed decisions about their futures by providing comprehensive resources, programs, and counseling on career development, internships, employment, and graduate school.

We offer a wide variety of employer services designed to facilitate employers' access to Cal's extremely talented students and alumni such as Career Fairs, On-Campus Recruiting, Employer Info Sessions, etc. We are unable to screen students' immigration status on behalf of employers; however, our Career Counselor for International Students is available to consult with employers on effective ways to recruit Cal international students.

Berkeley International Office's (BIO) mission is to enhance the academic experiences of international students and scholars by providing the highest levels of knowledge and expertise in advising, immigration services, advocacy, and programming to the UC Berkeley campus community.

Berkeley International Office seeks to empower students with the knowledge they need to navigate their visa status, including seeking and obtaining the authorization to work. While it is the student's responsibility to seek information on this authorization, the information in this guide provides a consolidated version of information publicly available on the BIO website. This information pertains to Berkeley sponsored students only and may not apply to students at other institutions.
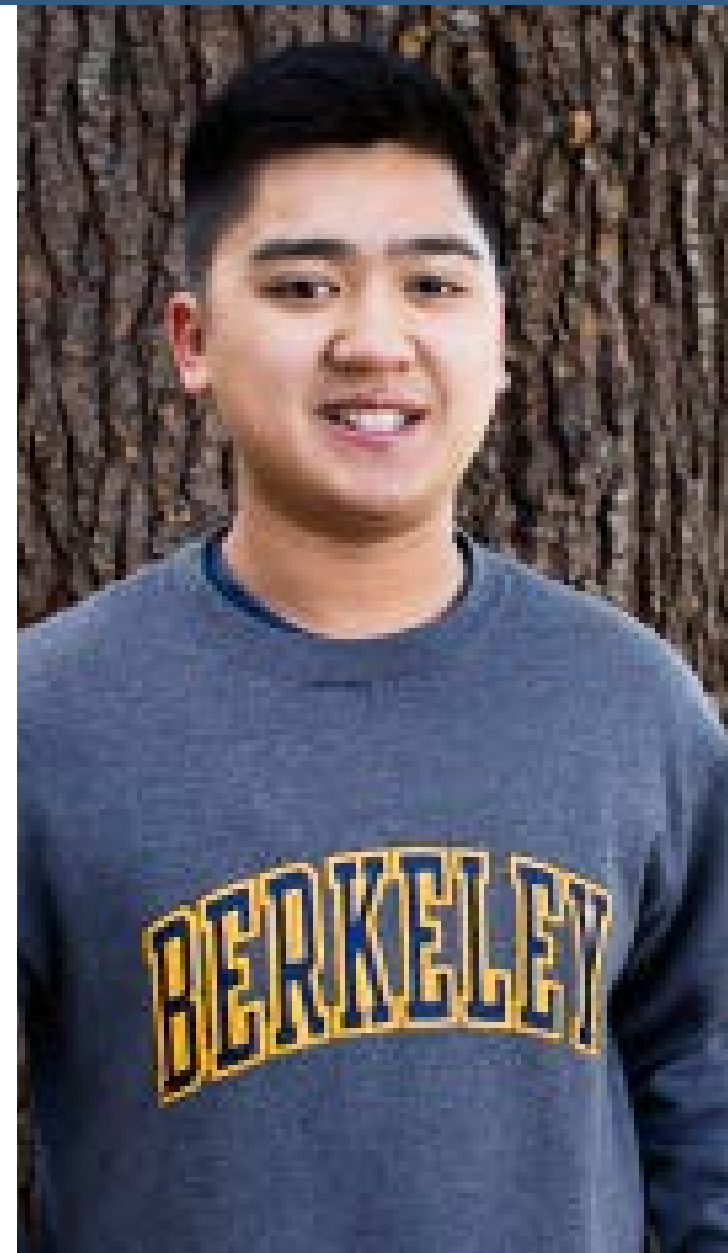
Why Hire International Students?

UC Berkeley international students represent 120 countries and pursue a diverse array of degrees and career goals. They possess qualities that top employers seek:

- Global perspectives with diverse viewpoints and experiences
- Multilingual and cross-cultural communication skills that are vital for companies to compete in a global economy
- Effective leadership and teamwork skills along with the ability to adapt to changes and persevere

Berkeley International Office's International Student Enrollment Reports provide more information about our students' demographics and education pursuits.

The majority of UCB international students are in F-1 or J-1 immigration status that includes off-campus work authorization benefits during and after the academic program. The remainder of this guide provides an overview of these work authorization options along with long-term employment visa options and resources. We hope the information will help to clarify and streamline the hiring process of international students.

Important Note:
Employers should note that a Social Security Number alone is not sufficient proof of work authorization for international students. It is critical that employers confirm an international student's work authorization prior to the employment start date to prevent any liability for the student and the employer in the future.

Internships/Jobs during Degree Program
Curricular Practical Training (CPT) for F-1 students

CPT for F-1 Students

WHAT IS IT?
- Off-campus work authorization for F-1 students who are currently pursuing degree programs at UCB and have completed one academic year
- Employment must be related to student's field of study and can be paid or unpaid
- Typically issued for internships or short-term employment opportunities
- Authorized by Berkeley International Office

DURATION OF EMPLOYMENT
- Employment authorization is given on a semester by semester basis
- CPT may be extended or renewed with advance approval
- Generally, students are limited to part-time (20 hrs or less per week) during the Fall/Spring semester and full-time work during the summer; some graduate students may be eligible for full-time CPT

PROCESSING TIME
- 3 business days upon receipt of a complete CPT application to BIO

STUDENT'S ROLE
- Verify eligibility for CPT
- Obtain academic department approval & enroll in concurrent academic course as determined by academic department, if applicable
- Submit complete CPT application to BIO at least 3 business days prior to beginning employment

PROOF OF AUTHORIZATION
- A new CPT I-20 listing the authorized employer, address, dates of the authorization, and whether part-time or full-time employment has been granted on page 3
- Work cannot begin until student obtains authorization

EMPLOYER'S ROLE
- Provide student with an offer of employment
- Request a copy of the CPT I-20 from the student for I-9 purposes
- There is no cost to the employer and the CPT application is entirely the responsibility of the student

For more information: http://internationaloffice.berkeley.edu/students/current/f-1/curricular_practical_training

Internships/Jobs during Degree Program
Academic Training (AT) for J-1 students*

*J students are listed in the following categories in section 4 of the DS-2019: Student (Bachelor), Student (Master), Student (Doctorate), Student (Non-Degree). All other categories are NOT classified as students for immigration purposes.

AT for
J-1 Students

WHAT IS IT?
- Off-campus work authorization for J-1 students who are currently pursuing or have recently completed a study program in the U.S.
- Employment must be related to student's field of study and can be paid or unpaid
- Typically issued for internships or short-term employment opportunities
- Authorized by Berkeley International Office

DURATION OF EMPLOYMENT
- Duration is determined by the student's length of study; students should consult with BIO
- Before completing the course of study, AT can be part-time (20 hrs or less per week) during the Fall/Spring semester or full-time in the summer

PROCESSING TIME
- 3 business days upon receipt of a complete AT application to BIO

STUDENT'S ROLE
- Verify eligibility for AT
- Obtain academic department approval
- Submit complete AT application to BIO at least 3 business days prior to beginning employment and within eligibility period

PROOF OF AUTHORIZATION
- A new DS-2019 listing the authorized employer and dates of the authorization in section 5
- Work cannot begin until student obtains authorization

EMPLOYER'S ROLE
- Provide student with an offer of employment
- Request a copy of the DS-2019 from the student for I-9 purposes
- There is no cost to the employer and the AT application is entirely the responsibility of the student

For more information: http://internationaloffice.berkeley.edu/students/training/j-1/academic_training

Employment After Graduation
Optional Practical Training (OPT) for F-1 students

WHAT IS IT?

- Employment authorization for F-1 students who have completed all coursework for their academic program
- Employment must be related to student's major field of study and can be paid or unpaid
- Recommended by BIO and authorized by United States Citizenship and Immigration Services (USCIS) based on student's petition for benefits

DURATION OF EMPLOYMENT

- Typically, 12 months of employment are granted
- Designated STEM majors working for eligible employers may extend (see next page)
- Full-time employment is allowed

PROCESSING TIME

- Typical time from submission to approval by USCIS is 90 days
- Students may apply up to 90 days prior to and up to 60 days after program completion

STUDENT'S ROLE

- Verify eligibility for OPT
- Submit complete and timely OPT application to USCIS in order to obtain approval prior to beginning employment
- Report employment to BIO at ssu.berkeley.edu
- Ensure work is related to field of study

PROOF OF AUTHORIZATION

- Employment Authorization Document (EAD card/Form I-766) indicating start and end dates of work authorization
- Student must have EAD card in order to begin work

EMPLOYER'S ROLE

- Request a copy of the EAD from the student for I-9 purposes
- There is no cost to the employer and the OPT application is entirely the responsibility of the student
- Student can be approved for OPT without an offer of employment

For more information: http://internationaloffice.berkeley.edu/students/training/f-1

Employment After Graduation
STEM Extension Optional Practical Training (OPT)
for F-1 Students

STEM OPT
for F-1 Students

WHAT IS IT?
- A one-time extension of a student's 12-month OPT
- Student must be a recipient of a STEM designated degree program and working for an E-Verify employer
- Employment must be related to student's major field of study and can be paid or unpaid
- Recommended by BIO and authorized by USCIS based on student's petition for benefits

DURATION OF EMPLOYMENT
- An additional 17-month extension of the 12-month OPT for a total of 29 months of OPT work authorization

PROCESSING TIME
- Typical time from submission to approval by USCIS is 90 days
- Students may apply up to 120 days prior to the end date of their 12-month OPT, but no later than their OPT end date

STUDENT'S ROLE
- Verify eligibility for STEM Extension
- Submit complete STEM OPT application to USCIS prior to the end date of their 12-month OPT
- Report employment to BIO at ssu.berkeley.edu and validate every 6 months

PROOF OF AUTHORIZATION
- A new Employment Authorization Document (EAD Card/ Form I-766) indicating start and end dates of extended work authorization
- If a timely STEM OPT application has been filed with USCIS, the student may work for up to 180 days after the end date of their 12-month EAD card

EMPLOYER'S ROLE
- Student must be employed or have offer of employment from a company
- Employer must be participating in E-Verify and provide student with E-verify number
- There is no cost to the employer and application is the responsibility of the student
- Employer must report the end date of employment to BIO

For more information: http://internationaloffice.berkeley.edu/students/training/f-1/extension

Employment After Graduation
Academic Training (AT) for J-1 students*

*J students are listed in the following categories in section 4 of the DS-2019: Student (Bachelor), Student (Master), Student (Doctorate), Student (Non-Degree). All other categories are NOT classified as students for immigration purposes.

AT for J-1 Students

WHAT IS IT?
- Employment authorization for J-1 students who have completed a study program in the U.S.
- Employment must be related to student's field of study and can be paid or unpaid
- Authorized by Berkeley International Office

DURATION OF EMPLOYMENT
- Duration is determined by the student's length of study; students should consult with BIO
- After completion of program, AT must be a minimum of 20 hrs per week

PROCESSING TIME
- 3 business days upon receipt of a complete AT application to BIO
- Students must apply before their DS-2019 end date or program completion date, whichever is earlier

STUDENT'S ROLE
- Verify eligibility for AT
- Obtain academic department approval
- Submit complete AT application to BIO at least 3 business days prior to beginning employment and within eligibility period
- Begin employment within 30 days of program end date

PROOF OF AUTHORIZATION
- A new DS-2019 listing the authorized employer and dates of the authorization in section 5
- Work cannot begin until student obtains authorization

EMPLOYER'S ROLE
- Provide student with an offer of employment
- Request a copy of DS-2019 from the student for I-9 purposes
- There is no cost to the employer and the AT application is entirely the responsibility of the student

For more information: http://internationaloffice.berkeley.edu/students/training/j-1/academic_training

Long-Term Employment in the U.S.
H-1B

H-1B

WHAT IS IT?
- Employer-sponsored visa that permits temporary employment in "specialty occupations"
- A limited number of H-1B applications are granted every year
- Exceptions to the quota are granted to some non-profit, research and educational institutions

DURATION OF EMPLOYMENT
- H-1B status is initially granted for a duration of up to 3 years, but can be extended/renewed up to a total of 6 years

PROCESSING TIME
- Total processing time (including preparation & application) may take 2 to 6 months; renewals, extensions, & change of employer may be shorter
- For most private employers, H-1B applications should be submitted on April 1 for cap subject applications
- Approved applications are effective October 1
- Exceptions to the timeline may be granted to some non-profit, research and educational institutions

STUDENT'S ROLE
- Student may be eligible for a "Cap-Gap" Extension of OPT (Optional Practical Training) while the H-1B petition is pending or waiting for the effective date
- Student should consult with BIO for instructions and eligibility

PROOF OF AUTHORIZATION
- Employer will receive official approval letter from USCIS listing the effective date
- Students eligible for the "Cap Gap" Extension will be issued a new I-20 by BIO upon request

EMPLOYER'S ROLE
- The employer, with a qualified immigration attorney, is responsible for preparing and filing the petition
- Costs will include attorney and USCIS application fees
- The employer is responsible for filing a timely petition

For more information, see http://internationaloffice.berkeley.edu/h-1b_faqs and contact a qualified immigration attorney

Long-Term Employment in the U.S.
Additional Employment-Based Visa Categories

Non-Immigrant Temporary Worker Visas

TN: NAFTA Professionals from Canada & Mexico

E-3: Specialty Occupation Visa for Australians

H-1B1: Free Trade Agreement (FTA) Professional - Chile, Singapore

H-2A: Temporary Agricultural Worker

H-2B: Temporary Non-agricultural Worker

H-3: Trainee or Special Education visitor

L-1: Intracompany Transferee

O: Individual with Extraordinary Ability or Achievement

P-2/3: Artist or Entertainer (Individual or Group)

Q-1: Participant in an International Cultural Exchange Program

For details: http://travel.state.gov/content/visas/english/employment/temporary.html

Immigrant Visas

There are several other visa categories that allow immigrants to work in the U.S. on a permanent basis.

More information on these visa categories, fees and application process are available here: http://travel.state.gov/content/visas/english/immigrate/employment.html

Employers who have questions about their international candidate's ability to work in the U.S. should consult an immigration attorney.

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Resources

U.S. Equal Employment Opportunity Commission (EEOC)
http://www.eeoc.gov/laws/index.cfm

U.S. Department of Labor Fact Sheet on Internships
http://www.dol.gov/whd/regs/compliance/whdfs71.pdf

U.S. Citizenship & Immigration Services (USCIS)
http://www.uscis.gov/

U.S. Department of State
http://travel.state.gov/content/visas/english/employment.html

E-Verify
http://www.uscis.gov/e-verify

American Immigration Lawyers Association
http://www.aila.org

UC Berkeley International Student Enrollment Reports
http://internationaloffice.berkeley.edu/students/current/enrollment_data

Contact Us
with questions regarding
recruiting Cal international students

UC Berkeley Career Center
https://career.berkeley.edu/Employers/
ocr@berkeley.edu
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