

EASY GUIDE TO HIRING FOREIGN GRADUATES

Do not let fear of the simple 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:

I. **PRACTICAL TRAINING:** For graduates in F-1 student status, Optional Practical Training allows up to twelve 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 a 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.

II. **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 6 years, or longer. The employer must submit an application to the CIS. **Approvals can take as little as fifteen (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 pay 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 non-profit 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 Oct. 1 H1Bs. Exceptions to the cap: University jobs; non-profits affiliated with universities; non-profit research organizations; H-1B extension 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.

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

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