

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 on F-1 and J-1 visas 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 visa status, Option Practical Training allows up to twelve months of employment after graduation. The student must obtain permission from the university foreign student advisor, and a work authorization card from the CIS (formerly INS). Some students (on J-1 visas) may even be eligible for up to 18 months of training without even getting a work authorization card from CIS. The university can provide additional information.

Timing: Graduate can begin working immediately upon receipt of the work authorization card.

Cost: No cost to employer. Student pays \$175 filing fee to CIS to get card.

Employer Obligations: Treat employees on practical training just like any 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 a Bachelor’s Degree. The employer must submit a visa petition to the CIS. **Approval can take as little as two weeks.**

Employer Obligations: The employer must:

- Post a notice for ten days at the worksite stating that you are hiring an H-1B worker, providing information about the job. Maintain public access file.
- Pay the same wage and benefits provided to U.S. workers in similar jobs. Pay return transportation in some circumstances.
- There is no need to advertise the position and no need to determine if U.S. workers are available to fill the position.

Timing: Normal processing times can vary depending on the work location. However, CIS has special “premium processing” which guarantees processing in 15 days. Premium Processing requires an extra \$1,000 filing fee.

Cost: CIS’ normal filing fee for private employers is \$185, plus a \$1,500 “training fee,” plus a “fraud prevention” fee of \$500. (NOTE: University employers and primary/secondary schools do not pay “training fee.” Employers with 25 or fewer employees pay only a \$750 “training fee”). Premium processing (15 day processing) carries an additional \$1,000 filing fee to CIS.

H-B Cap: CIS issues 65,000 new H-1B approvals each year (CIS year – October 1 through September 30). Exceptions to the cap: University jobs; 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.