

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 visa are eligible for one year of “practical training” and are hired regularly by U.S. employers.

The two most common mechanisms for hiring foreign graduates are:

- I. **PRACTICAL TRAINING:** This allows up to twelve months of employment after graduation for students in F-1 student visa status. The student need only obtain permission from the university foreign student advisor and a work authorization card from the CIS (formerly INS). Some students (on J visas) may even be eligible for 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 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. Available to foreign nationals who (a) have at least a Bachelor’s Degree or foreign equivalent and (b) will be working in a job that requires at least a Bachelor’s Degree. The employer must submit a visa petition to the CIS. Approvals 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 filing fee.