



## OFFICE of HUMAN RESOURCES

EAST TENNESSEE STATE UNIVERSITY

# International Hires

As an employer, there may be a need to hire foreign labor when a U.S. citizen is not available. The steps to hire an international is determined by the type of position being offered. A permanent position could provide the basis for a noncitizen to become a permanent resident, which will require that the individual file an additional work authorization application and satisfy separate requirements. In order for an individual to come to the United States lawfully as a nonimmigrant to work temporarily, prospective employers must generally file a nonimmigrant petition on the individual's behalf.

### Regular Positions:

A U.S. employer who is "sponsoring" or petitioning for a permanent foreign worker may be required to obtain a labor certification from the Department of Labor (DOL) verifying that there are an insufficient number of available, qualified, and willing U.S. workers to fill the position, and that the employment will not have an adverse effect on the wages and working conditions of similarly situated U.S. workers. For more information, see the [Permanent Labor Certification](#) page.

Foreign workers may obtain permanent residence (a Green Card) if they are able to establish that they have unique skills, or are being offered a job in the United States that will not displace a U.S. worker or have an adverse effect on wages and working conditions of U.S. workers who are similarly employed. This latter determination is made by the Department of Labor and is demonstrated by obtaining a labor certification.

Permanent worker visas are broken into five preference categories. For a description of the preference categories, see the USCIS [Permanent Workers](#) page.

The Office of University Counsel at East Tennessee State University files all official government paperwork related to H-1B petitions for ETSU employees. ETSU may also support permanent resident applications on behalf of employees.

H-1B visas grant limited-term worker immigration status to individuals coming to the United States to work in a specialty occupation, and can be valid for up to three years. H-1B visas may be extended for an additional three years upon renewed filing.

Lawful Permanent Residents are those who have been approved to permanently reside in the United States. When filing for permanent residency through an employer, there are three commonly used filing categories:

1. Extraordinary Ability (Internationally recognized individual at the top of his or her field);

2. Outstanding Professor or Researcher (Internationally recognized as outstanding with at least three years of experience); and
3. Advanced Degree Holder (Individual with an advanced degree).

For information on immigration and citizenship visit the [US Citizenship and Immigration Services](#) webpage.

Contact [University Counsel](#) prior to extending any informal offer to an international candidate.

## Temporary Positions:

There are several temporary (nonimmigrant) categories which allow noncitizens to work in the United States. For a list of these nonimmigrant categories of temporary workers, as well as information on the petitioning process, see the USCIS [Temporary Workers](#) page.

Only a few nonimmigrant classifications allow an individual to work in this country without an employer having first filed a petition on their behalf. Such classifications include the nonimmigrant E-1, E-2, E-3 and TN classifications, as well as, in certain instances, the F-1 and M-1 student and J-1 exchange visitor classifications. Full-time academic or vocational studies in the United States may be eligible for one of two nonimmigrant student categories. The “F” category is for academic students, the “M” is for vocational students, and the “J” category is for exchange visitors. The J visa program is for educational and cultural exchange programs. For more information, please see the [Exchange Visitor Visa page](#) on the Department of State website.

International students are limited in the types of employment they may pursue while studying in the United States. They are eligible for on-campus employment of no more than 20 hours per week during the academic year (spring and fall terms). Students may work on campus full time during the summer. Off-campus [employment](#) is available under restricted circumstances.

J-1 students must obtain specific written authorization to work on-campus and Academic Training (AT) for any off-campus employment (including internships).

F-1 and J-1 students have different eligibilities for on-campus employment.

### On-Campus Employment:

- J-1 students have limited opportunities for [Academic Training](#). Please schedule an appointment with the International Student Advisor by contacting the ISSS office for this information.
- F-1 students are eligible for on-campus employment. It is limited to a total of 20 hours per week during fall and spring semesters and up to full-time hours (more than 20) during the summer.
  - On-campus employment for F-1 students does not have to be authorized in writing.
  - Work required by a university scholarship, fellowship or assistantship is also considered on-campus employment.

- Work performed on ETSU premises for an outside contractor such as the cafeteria or bookstore is considered on-campus employment.
- **Eligibility to work** on campus is contingent upon your maintaining your lawful F-1 status.

For more information, please visit [Immigration and Customs Enforcement](#) website regarding on-campus employment.

### **Off-campus Employment:**

There are two main types of off-campus employment benefits to F-1 students:

- [Curricular Practical Training](#) (CPT)
- [Optional Practical Training](#) (OPT)

For more information, please visit [Immigration and Customs Enforcement](#) website regarding off-campus employment.

International hires are encouraged to arrive on campus two weeks prior to the start of employment and should contact International Student and Scholar Services as soon as they arrive. It is the responsibility of a non-immigrant applicant to comply with current INS regulations in regard to collegiate enrollment and employment authorization.

Contact [International Programs](#) prior to extending any informal offer of temporary employment.

### **Work Authorization:**

The Immigration Reform and Control Act requires the completion of an I-9 to verify employment authorization within 3 days of a hire's start date. Once an individual receives work authorization, they must present their original documents to the Office of Human Resources for the I-9 to be considered complete.

To prove their identity and work-authorized immigration status, international hires must show their current U.S. immigration documents and unexpired foreign passport. A J-1 visitor also must show a DS-2019, Certificate of Eligibility for Exchange Visitor Status. Additionally, J-1 students, student interns, and international visitors must show a sponsor letter to prove employment. The letter should be on sponsor letterhead with an original signature that authorizes their employment. The prospective visitor must have an ETSU host faculty or department. The host or department must work with [International Student and Scholar Services](#) regarding issuance of the DS-2019, visa and other pertinent documents.

An F-1 or M-1 student also must show a Form I-20, Certificate of Eligibility for Nonimmigrant Student Status. Additional documentation proving work eligibility may be required. For more details please see the International Programs [New Students](#) webpage and the [Current Students](#) webpage.

HR practice requires the I-9 to be completed before the individual will be authorized to begin working. Contact the Office of [Human Resources](#) for information regarding work authorization.

## Tax Compliance:

Students must have a Social Security Number before they can be paid. Students in F-1/J-1 immigration status are not eligible for a Social Security Number **without a paying job offer**.

- [Template for ETSU On Campus Employer - F1 Students](#)

While it is not required to have a Social Security number before the individual starts work, the Internal Revenue Service requires employers to use a Social Security number to report wages. In general, only noncitizens who have permission from DHS to work can apply for a Social Security number. Find additional information about [Foreign Workers and Social Security Numbers \(PDF\)](#) on the [Social Security Administration](#) website.

Social Security numbers are used to report a person's wages to the government and to determine a person's eligibility for Social Security benefits. A Social Security number is required to get a job, collect Social Security benefits, and receive some other government services. Only noncitizens authorized by the Department of Homeland Security (DHS) to work in the United States can get a Social Security number.

First, individuals must have documents showing their U.S. immigration status and authorization to work in the United States. Then, they should apply for a Social Security number and card from the Social Security Administration. While waiting for their Social Security number, we can use a letter from the Social Security Administration stating the individual applied for a number, and their immigration documents can prove their authorization to work in the United States. The Department of International Programs assists students on an F or J visa with getting the appropriate documentation.

The IRS has issued strict regulations regarding the taxation and reporting of payments made to non-U.S. Citizens. As a result, payments made to a non-citizen may be subject to U.S. income tax and reporting to the IRS. A GLACIER profile is required for any non-citizen that works on campus, receives scholarship income, receives a new employee contract or scholarship, or has to file a tax return. GLACIER paperwork determines the individual's tax status based on their visa and country of origin. The GLACIER process must be completed before the individual will receive any form of payment.

Contact the [Office of Nonresident Alien Tax Compliance](#) for more information on the GLACIER process.