

MBA CAREER MANAGEMENT

EMPLOYER'S GUIDE TO HIRING INTERNATIONAL MBA STUDENTS

An Overview of U.S. Employment Authorization



Wharton
UNIVERSITY *of* PENNSYLVANIA

WHY HIRE INTERNATIONAL STUDENTS FROM WHARTON?

Each year Wharton's MBA program consists of approximately 30+% international students from nearly 80 countries.

Wharton's international students' unique backgrounds, global experiences, and diverse interests, combined with their Wharton educations, make them top candidates for opportunities across all functions and industries. We have seen firsthand the value of individuals from different cultures working together to solve problems, innovate and execute strategic projects. We strongly encourage U.S. companies to consider Wharton candidates from international backgrounds. MBA Career Management and the Office of International Student and Scholar Services (ISSS) at the University of Pennsylvania are available to support employers as they work with international students whom they plan to hire.

PRIMARY VISA KEY

Visa Type	Internship	Full-time
F-1	✓	✓
J-1	✓	✓
H-1B		✓



SUMMER INTERNSHIPS

In the summer between their first and second years of the MBA program, almost all Wharton students pursue an internship, which allows them to add value to organizations and provides opportunities for employers to get to know potential full-time employees. Employers can reach international students through all of the recruiting opportunities provided by MBA Career Management.

Q. Can international students legally participate in a summer internship in the U.S.?

- A.** Yes, students in F-1 status qualify for summer employment through Curricular Practical Training (CPT), while students in J-1 status qualify for Academic Training (AT). Work authorization is issued by the University of Pennsylvania, so hiring an international student for a summer internship requires no paperwork on the part of the employer.



Q. What is Curricular Practical Training (CPT) and how is it obtained (F-1 students)?*

- A.** CPT is employment authorization to work based on the fact that the experience is required or integral to the student's program of study. This type of work permission is granted by the International Student and Scholar Services (ISSS) office, in connection with a recommendation from Wharton (as the student will also receive academic credit). For the University to grant CPT, the student needs to provide an offer letter from the employer specifying the employer's name, work site address, and dates of employment.

Q. What is Academic Training (AT) and how is it obtained (J-1 students)?*

- A.** AT is temporary employment authorization designed to provide students with an opportunity to apply knowledge obtained in an academic program to a practical work experience. The employment must be directly related to the student's field of study. This type of work permission is granted by the J-1 program sponsor (usually ISSS), in connection with a recommendation from Wharton. Required documentation includes an offer letter from the employer specifying the employer's name, supervisor's name, work site address, dates of employment, position description, and salary. AT is limited to a maximum of 18 months or to the length of the academic program, whichever is shorter. The AT authorization for a summer internship will be deducted from the student's 18 month total.

Q. Can students with CPT or AT travel internationally during their internships?

- A.** Students in F-1 status can travel during CPT provided they have the following: valid passport, valid F-1 visa stamp (not required for citizens of Canada and Bermuda), and Form I-20 signed within 12 months of the return date of their proposed travel.

Students in J-1 status can travel during AT provided they have the following: valid passport, valid J-1 visa stamp (not required for citizens of Canada and Bermuda), Form DS-2019 signed within 12 months of the return date of their proposed travel.

Both F-1 and J-1 students should always consult with both their employers and ISSS before committing to travel plans during CPT/AT.

* There is no processing fee for the employer.

FULL-TIME EMPLOYMENT

Full-time recruiting at Wharton takes place throughout the students' second academic year.

Employers can reach international students through all of the recruiting opportunities provided by MBA Career Management.

Q. Can international students work legally in the United States after they graduate?

A. Yes, students in **F-1 status** are eligible for Optional Practical Training (OPT). OPT is a temporary employment authorization designed to provide students with an opportunity to apply knowledge obtained in an academic program to a practical work experience. The employer does not need to file any forms or fees. While no job offer is required at the time of application for OPT, all OPT employment must be directly related to the student's major area of study. Most students have a maximum of 12 months of OPT, during which time they may transition to another visa type such as H-1B.

Students in **J-1 status** qualify for Academic Training (AT). The employer does not need to file any forms or fees. To qualify for AT after graduation, students must apply and receive AT authorization before they complete their academic program. In order to begin employment, students must have an updated DS-2019 and authorization letter issued by their program sponsor (usually ISSS). AT is granted for a total of 18 months or the length of the academic program, whichever is shorter.

Q. How is OPT obtained (F-1 Status)?

A. Students must first obtain an OPT recommendation from International Student and Scholar Services (ISSS), then mail the OPT application along with copies of immigration documents, filing fee and photographs to U.S. Citizenship and Immigration Services (USCIS). Students can send the OPT application to USCIS up to 90 days before and no later than 60 days after the academic program completion date. USCIS processing times vary and can range from about 2.5 to 5.5 months. Once the application is approved, an Employment Authorization Document (EAD) card is issued which indicates the period of OPT employment authorization. The employer is not responsible for filing any forms or fees.

Q. How is the STEM OPT extension obtained?

A. MBA students whose MBA major is in a Science, Technology, Engineering, and Mathematics (STEM) field or hold undergraduate U.S.-based STEM degrees, may be eligible to apply for an additional 24 months of Optional Practical Training (OPT), for a total of 36 months of post-completion OPT. Only students who have completed degrees and are working in roles related to a STEM designated field qualify for this extension. The U.S. Department of Homeland Security (DHS) maintains a [STEM Designated Degree Program list](#) which includes all fields that qualify an international student on an F-1 visa for a STEM OPT extension.



(FULL-TIME EMPLOYMENT continues next page...)

Q. Can students travel internationally during OPT (F-1 Status)?

A. Students in an F-1 status can travel during OPT provided they have the following: valid passport, valid F-1 visa stamp, Form I-20 signed within 6 months of the return date of their proposed travel, valid EAD, and evidence of employment. It is not, however, recommended that they travel internationally while the OPT application is pending or during the OPT Cap-Gap extension. (See additional information about the OPT Cap-Gap extension below.) F-1 students should always consult with both their employers and ISSS before committing to international travel plans during OPT.

Q. Can students travel internationally during AT (J-1 Status)?

A. YJ-1 students on AT may travel provided they have the following: valid passport, valid J-1 visa stamp, Form DS-2019 signed within one year of the return date of their proposed travel, valid AT authorization letter, and evidence of employment. J-1 students should consult with both their employers and ISSS with any travel questions before committing to international travel plans during AT.

Q. Can I hire an international student for long-term full-time employment?

A. Yes, by planning ahead, an employer can complete the necessary paperwork to hire or continue to employ an international student after their F-1 or J-1 status expires. Most frequently, the continuation of employment will be in H-1B status.

Q. What is H-1B status?

A. The H-1B non-immigrant visa category is perhaps the most frequently used method for U.S. employers to hire foreign nationals on a temporary basis. The H-1B is an employer-sponsored temporary working visa for a foreign national employed in a “specialty occupation,” which, in most cases, includes any position that requires an MBA degree. In most cases, an individual may remain in H-1B status for a maximum of six years. While the H-1B can be a relatively straightforward way for employers to hire educated international students, there is a cap on the number of new H-1Bs for private sector employment that can be issued each year (some public sector employers are exempt from the H-1B cap). Applications are accepted beginning April 1 (it is strongly recommended that companies file on April 1 if they are subject to the H-1B cap) and are approved starting on the first day of the federal fiscal year, October 1.

Q. What happens if the OPT ends before the start date of the H-1B?

A. For private sector employers, a new set of H-1B visas becomes available at the start of the fiscal year (beginning October 1). F-1 students whose 12-month OPT permission expires before this date can use a “Cap-Gap” extension of OPT work authorization. An automatic extension of OPT work authorization is possible for someone in F-1 status whose employer:

- timely-filed a change of status H-1B petition while the student was still in his/her OPT period,
- the H-1B petition was selected for inclusion in the annual quota, and
- the H-1B petition is not rejected, denied or revoked

No additional OPT application or filing fee is required to obtain the Cap-Gap extension of OPT work authorization. The Cap-Gap extension allows the F-1 student to remain employed continuously on OPT until September 30 of the current year.

Q. What is involved in applying for H-1B status?

A. A Labor Condition Application (LCA) is submitted online with the U.S. Department of Labor (DOL). Upon receipt of the certified LCA, the employer must then file the Form I-129, Petition for Nonimmigrant Worker. Upon approval, the employee may apply for an H-1B visa at a U.S. consulate abroad, or may apply in the U.S. if they have maintained valid status in their current F-1 or J-1 visa.

Please note that J-1 students can change to H-1B or another visa status provided they are not subject to the two-year home residency requirement, a condition that is imposed on certain J-1 Exchange Visitors because of their source of funding or field of study and country of origin. If a student is subject to the two-year home residency requirement, he or she must either get a waiver of or fulfill this requirement before being eligible to change status within the U.S., or before being eligible for an H, L, or immigrant visa stamp. Waivers can take up to a year to obtain. Students should discuss the possible necessity for and timing of a waiver application with their J-1 program sponsor and employer.

(FULL-TIME EMPLOYMENT continues next page...)

Q. What are the filing fees for H-1B status?

A. The current filing fee for H-1B status is \$460. Employers must also pay a \$1500 (\$750 for employers with 25 or fewer employees) “U.S. Worker Training Fee” to the Department of Homeland Security for the initial petition and for the first extension on behalf of a particular employee. Employers are also required to pay a \$500 “Anti-Fraud Fee” for the initial petition filed on behalf of a particular employee. Should an attorney’s assistance be necessary, there may be additional attorney’s fees. For more information, visit the [USCIS website](#).

Q. Is there a certain wage that must be paid to an H-1B employee?

A. Yes. The wage paid to an H-1B employee must be the higher of 1) the “prevailing wage” (generally, the average wage for the occupation in the geographic area in which the employee will be employed) or 2) the “actual wage” (the wage paid by the employer to other employees in the occupation with similar qualifications).

Q. May an H-1B employee work part-time?

A. Yes. An H-1B employee may work part-time if the employer petitioned for part-time employment and all other H-1B requirements are met.

Q. How long does this petition process take?

A. Petition processing times at USCIS may widely fluctuate. It may at times range from 2-5 months and other times from about 5-11 months. USCIS provides an option to pay an extra fee of \$1410 and obtain “premium processing” of an H-1B petition, which guarantees a USCIS response (approval, request for additional information or denial) within 15 days of filing.

Q. Are there any times of the year when new H-1B visas are unavailable?

A. Yes. Most years, the quota or “cap” for H-1B visas has been reached the first week of April. When the cap is reached, no individual may obtain an H-1B until October 1 of the following fiscal year unless the individual has already had H-1B status through another employer. H-1B petitions may be filed as soon as six months ahead of time, or on April 1 for an October 1 start date.

Q. May an employee in H-1B status travel outside of the U.S.?

A. Yes, an employee in H-1B status may travel outside the U.S. if the H-1B status is valid and he or she has a valid H-1B visa stamp in the passport. (Canadians are not required to obtain a visa stamp.)

Q. May an individual in the U.S. in a non-immigrant visa status change to H-1B without leaving the U.S.?

A. Yes, an employee may change status in the U.S. if he or she meets all of the criteria for H-1B status and is in valid non-immigrant status.



STEM OPT EXTENSION

Q. What majors at Wharton qualify for the STEM OPT extension?

- A. The following Wharton MBA majors currently qualify for the STEM OPT extension:
- Business Analytics
 - Business Economics & Public Policy
 - Business, Energy, Environment and Sustainability
 - Environmental, Social and Governance Factors for Business
 - Finance
 - Operations, Information & Decisions
 - Quantitative Finance
 - Statistics

Q. What if a student has an undergrad or other degree in STEM from another US university?

- A. A student may apply for a STEM OPT Extension if they have a previously-earned degree in a major currently on the qualifying list of STEM majors. They must show the degree was obtained within the past 10 years and granted by an accredited US educational institution. The student may not have previously used the degree as the basis of a STEM Extension. The U.S. Department of Homeland Security (DHS) maintains a [STEM Designated Degree Program list](#) which includes all fields that qualify an international student on an F-1 visa for a STEM OPT extension.

Q. What criteria must the employment meet?

- A. The prospective employment that is the basis for the 24-month STEM OPT extension must be a paid position for at least 20 hours per week for an E-Verify employer enrolled in the DHS's E-Verify program. The employee cannot be paid by a third party or staffing agency or work at a location other than the employer's place of business. Unpaid work or self-employment is not permitted under the 24 month STEM OPT Extension regulation.

The job must provide formal training and learning objectives directly related to the qualifying STEM degree. A student and employer must complete & sign Form [I-983](#) Training Plan and submit it to the student's Designated School Official.

For a complete list of Employer Requirements and Responsibilities, click [here](#).

Q. What is E-Verify?

- A. E-Verify is a web-based Government system through which employers electronically confirm the eligibility of their employees to work in the United States. For more information and to enroll, click [here](#).

Q. When can a student apply for the STEM OPT extension?

- A. Students with a STEM degree and currently in the initial OPT period can apply. They can apply as early as 90 days before the current OPT EAD card expiration date. U.S. Citizenship and Immigration Services must receive the STEM OPT extension application before the current OPT EAD card expiration date.

Q. Can a student work with an expired EAD while their OPT Extension is pending?

- A. Yes. A student's work authorization is automatically extended for up to 180 days while the 24-month STEM extension application is pending. There is no interim documentation of the extended authorization. A student can travel outside of the US during this time.

Q. Where can I get more information about the STEM OPT extension?

- A. Check out these two resources: [Homeland Security's STEM OPT Overview](#) & [USCIS's Guide](#)



ADDITIONAL FAQs

Q. Do international students need their work authorization before I can hire them?

- A.** No. International students must have the work authorization before they begin actual employment, but not before they are offered employment.

Q. What does a student's work authorization look like?

- A.** OPT: The USCIS issues F-1 students an Employment Authorization Document (EAD), a small photo identity card that indicates dates for which they are permitted to work.

CPT: F-1 students receive authorization from the University (i.e. not from USCIS) on the student's Form I-20.

AT: J-1 students receive work authorization in the form of a letter issued by the University.

Q. Are there any country-specific working visas?

- A.** Yes. Citizens of Canada (TN-1), Mexico (TN-1), Australia (E-3), Chile (H-1B1) and Singapore (H-1B1) have other working visa options. These other options include certain advantages, such as no quotas and in some cases lower fees and quicker processing.

Q. Are these the only working visa options?

- A.** No. Other options include:
- L-1 visa if the company will be employing the foreign national at an affiliate overseas for one year and then transferring the employee to the U.S. affiliate in a 'specialized knowledge' or 'executive or managerial' position;
 - O-1 visa if the foreign national has a national or international reputation in his or her field;
 - E-2 visa for foreign-owned companies employing an individual with the same nationality.

Q. What if we decide we want to employ the international student permanently?

- A.** At any time during the employment relationship, it is possible to apply for a labor certification application for the employee. This is a process that requires some recruitment efforts to prove to the Department of Labor that the foreign national employee is not taking the job away from a qualified, interested and available U.S. worker. If the process is started early enough, an employee who is in H-1B status can extend that status beyond six years and until the employee becomes a permanent resident.

Other paths to permanent residence may exist, depending on the employee's qualifications.

Q. What type of visa does an international student who is working for an American company outside of the U.S. (being paid in U.S. dollars) need?

- A.** No U.S. visa is required. A U.S. visa is only required if a foreign national will be physically located in the U.S. If the foreign national will be working in a country other than his or her home country, a working visa may be required under the laws of the country in which the services will be provided.

Q. Do international students have a Social Security Number (SSN)?

- A.** Yes. F1 and J1 students must have a SSN for employment in the U.S. Students are eligible to apply for a SSN after they receive their AT, CPT or OPT work authorization. Students should consult with ISSS for instructions about how and when to apply for their SSN.



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