



Hiring a Candidate with F-1 Optional Practical Training Work Authorization (OPT) - Frequently Asked Questions

What is Optional Practical Training (OPT)?

Foreign students in F-1 status are generally eligible for a 12-month period of Optional Practical Training (OPT) after meeting degree requirements to gain work experience in their field of study. Graduates who obtained a degree in a STEM field (Science, Technology, Engineering & Math) are eligible for an additional period of 24 months of OPT for a total of 36 months. Individuals who are eligible for post-completion OPT must apply to USCIS to obtain work authorization. Individuals interested in applying for OPT should contact the international student adviser at the institution where they obtained their most recent degree. ISSS cannot assist with OPT applications for non-TU students.

Isn't it illegal to hire international students because they do not have a green card?

No. Federal regulations permit F-1 students to work in jobs related to their major field of study with USCIS-issued work authorization.

Even if it's legal to hire international students, won't it cost a lot of money and involve a lot of paperwork?

There is no cost to the Hiring Department.

Doesn't an employer have to prove that international students are not taking jobs from a qualified American?

No. US employers are not required to document that a citizen of another country did not take a job from a qualified American if that person is working under on F-1, J-1 or H-1B status. This only applies when they wish to hire foreign citizens on a permanent basis and sponsor them for a permanent resident status ("green card").

Does the Hiring Department Need to submit an ISSS application in DestinyOne?

There are no forms to complete as ISSS is not involved in the OPT hiring process. The F-1 Student will work with their DSO at their current school to obtain an OPT recommendation on an I-20. The student then applies for OPT through US Citizenship and Immigration Services.

Do international students need work authorization before a Temple Department can hire them?

International students must have work authorization before they begin actual employment, but not before they are offered employment. Many F-1 students will be in the process of obtaining work authorization while they are interviewing for employment. Students can give employers a reasonable estimate of when they expect to receive work authorization.

What is an Employment Authorization Document (EAD)?

Students whose OPT application has been approved will be issued an EAD by the US Citizenship and Immigration Services (USCIS). The student's name, photo and validity dates of employment are printed on the EAD. The card resembles a driver's license.

How long will it take the student to get an EAD?

Employers should note that the average processing time for USCIS to issue the EAD is two or three months, but in some cases the wait could be longer.

When can the candidate begin working at Temple?

Once the EAD is received and the start date on the card has been reached, the individual can begin employment.

Can a candidate with OPT authorization work in any position at Temple?

The candidate can work in any position if they meet all job requirements and the position is in the same field as the major listed on the student's Form I-20 with an OPT recommendation.

Can I hire someone with OPT for a Part-Time Position?

The candidate must work a minimum of 20 hours a week.

Does ISSS need to submit an LCA to the Department of Labor for someone who will work with OPT Work Authorization?

No, ISSS does not need to file an LCA for OPT. There is no requirement to pay the H-1B Required Wage (the higher of the Prevailing and Actual Wages).

Can the Hiring Department employ someone with STEM OPT?

Individuals with STEM OPT may not work at Temple as Temple does not use E-Verify when hiring all new employees.

When should the Hiring Department begin an H-1B Application in DestinyOne after they have hired someone with OPT Work Authorization?

The Hiring Department can begin an H-1B Application no more than six months prior to the EAD expiration date.

Can someone with OPT work authorization volunteer at Temple?

Work that is unpaid may still be considered employment for F-1 students. To be considered a volunteer, the work performed by the individual must meet the following criteria:

- No expectation of compensation
- The volunteer cannot displace a genuine employee
- The services provided by the volunteer should not be the same services for which he or she was previously paid and/or expects to be hired and paid for in the future
- Services are performed for a non-profit organization for public service, religious or humanitarian objective.
- Work at a for-profit entity is considered employment and must be for pay. The only exception is made for training programs where the trainee functions, to some degree, like an employee, but is under close supervision and provides no significant measurable work for the employer. The trainee must not take the place of a paid employee. For example, students who are considered student interns may engage in unpaid internships at for-profit organizations.

See <https://global.temple.edu/iss/hosting-departments/information-departments/essential-information-departments/volunteering> for more information