

EMPLOYMENT ELIGIBILITY For F-1 Students

Below is a summary of the ways F-1 students can receive permission to work legally in the U.S. More detailed information is available at the International Student and Scholar Office (ISSO). You are strongly encouraged to discuss your eligibility for employment authorization with us before you look for or accept a job.

WARNING: U.S. law requires you to obtain permission before beginning any kind of employment. All off-campus employment must be authorized in writing by the ISSO and/or by U.S. Citizenship and Immigration Services (USCIS). Working without this permission is a serious violation of your F-1 status. If you work without authorization, you may lose your eligibility for future employment opportunities or be ordered to leave the country.

DEFINITION OF EMPLOYMENT: "Employment" is any type of work performed or services provided in exchange for money, tuition, fees, books, supplies, room, food, or any other benefit. If you do not receive pay or any other benefit for work performed, the activity is considered to be "volunteer work" not "employment." However, engaging in activity which is normally paid on an unpaid basis does NOT constitute volunteering, and can be considered both a violation of labor law and immigration status.

GENERAL ELIGIBILITY REQUIREMENTS: In order to qualify for any type of employment authorization while you are in F-1 status, you must:

- (1) be authorized to study in your current academic program;
- (2) be registered for and complete a full course of study each semester: at least 12 credit-units for undergraduates; a minimum of 9 credit-units for (most) graduate students ;
- (3) be in good academic standing; and
- (4) be in F-1 status for at least one academic year, if applying for practical training or economic hardship.

HOURS OF WORK: You may qualify for a maximum of 20 hours per week during the fall and spring semesters or full-time during your summer vacation and semester breaks. Please note that the maximum of 20 hours per week applies to all employment (all jobs).

SOCIAL SECURITY NUMBER: Once you have received a job offer, you will need to apply for a Social Security number before you can be put on a payroll. See the handout entitled "Social Security Numbers and Individual Taxpayer Identification Numbers" for more information about obtaining a Social Security number.

TAX CONCERNS: International students must pay several applicable federal, state and local income taxes. Be prepared to file a tax return each year on or before April 15th. If you will be employed on campus, you will need to register with the University's tax information system, **GLACIER**. (See the ISSO handout, "Income and Social Security Taxes" for information about this requirement.) If you have had taxes taken out of ("withheld from") your regular paycheck, you may be entitled to a refund of some or all of that money. Further, F-1 students generally do not have to pay (are "exempt") from Social Security (F.I.C.A.) taxes. If you have F.I.C.A. withheld from your paycheck in error, you can request a refund from your employer or file Forms 843 and 8316 with the Internal Revenue Service for a refund. (Look carefully at the "pay stub" attached to your paycheck to read which taxes were withheld.)

CATEGORIES OF F-1 STUDENT EMPLOYMENT

ON-CAMPUS EMPLOYMENT

Type 1: **Employment with Towson University.** Work performed for the university (including that required by a scholarship, fellowship, or assistantship) is considered on-campus employment and is always acceptable.

Type 2: **Employment for an On-Campus Contractor.** Work performed on campus grounds or premises for an outside contractor is considered to be on-campus employment as long as the employer provides direct services to students. For example, work at the campus bookstore or dining services is acceptable because those places provide direct service to students. In contrast, work for Bill Bateman's Restaurant would not qualify.

Type 3: **Employment Performed Off Campus Which Qualifies as On-Campus Employment.** Some types of employment performed off campus are defined by the Immigration Service as "on-campus employment." There must be an official relationship between the university and the off-campus employer; the work must be associated with the university's curriculum or related to a graduate-level research project; and the employment must be an important and integral part of your program of study. There are several area hospitals which have a

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contractual relationship with the university and can be considered "on-campus" employers by the Immigration Service. The other University

System of Maryland campuses, however, are not considered “on-campus” employers for students on TU I-20’s. **Do not engage in this type of employment without verifying the employer’s status with an ISSO advisor.**

Authorization: For type 1 and 2 there is *no* requirement that regular type 1 or type 2 (above) on-campus employment be authorized by U.S. Citizenship and Immigration Services (USCIS) or the ISSO. You must, however, complete both Form I-9 (Employment Eligibility) and Form W-4 (Withholding) prior to beginning employment and you must have either a Social Security Number or evidence that you have applied for one. Form I-9 is processed at the Office of Human Resources (OHR) on the 1st floor of the Administration Building. OHR hours for I-9 processing are: Monday through Friday from 8:00 a.m.-12:30 p.m. and 2:00 p.m.- 4:00 p.m. To complete the I-9, you will need to show your passport, Form I-20, and Form I-94. You will complete a default W-4 at the same time. Then OHR will notify the Nonresident Alien Tax Office to issue you a password to **GLACIER** tax system. You should complete your record in **GLACIER** within 3 days and submit the required documents to the Nonresident Alien Tax Office. **GLACIER** will determine the applicable withholding rate and tax treaty exemption (if any) for you. You will complete a new Form W-4 at the Nonresident Alien Tax Office if there is any change from the default W-4. The Nonresident Alien Tax Office will also need to see your valid passport, I-94 card, Form I-20, and your social security number (or receipt to show that you have recently applied for a number). Always consult with the ISSO for permission to accept any employment in the Type 2 or 3 categories mentioned above.

OFF-CAMPUS EMPLOYMENT

CURRICULAR PRACTICAL TRAINING (Only after first academic year)

Requirements: Curricular practical training is work authorization for employment which is “an integral part of a required curriculum.” [8CFR 214.2(f)(10)(i)] Authorization can be granted for an internship, practicum, co-op, or other type of employment that is either required by your academic program or an experience for which you are receiving academic credit.

Authorization: Permission is granted by the ISSO. Students must submit the “Internship Verification” form or academic department approval (for graduate students) to the ISSO, and register for the appropriate course. Authorization will be granted on your I-20 by an ISSO advisor. To apply, obtain the ISSO handout “Curricular Practical Training for F-1 Students”.

OPTIONAL PRACTICAL TRAINING (OPT) (Only after first academic year)

Requirements: Employment must be directly related to your field of study and commensurate with your educational level. You may apply for permission to work in any of the following circumstances:

- while school is in session, provided that practical training does not exceed 20 hours per week;
- during winter break, minimester, spring break and summer vacation;
- after completion of course requirements, but before completion of degree (for example, while completing your thesis);
- within the 90 days prior to completion of studies but no later than completion of studies, with your employment beginning within 60 days after you have finished your degree.

Authorization: F-1 students are eligible for 12 months of OPT per higher level of education. It may be used at one time or divided into shorter periods. For example, if you received two months of full-time OPT during a summer vacation, you would be eligible for ten months of OPT authorization after you complete your academic program. The application requires a completed Form I-765 with attachments (including special duplicate photographs), \$340 application fee, and a new I-20 issued by an advisor recommending OPT.

SEVERE ECONOMIC HARDSHIP (Only after first academic year)

Requirements: You must demonstrate that you are experiencing unforeseen financial hardship and have been unable to find employment on-campus. This authorization is valid for any employer and the employment does not have to be related to your field of study.

Authorization: An application to U.S. Citizenship and Immigration Services (USCIS) includes a new Form I-20 issued by an advisor recommending economic hardship work permission, a \$340 fee, Form I-765 with attachments, and documentation verifying severe financial hardship. If approved, USCIS may grant permission in one-year intervals.

INTERNSHIP WITH AN INTERNATIONAL ORGANIZATION

Eligibility: You must be a full-time student in F-1 status. Immigration regulations do not restrict the length of employment or the number of work hours per week, nor do they require previous F-1 status.

Authorization: USCIS may grant employment authorization if you have a job offer from a “recognized” international organization (such as the World Bank or the United Nations) which certifies that the proposed employment is within the scope of the organization’s sponsorship. The application also includes a new Form I-20 issued by an ISSO advisor recommending this employment, a \$340 fee, and a fully completed Form I-765 with attachments.