EMPLOYMENT FOR STUDENTS IN F-1 STATUS

This handout provides an overview of the types of employment authorized by the U. S. Immigration and Naturalization Service (INS) for students in F-1 status.

CAUTION: Working without authorization is a serious immigration violation. INS regulations provide the F-1 student with a variety of employment possibilities. It is important and beneficial for the F-1 student to know in advance the different ways that he or she can legally work. Employment guidelines and advice can be obtained at the Queens College, International Student Services Office, B Bldg., Room 211.

ELIGIBILITY AND APPLICATION REQUIREMENTS: Employment under F-1 regulations requires the student to maintain legal F-1 status. Legal F-1 status means you must do the following:

1. have a valid passport.
2. have an I-20 from the school currently attending.
3. follow procedures for transferring old I-20 from previous institution to I-20 granted by new school.
4. carry a full course of study. You must be registered as an undergraduate for 12 credits or as a graduate for 9 credits during each semester. If you drop below this number at any time during the semester you are not maintaining lawful F-1 status. If you are not registered for courses during any semester you are not maintaining lawful F-1 status.
5. refrain from working without employment authorization.

Other requirements exist for each type of F-1 employment. After reviewing the categories of F-1 employment attached, ask an International Student Advisor about specific requirements for each category or pick-up detailed information at ISS.

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 receive no pay or other benefit for work performed, this activity is not defined as “employment” but is considered to be “volunteer work”.

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CATEGORIES OF F-1 EMPLOYMENT

1. ON-CAMPUS EMPLOYMENT: INS regulations state that this type of employment can be immediately authorized for any student in lawful F-1 status. After you have found a job on campus, apply for on-campus work authorization at ISS. Student are eligible to work 20 hours a week while attending classes and up to 40 hours during winter, spring and summer recess and vacation periods.

EMPLOYMENT BY YOUR SCHOOL. On-campus work performed for your school is always acceptable, whether it is employment in your academic department, the library or the computer center. Work required by a scholarship or assistantship and work at other City University of NY campuses are also acceptable.

OTHER EMPLOYMENT ON YOUR SCHOOL’S PREMISES. Work performed on your school’s grounds for an outside contractor or firm is considered to be on-campus employment as long as the employer provides direct services to students. Examples of this might be your school’s food service or bookstore, if they are operated not by your school but by an outside firm.

WORK OFF CAMPUS WHICH QUALIFIES AS ON-CAMPUS EMPLOYMENT. This includes research foundations, institutes and laboratories affiliated with the college.

2. EMPLOYMENT BASED ON ECONOMIC HARDSHIP: F-1 students are eligible to apply for off-campus work due to some unforeseen economic hardship, only if student is unable to locate employment on campus. Students are eligible to work up to 20 hours a week while attending classes and up to 40 hours a week during winter, spring and summer recess and vacation periods.

3. CURRICULAR PRACTICAL TRAINING: Work experiences that are part of your academic program are considered as “curricular practical training”. This includes internships, cooperative education and practicum experiences related to your major field of study. Student must be in current F-1 status. Student eligible to work between 20 to 40 hours a week, depending on Foreign Student Advisor’s recommendation.

4. OPTIONAL PRACTICAL TRAINING: After being in F-1 status for 9 months, students may apply for Optional Practical Training to work in an area related to their major field of study either fulltime (40 hours a week) or part-time (up to 20 hours a week) depending on Foreign Student Advisor’s recommendation.

        1) during vacation (either full time or part time)
2) after completion of course requirements, but have not completed the thesis;
3) after completion of the course of study.

Optional Practical Training is limited to a total of 12 months, per degree, throughout the student’s entire stay in F-1 status. There are no extensions.

5. INTERNSHIP WITH AN INTERNATIONAL ORGANIZATION: An internship by a “recognized” international organization, such as the United Nations can be authorized. Student must be in F-1 status and is eligible to work part time or full time depending on Foreign Student Advisor’s recommendation.

6. EMPLOYMENT FOR F-2 DEPENDENTS: Immigration regulations prohibits employment for F-2 dependents (spouses and children of F-1 students).

RELATED EMPLOYMENT INFORMATION:

EMPLOYMENT ELIGIBILITY VERIFICATION: When you begin work, you and your employer must complete a form entitled “Employment Eligibility Verification” (INS FORM I-9), which the employer retains. The I-9 must be updated each time you receive a renewal of your work permission.

SOCIAL SECURITY AND OTHER TAXES: F-1 students who have been in the U.S. less than five years are exempt from Social Security (F.I.C.A.) taxes. However, your earnings are subject to federal, state and local taxes. Students must file a tax return on or before April 15 each year, which will determine if any of the withheld taxes can be refunded.

Special Social Security exempt and IRS tax forms for F-1 students can be obtained from the Social Security Administration and IRS.

FAILURE TO COMPLY WITH EMPLOYMENT REGULATIONS: It is your responsibility to comply with all immigration regulations which apply to F-1 students. The Office of International Student Services has the responsibility for advising and counseling you regarding your responsibilities. If you fail to comply with your responsibilities, you may not be eligible for benefits normally granted to F-1 students.

FOR MORE SPECIFIC DETAILS ON F-1 EMPLOYMENT PLEASE CONTACT THE INTERNATIONAL STUDENT SERVICES OFFICE IN STUDENT UNION, ROOM 327.

OFFICE HOURS: MONDAY -FRIDAY FROM 9:00AM TO 4:00PM,

Employ.gen info