

Overview of Employment for Students in F-1 Status

Purpose

This handout is designed for students in F-1 status. It explains how "employment" is defined by the U.S. Citizenship and Immigration Services (USCIS) and describes the types of employment that may be available to you.

Eligibility and Application Requirements

A basic requirement for all types of employment is that you must maintain continuous and lawful F-1 status. To remain eligible for most types of F-1 employment you must limit your work to no more than 20 hours per week while school is in session. Do not assume that you are eligible to work without first contacting the International Education Center (IEC) MAC Building, Room 114, 732-224-2799.

Definition of "Employment"

"Employment" is 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 an activity, it may be considered to be "volunteer work" instead of employment.

Categories of F-1 Student Employment

On-Campus Employment "Incident to Status"

General. Work on campus is usually permissible if it meets certain requirements. USCIS regulations state that this employment is automatically authorized for any student in lawful F-1 status. If this is your initial entry to begin a new program of study, you may begin on-campus employment up to 30 days prior to the start of classes. If you are transferring from one U.S. University to another, you may only work on-campus at the school having responsibility to monitor your F-1 status.

Check with IEC for BCC's requirements and procedures governing the authorization of on-campus employment.

Type 1: Employment from BCC. On-campus work is always acceptable, whether it is employment in your academic department, the library, the computer center or any BCC department.

Type 2: Other Employment on BCC's Campus. Work performed on BCC's grounds or premises for an outside contractor or firm is considered to be on-campus employment as long as the employer provides direct services to students. An example of this is Brookdale's cafeteria service.

Off-Campus Employment Based on Severe Economic Hardship

If you are suffering from severe economic hardship based on unforeseen circumstances beyond your control and have been in valid F-1 status for 1 year, you may be eligible to apply for off-campus employment permission.

Off-Campus Employment under Curricular Practical Training

Some work experiences which are an important part of your study program may be considered "curricular practical training." These experiences may include alternate work/study programs, internships, cooperative education programs, and practicum experiences. Any student who works for one year or more in full-time curricular practical training is not eligible for optional practical training.

Off-Campus Employment based on an Internship with an International Organization

If you are maintaining lawful F-1 status and want to participate in an internship with a recognized international organization, such as the United Nations or the World Bank, you may obtain written permission to engage in this work. You must maintain your F-1 student status while employed by such an organization.

Off-Campus Employment under Optional Practical Training

You may be eligible to be employed in a job which is directly related to your major field of study for up to one year. Such employment may take place at any location in the United States. It falls into three categories for community college students: (1) employment during your annual vacation if you are enrolled and intend to register for the next term; (2) employment while school is in session, provided that you work no more than 20 hours per week; and (3) employment after you have completed your degree. If you transfer and complete a bachelor's, master's or Ph.D. in certain science, technology, engineering and math fields, you may be eligible for additional seventeen months of OPT.

Employment Eligibility Verification

When you begin work, you and your employer must complete a form entitled "Employment Eligibility Verification" (*Form I-9*), which the employer retains.

Tax Concerns

In general, F-1 students who have been in the United States less than five years are exempt from Social Security (F.I.C.A.) taxes. Your earnings are subject to applicable federal, state, and local taxes. Students must file a tax return on or before April 15 of each year. Students may be entitled to a refund of taxes withheld from their wages if the amount of tax owed is less than the amount withheld.

A Note of Caution

While USCIS regulations provide a variety of opportunities for you to be employed during your time in F-1 status, working improperly or without authorization is a serious violation of your status. You should therefore consult with IEC before taking up any employment. It is your responsibility to comply with all immigration regulations that apply to F-1 students. IEC staff is responsible for advising and counseling you regarding your rights and responsibilities. If you fail to meet your responsibilities, you may not be eligible for benefits normally granted to F-1 students.

Failure to Comply with Employment Regulations

It is your responsibility to comply with all immigration regulations that apply to F-1 students. IEC is responsible for advising and counseling you about your responsibilities. If you fail to meet your responsibilities, you may cease to be eligible for benefits normally granted to F-1 students. In some cases, you may be subject to deportation.

Employment for F-2 Dependents

Immigration regulations prohibit all employment for F-2 dependents (spouses and children of F-1 students).