

# Foreign Nationals and their Work Authorizations

## **Students**

### **F student visas**

Our foreign national students usually come to UF with an F-1 visa. This visa allows them to work up to 20 hours per week (0.50 FTE). This is very strict, so don't give your F1 employees a workload that will exceed this hour limit.

**Remember: They are primarily here to learn, not work for your department.**

Graduate Assistantships are most common. This is usually their first experience working within the United States and you may need to walk them through all the strange form names (W4, I-9, W-8, W-8BEN, etc) and why you're asking for so much documentation.

Graduating Students – they are thinking about their careers and where that career will be. Many will go home. Many will want to remain in the US and will be asking about work permits and sponsored work visas.

Next options:

F-1 OPT followed by a possible F-1 STEM OPT or H1B

## **Exchange Visitors / Scholars**

### **J visas**

Visiting Scholars are here to continue their post graduate learning. They may be paid by UF, sponsored by a government agency, given a stipend by their home country, etc.

OPS, Temporary Employment

Visiting Teaching/Research Scholars may extend their stay to a maximum of 5 years. They are here to exchange knowledge with us and afterwards possibly return to their home countries for a minimum of two years.

This is not a work visa. This is an Exchange Visitor Program.

Next options:

Return to home country, H1B, O1

### **2-year Home Residency Requirement [212(e)]**

DS-2019 and/or visa stamp will state this requirement

If subject to this requirement they cannot:

1. Apply for an immigrant visa or AOS to legal permanent resident
2. Change status or receive an H-1B, K, or L-1 visa

Many can apply for a waiver of this rule. The process may take 6+months to obtain and can be done simultaneously with the prevailing wage process.

## **Postdoctoral Associates**

### **F-1 OPT (Optional Practical Training) – 12 months**

This post-graduate work permit can be applied for prior to graduation but the applicant will need an offered position first. Takes about 3-5 months to get the Employment Authorization Card in the mail allowing work to begin. Cannot work without the card “in hand”.

### **F-1 STEM OPT (Science Technology Engineering Mathematics) – 24-month extension**

Only available for certain graduating CIP codes (Classification for Instructional Programs). An automatic 180-day extension on the F-1 OPT expiration date is allowed as long as the application is received by USCIS no later than the expiration on the EAD card.

### **J-1 visa**

Previously discussed

### **TN or E-3**

Next options:

Obtain a position that will sponsor an H1B, O1, TN or E3

## **TEAMS & Faculty**

### **H-1B visa – Specialty Occupation**

Path to Citizenship

Given in 3-year increments with a maximum of 6 years

Minimum qualification must be a bachelor’s degree without an equivalency statement

Subject to the Prevailing Wage

Cannot be subject to the 212(e) home-residency requirement

### **O-1 visa – Extraordinary Ability or Achievement**

Not for immigrant intent

Initially given for 3 years with 1-year increments. No official maximum number of extensions.

Proof of extraordinary ability is on the foreign national

### **TN visa – NAFTA Professionals**

Not for immigrant intent

Given in 3-year increments. No official maximum number of extensions.

### **E-3 visa – Specialty Occupation – Australian Nationals**

Not for immigrant intent

Given in 2-year increments. No official maximum number of extensions.

Next Options:

Permanent Residency