Information for Prospective Employers

EMPLOYMENT AND TAXATION OF INTERNATIONAL STUDENTS

EMPLOYMENT AUTHORIZATIONS

J Visas (exchange visitor status)

Academic Training
Students with exchange visitor visas may, under certain circumstances, be authorized to work part-time during the academic year or full-time after completion of studies and during vacation periods. This is called academic training. The total training period may not exceed 18 months (for undergraduates and graduates) or 36 months (for post-doctorates.) Authorization for academic training is granted by a Responsible Officer (RO) or Alternate Responsible Officer (ARO) at the University of Oregon, Office of International Affairs.

F Visas (student status)

Curricular Practical Training.
Students wishing to gain work experience in their field of study and whose departments offer internship credits or have internship requirements can apply for curricular practical training. Authorization for curricular practical training is granted by a Designated School Official (DSO) at the University of Oregon, Office of International Affairs.

Optional Practical Training
Students are eligible to apply for work experience in their field of study either after completion of their studies or during vacation periods. This is called optional practical training. Students authorized for optional practical training must have an Employment Authorization Document (EAD card) issued to them by the U.S. Citizenship and Immigration Services (USCIS) prior to beginning employment.

Employment Eligibility Verification (Form I-9)
By law, all U.S. employers must verify that newly hired employees are permitted to work in the U.S. by completing Form I-9, Employment Eligibility Verification Form, issued by the Department of Homeland Security, USCIS. Form I-9 and the list of acceptable documents that establish both identify and employment eligibility can be found at http://www.uscis.gov/files/form/I-9.pdf.
Acceptable Documents for International Students in F1 or J1 visa status

List A: Documents that Establish both Identity and Employment Eligibility

- An unexpired Employment Authorization Document that contains a photograph
- An unexpired foreign passport with an unexpired Arrival-Departure Record, Form I-94

International students should also be prepared to provide a copy of their I-20 (for F1 students) or DS-2019 (for J1 students).

FEDERAL AND STATE INCOME TAX

Income Taxes
International students on F-1 and J-1 visas are subject to federal and state income taxes. However, many countries have tax treaties with the United States. Information about tax treaties can be found in IRC Publication 901, *U.S. Tax Treaties*, which lists tax treaty countries and a summary of the terms of the particular treaty. IRS publications are generally available at public libraries or from the Internal Revenue Service.

Completing Form W-4
By law, international students are permitted to claim either zero (0) or one (1) exemption on their W-4 forms, unless a married citizen of Canada, Mexico, Japan or South Korea. Questions regarding exemptions, withholding, tax treaties or other tax matters should be directed to the Internal Revenue Service, a certified public accountant or tax attorney specializing in nonresident tax issues.

STUDENTS SOCIAL SECURITY (FICA) and MEDICARE Withholding Taxes

According to Internal Revenue Service publication 519, *U.S. Tax Guide For Aliens*,

Services performed by ... a nonresident alien temporarily in the United States as a nonimmigrant under subparagraph “F”, “J”, “M” or “Q” of section 101(a)(15) of the Immigration and Nationality Act are not covered under the social security program if the services are performed to carry out the purpose for which ... (the nonresident) ... is admitted to the United States. This means that there will be no withholding of social security or Medicare taxes from the pay ... (the nonresident) ... receive(s) for these services. .....these types of services are very limited, and generally include only on-campus work, practical training, and economic hardship employment.

Social security and Medicare tax will be withheld from your pay for these services if you are considered a resident alien as discussed in chapter 1 of IRS Publication 519, even though your nonimmigrant classification (F, J, M, or Q) remains the same.
If taxes are withheld in error, the employee is entitled to a refund. The employee is first instructed to contact the employer for a refund. Then, again according to IRS Publication 519, if the employee is unable to get a full refund of the amount from (the) employer, (the employee) should file a claim with the Internal Revenue Service on Form 843, Claim for Refund and Request for Abatement, and attach a copy of the form W-2, Wage and Tax Statement, to prove the amount of social security and Medicare taxes withheld.

SOCIAL SECURITY NUMBER

According to the Social Security Administration (SSA), the SSA will generally not assign Social Security numbers to non-citizens who do not have authorization to work in the U.S. If your prospective employee does not yet have a Social Security number, the employee can take your letter offering employment, along with his/her work authorization to the local SSA office and apply for a social security number. With the proper documentation, in about three weeks, the individual will obtain a social security card. Proper documentation includes work authorization as identified in Employment Authorizations above, a work offer letter, valid passport and visa papers.

QUESTIONS?

Please feel free to contact an International Student Advisor at the University of Oregon if you have any questions.

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