

Employing Foreign Nationals – FAQ's

Q1: I am not a US citizen, what documents do I need to work for Virginia Tech?

- The following document/forms must be uploaded to our secure drop box once you complete the foreign national information system (FNIS).
 1. Federal Form W-4
 2. State Form VA-4
 3. Foreign Passport
 4. Visa picture page
 5. I-94 Card
 6. F-1 Visa holders a legible copy of the I-20, preferably the copy that has been date stamped by the USCIS.
 7. J-1 Visa holders a legible copy of the DS-2019, preferably the copy that has been date stamped by the USCIS.
 8. For other visa holders, a copy of their EAD (Employment Authorization Document) card or other employment authorization document such as Form I-797.
 9. W8 or W9

Q2: What is a tax treaty and how does it benefit me?

- A tax treaty is an agreement between the US and a foreign government to minimize double taxation of income. To the foreign national earning income this means that certain payments made to them may be exempt from US tax based on the terms of the tax treaty.

Q3. I think I am eligible for a tax treaty, is there a form I need to file for a tax treaty exemption?

- Yes, form 8233 must be completed to claim tax treaty benefits. Form 8233 allows you to be exempt from federal and state withholding on earnings per the treaty article. You will need to contact the Payroll Office for an appointment. Please be aware you would need to have a social security number or ITIN number issued before a tax treaty can be claimed.
- If form 8233 is not filed, the tax treaty will not be applied, and Virginia Tech will not issue a tax refund if taxes are withheld. You would still be able to claim the tax treaty when you file your tax return (Form 1040-NR) with the IRS to obtain a refund of taxes withheld during the year.

Q4. I have applied for Post Comp OPT and got approved but I haven't received my EAD card. Can I still continue to work?

- NO, you are not allowed to work until you receive your EAD card.

Q5. My department wants to hire a J2 dependent to work for the summer but hasn't been issued an EAD card. Can they work?

- NO, they cannot work until they have received the EAD card.

Q6. I am a F1 student, how many hours can I work during the academic year?

- F-1 & J1 student visa holders may work on campus for no more than **20 hours per week**, during the academic session. Students are allowed to work over 20 **ONLY** during designated breaks and summer.

Q7. How do I apply for a social security card?

- You must schedule an appointment with the Social Security Office in Roanoke by calling 1-866-701-8179. You will need to take all your documents, passport, visa, I94 and I-20 or DS2019 Form or other form of work authorization. You will also need to take proof of employment (supplied by the employing department) and proof of good standing issued by the Cranwell International Center.

Q8. I have applied for STEM OPT and got approved but I haven't received my EAD card. Can I still continue to work?

- Yes, you are allowed to work 180 days after the card has expired if you have the appropriate receipt notices. A new EAD card will be issued to you within that 180 days.

Q9. A potential new hire has presented a visa stamp marked as a B2. Can they be employed?

- No, B2 visas are not permitted to work.

Q10. I want to apply for treaty benefits and don't have a social security card. Can I still apply?

- You must have a social security card or ITIN number in order to grant treaty benefits. You may apply once you have a valid tax id number.