

Citizenship Guide: Hiring Non-Citizens

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Introduction

This guide provides a brief overview of the general hiring practices of public interest law organizations with respect to non-citizens. The guide will touch on a number of related topics. First, it describes how the constraints of U.S. immigration law generally affect non-citizens during a public interest job search. Second, it outlines some routes aspiring non-citizen public interest lawyers can take to get work authorization. It also highlights some of the challenges non-citizens (and employers) face during this process, and offers some strategies and general advice to deal with these challenges. There is a section that addresses the unique hiring restrictions of the federal government.

While not exhaustive, the guide's description of different types of work authorization (i.e. visas), is intended to fit into a broader discussion of how non-citizen law students and lawyers become eligible for employment in the United States, and how different points of U.S. immigration law can affect the hiring decisions of employers. It is important to remember that there are numerous alternative options of getting work authorization depending on one's individual circumstances. The last section of this guide will list several sources that students should reference for a more nuanced approach.

It is important to note that first and foremost, a non-citizen should contact the organization in which he or she is interested concerning questions of employment. Organizations weigh various factors when deciding to hire non-citizens, and are free to set their policies. These policies are often subject to change, so we strongly encourage students to contact the relevant organization for the most up-to-date information.

U.S. Immigration Law and Hiring Decisions: The Bottom Line

All employers are subject to the restrictions of U.S. immigration law. Simply put, employers may only hire individuals who are eligible to be employed. Eligible individuals are either: citizens of the United States, aliens who have been lawfully admitted to permanent residence (popularly known as having a "green card"), or individuals expressly authorized by USCIS (U.S. Citizenship and Immigration Services, Department of Homeland Security) to be employed.

In practice, the constraints of U.S. immigration law make it harder for many non-citizens to get jobs in the United States. In fact, that's the point: the restrictions essentially serve as the federal government's protection of U.S. workers. To safeguard the U.S. workforce, the federal government intentionally limits the ways non-citizens can get authorized to work in the U.S., and also imposes specified time limits on most forms of work authorization. Additionally, the government often creates further restrictions for employers: barring various exceptions, employers may need to sponsor noncitizens for work visas, which require employers to file paperwork with USCIS and pay processing fees (these fees cannot be transferred to employees). During the sponsorship process, employers may face additional bureaucratic hassles such as the inconvenience of waiting for government approval (which can take months), and concerns about the availability of these visas (the government caps some visa categories).

The obstacles of employment-based visa sponsorship can be particularly burdensome to public

interest employers. Public interest organizations, whose operating budgets are often lower than their private sector counterparts, may not be able to pay processing fees for work visas, which usually add up to a few thousand dollars. Additionally, even those organizations that can afford to pay sponsorship fees may still opt to hire only U.S. citizens or permanent residents as a general cost-saving measure. In a competitive job market, these employers will almost always have U.S. applicants for listed positions, so they may choose not to allocate any funds for visa sponsorship.

Given these challenges, it is safe to say that during the public interest law job search, qualified U.S. citizens have a sizeable advantage over qualified non-citizens who need employment-based visas. However, despite this reality, non-citizens should realize that the obstacles they may face are not insurmountable. First of all, it is important to keep in mind that employers look for specific qualities in candidates; therefore, a non-citizen whose expertise aligns with an organization's stated mission, or whose personality "fits" well with an organization's personnel, could reasonably hope to get an employment-based visa (with the federal government being an exception). Additionally, it is worth noting that while temporary, employment-based visas are common avenues for recent graduates, there are a plethora of other visa categories (as well as some non-employment avenues to permanent residency) that may apply to certain individuals.

The bottom line is that non-citizens need to plan carefully to increase their chances of U.S. employment. Non-citizen students and recent graduates should take inventory of the skills that a top-notch legal education has provided them, and think about how these skills (as well as their international background) may be of value to certain organizations. When pursuing positions at targeted organizations, non-citizens needing visa sponsorship should understand that the burdensome processing requirements of employment-based visas may impact hiring decisions. Realize that employers likely need to plan ahead and make early judgments about whether they want to sponsor particular candidates (even if candidates do not currently need visa sponsorship, but may need it in the future). When possible, candidates should get to know employers during law school, so that employers have ample time to decide if candidates are worthwhile investment for future sponsorship. Finally, candidates should consider other options besides employment-based visas and should seek professional advice if they need help clarifying these options.

Routes aspiring non-citizen public interest lawyers can take to get work authorization

A sample route from HLS to U.S. Employment

The First Step: Optional Practical Training (OPT)

The most common way that non-citizen law students get permission to work in the U.S. is through F-1 Optional Practical Training (OPT). OPT is a benefit for students with F-1 visas (a common nonimmigrant student visa) who wish to work in the U.S. in a law-related job. OPT, defined as employment directly to the student's field of study, may be authorized for up to 12 months, either during the summer, during the academic year, or following graduation. The student is allowed to work full-time in summer and postgraduate positions, and part-time in

term-time positions. It is important to note that a student seeking an OPT postgraduate position must apply for OPT no longer than 60 days after graduation.

OPT must be authorized by U.S. Citizenship and Immigration Services (USCIS) based on a recommendation from the designated school official at the institution the student attends. Students at Harvard Law School need to make an appointment with the Harvard International Office in order to get this recommendation. Once students have obtained this recommendation, they receive an Employment Authorization Document (EAD) from USCIS allows them to work under their F-1 visa for a maximum of 12 months. Periods of OPT a student uses after graduation will be deducted from the student's 12 months of OPT eligibility.

Students do not need offers of employment in order to apply for OPT. Students may begin employment only after USCIS issues them an EAD, but they may apply and interview for jobs before they have an EAD. The processing time for CIS to issue the EAD normally takes two to three months.

Overall, obtaining OPT is a straightforward process. As long as the student receives the appropriate endorsement from his or her institution, OPT is not denied by USCIS. Additionally, since all documentation is provided by the student, the student's school, and USCIS, the process of obtaining an OPT requires no extra effort from employers. Employers must simply be willing to hire non-citizens.

It is important to note that OPT only applies to paid positions. Normally, if an internship involves no compensation, a student may volunteer without needing approval from USCIS. Students should check with their prospective employers to find out if they offer unpaid internships.

The Practical Difficulties of F-1 OPT: Be Candid With the Employer

While obtaining OPT authorization is usually straightforward, there are practical difficulties associated with OPT that may affect the public interest hiring process. Above all, the concern of employers with regard to OPT is that it is a temporary visa with a 12-month time limit; consequently, an OPT employee will need to obtain a new visa after the 12-month period in order to remain with his or her organization. Frequently, the most viable post-OPT option is for an employee to seek a temporary, employment-based visa, in which the employer files an application on behalf of the worker and pays associated sponsorship fees. Some public interest organizations may be deterred from hiring OPT candidates in anticipation of this next step: some organizations cannot afford to pay fees, and others simply do not allocate funds for sponsorship. Moreover, organizations seeking professional-level candidates usually spend a lot of time and energy on training and mentoring new hires; therefore, organizations unable or unwilling to pay sponsorship costs may be hesitant to hire OPT candidates with (at maximum) 12 months of employment eligibility.

Given these concerns about OPT, it is reasonable to conclude that organizations may need to make early determinations about whether they can (or ought to) keep OPT candidates for more

than 12 months before making offers of employment. That is to say, prior to making a hiring decision, an employer may need to decide whether the employer would be willing to eventually sponsor the OPT candidate for an employment-based visa. One can imagine numerous situations in which an organization would be interested in sponsoring such a candidate; perhaps the candidate has insight into the organization's mission, possesses unique language skills, or has personal connections to the employer. Regardless of an organization's hiring criteria, it is worth noting that many employers will view OPT applicants as investments who may or may not be worth the inconveniences of future visa sponsorship.

On the other hand, it is worth remembering that not all employers know how OPT works. In all likelihood, some small non-profits have never hired a non-citizen candidate, and some organizations have never even received an application from a non-citizen. Accordingly, many of these employers are probably not tuned in to the details of specific visas. Thus it is conceivable that an organization could hire an OPT candidate without understanding the implications of the decision. For example, consider the case of a small non-profit that happily employs a recent graduate with OPT for 12 months, and then is unpleasantly surprised to find out that it needs to pay \$2,000 in visa processing fees in order to keep the graduate. In this example, the employee has created a difficult situation by not giving the employer adequate time to prepare for visa sponsorship. Assuming the graduate wants to work in the U.S., this situation could have serious consequences: if the non-profit is unable to sponsor the graduate, the graduate may need to leave the country.

To avoid this type of difficult and uncomfortable situation, non-citizens should make sure to have informative, candid conversations with their prospective employers with respect to their work authorization. Applicants with OPT should be up-front with employers about their eventual need for sponsorship, and should also consider their future prospects of U.S. employment when considering where to work. Furthermore, even if some employers will not hire OPT applicants who will soon need employment-based visas, applicants should not be wary of communicating their visa situation. Otherwise, if an OPT candidate attempts to conceal his or her future need for visa sponsorship (or is simply uninformed about the process), the non-citizen could end up completing OPT without preparing for the next step. For this reason, OPT candidates should understand that by planning ahead and keeping employers informed, they will end up in better, more realistic work situations. Of course, if a non-citizen would like help preparing for employer discussions, the non-citizen can contact his or her school's international office, or consult an immigration attorney.

From OPT to H-1B: A Common Next Step

One common way employers retain non-citizen employees after the OPT period is to sponsor them for H-1B visas. The H-1B is a nonimmigrant visa for individuals working in a 'specialty occupation.' A 'specialty occupation' is defined as one that requires a minimum of a bachelor's degree in a given field. This designation makes the H-1B a common choice for non-citizen professionals (including lawyers) working temporarily in the United States.

Since the H-1B is an employment-based visa, the employer must file an application with USCIS on behalf of the professional. The visa lasts for a maximum of six years: USCIS initially grants

an H-1B for a period of three years, and then may renew it for an additional three years. An H-1B employee may only work for the organization that filed the application; if the worker seeks employment with another organization, the new employer must file a separate H-1B petition.

One advantage of the H-1B is that it allows for “dual intent”; that is, professionals can hold temporary H-1Bs while simultaneously seeking permanent resident status (“green card status”). This factor makes H-1B visas somewhat unique: the majority of temporary visas do not allow dual intent.

There is a legislative mandated cap on the number of available H-1Bs. Each fiscal year (October 1 to September 30) CIS issues 85,000 new visas; 20,000 of these visas are reserved for graduates of U.S. advanced degree programs. Employers can apply for the new visas beginning on April 1 of the preceding fiscal year. It is worth mentioning that employees who already hold H-1Bs (and are seeking renewal) are not subject to the annual quota.

It is also worth noting that certain public interest employers are not subject to the quota. USCIS designates “cap-exempt” organizations as institutions of higher education, nonprofits “affiliated with institutions of higher education,” and “research organizations.” These terms are loosely defined, so in practice, whether or not an organization actually qualifies for cap-exemption is subject to USCIS approval on a case-by-case basis. Immigration lawyer Dan Berger (Harvard College ‘year) stresses that cap-exempt determinations “depend on whether an organization can make the argument that it should be cap-exempt.” He provides an example, noting , “if an organization petitions USCIS for cap-exemption as a ‘research organization,’ CIS is concerned about how much research the organization actually does.” He adds that “if research is a reasonable amount of what it does, then it could work.”

It is important to keep in mind that although the H-1B is a common option for non-citizen lawyers, it is not the only temporary employment-based visa. Other forms of authorization include TN (Trade NAFTA) status, which is designated specifically for Canadian and Mexican nationals to work temporarily in the United States in a variety of professional occupations, and the O-1A visa, which is designated for individuals the U.S. Government deems to be of “extraordinary ability” in a variety of fields. A complete list of employment-based nonimmigrant visas can be found on the Department of State website at http://travel.state.gov/visa/temp/types/types_1275.html.

H-1B Difficulties: Make Sure To Plan Ahead

The biggest concern of employers with regard to H-1B visas has already been outlined in this guide; namely, that employers may be hesitant or unable to pay sponsorship fees necessary to get USCIS authorization. In addition to being concerned about visa processing costs, employers may be wary of H-1Bs for a few other reasons.

Firstly, employers may be opposed to the H-1B requirement that workers must be paid the prevailing wage in their area of employment. Prevailing wages are established by the U.S. Department of Labor for each trade and occupation, as well as by State Departments of Labor in

some areas. Employers are required to pay H-1B workers the higher salary of either the government-decided prevailing wage, or the wage that the organization pays to other workers with similar credentials. In practice, this requirement limits the ability of some non-profit organizations to pay H-1B lawyers since non-profit salaries tend to be lower than government salaries. It is reasonable to assume that unless a candidate is truly exceptional and fits a hard-to-fill position, a lower paying non-profit would rarely consider paying a prevailing wage.

Another potential difficulty of the H-1B is that the H-1B quotas may complicate getting a visa when a position is open. In past years, the entire quota for H-1Bs has been reached a few months after the visas were made available. The timeline for visa exhaustion does vary from year to year; immigration lawyer Dan Berger explains that explains “quota problems generally persist when the economy is doing well, and when many employers are hiring,” whereas “in a slower economy H-1Bs are not used up as quickly.” Regardless of the period of H-1B availability in a given year, if an organization’s hiring timetable does not correspond with visa availability, it will be unable to sponsor H-1B employees.

While H-1B quotas can affect the hiring process, employers can avoid quota issues if they develop reasonable timelines for hiring H-1B candidates. Ideally, an organization would initially employ a recent graduate through OPT, and then make an early decision to sponsor the graduate for an H-1B. Given this timeline, an organization would be able to petition for an H-1B on the first days of visa availability and thus would avoid issues. Although this logical progression is not always possible, employers should try their best to plan ahead for the sponsorship process. Furthermore, when appropriate, organizations should also apply to CIS to become cap-exempt.

Permanent Residence: The Challenges of Employer Sponsorship

Because of its “dual intent” provision, the H-1B can seem like a logical starting point from which to pursue permanent residence status. While this is often the case, non-citizen lawyers face obstacles when seeking employment-based green cards. For attorneys, the most common employment-based route to permanent residence is through labor certification, which is a two-step process. The first step requires employers to prove to the Department of Labor (DOL) that there are no minimally qualified U.S. candidates for the position, normally by advertising in a newspaper and soliciting applications from U.S. workers. If qualified U.S. applicants apply, DOL denies labor certification. The second step of the process requires employers to file an Immigrant Petition for Alien Worker, Form I-140, on behalf of the applicant. This step requires that employers pay sponsorship fees and also promise to pay the applicant a prevailing wage salary.

Both steps of labor certification raise concerns for public interest employers. Firstly, whether or not employers can get DOL approval is dependent on the nature of the position. If the position requires unique skills or knowledge (for example, a non-profit focusing on Somalia seeking a Somali-speaking attorney), then this process seems possible; however, an employer seeking a J.D. candidate and requiring minimal expertise would have trouble getting certification. Moreover, the same financial concerns that apply to H-1Bs also apply to permanent residency: namely, that many non-profits cannot afford processing costs and also cannot pay a prevailing wage. Given these difficulties, employment-based green cards should not be viewed as an across-

the-board option for non-citizens; rather, they are only feasible where an employer can first establish a genuine need for an applicant, and then is financially capable to follow through.

Keep Alternatives to Employment-Based Visas in Mind

Non-citizens should always consider non-employment avenues to permanent residency. Although qualifying for alternatives visas is uncommon, certain scenarios can vastly improve one's chances of becoming a permanent resident. Listed below are examples of alternative routes:

- Sponsorship by a qualifying family member. Candidates should consider whether have any family members who may be able to sponsor them directly; this route could be a good way to avoid the process of labor certification. Candidates should ask themselves whether they (or their spouses) have any relatives who are, were, or may soon be U.S. citizens or permanent residents.
- Sponsorship through asylum. If candidates can show a well-founded fear of persecution on returning to their home country, they might be able to get permanent residence through asylum.
- Sponsorship through the Diversity Lottery. The Diversity Lottery (also called the Diversity Immigrant Visa Program), is an annual government program that has the goal of encouraging immigration from countries that are underrepresented in the United States. Each year, up to 55,000 diversity visas are made available, drawn randomly from a pool of applicants from participating countries with low rates of immigration to the United States. A number of countries, such as Brazil, Canada, India, and Poland, are not eligible to apply because these countries have each sent a total of more than 50,000 immigrants to the U.S. in the previous five years. Applicants must apply through the Department of State during an online registration period, which normally runs from October to November of that year. The application process is quick and straightforward. Winners are notified by mail and provided with instructions to fill out permanent residence applications. It is important to note that a winner does not automatically obtain permanent residence; he or she must fill out the appropriate paperwork in a timely fashion. It is also worth noting that chances of winning the lottery are very slim; however, interested non-citizens should certainly apply if their country is participating.

Details of the Diversity Immigrant lottery program appear on the State Department web page at

http://www.travel.state.gov/visa/immigrants/types/types_1322.html. Also, for more information on different routes to permanent residence, reference the "Green Card Resources" section on the USCIS homepage (www.uscis.gov).

Federal Government Hiring of Non-Citizen Attorneys

The federal government can only hire non-citizens in rare circumstances. To illustrate this point,

this section will first outline official hiring policies of the federal government, and then provide a brief description of how these policies are applied.

Official Restrictions

Attorney positions in the Federal Government are in the excepted service, typically under an appointment called “Schedule A.” This designation means that federal agencies may hire applicants for attorney positions without following the civil service hiring procedure of employing only U.S. citizens for competitive service jobs.

While non-citizen attorneys are exempt from civil service hiring procedures, federal agencies are still subject to other hiring restrictions. Besides meeting the requirements of U.S. immigration law, which affects all employers, federal government agencies are additionally subject to the Annual Appropriations Act, which prohibits, with various exceptions, the use of appropriated funds to employ non-citizens whose post of duty is in the continental United States. Under the most recent act, the Consolidated Appropriations Act of 2010, Congress lists the following groups of non-citizens as exceptions to the appropriations ban:

- Persons who owe permanent allegiance to the United States (for example, natives of American Samoa and Swains Island)
- Persons lawfully admitted for permanent residence and seeking citizenship
- Persons admitted as refugees or granted asylum who have filed a declaration of intention to become permanent residents and then citizens when eligible
- Translators employed temporarily
- People employed up to 60 days on an emergency basis in the field service
- Nonresidents employed as wildland firefighters for not more than 120 days by the Department of the Interior or the U.S. Department of Agriculture, U.S. Forest Service, pursuant to an agreement with another country
- Persons who were officers or employees of the U.S. Government on December 16, 2009.

What These Policies Mean

The Consolidated Appropriations Act of 2010 effectively prohibits federal government agencies from sponsoring non-citizens for visas. In practice, the law means that the federal government is only allowed to compensate non-citizen lawyers who have permanent residence status. This restriction is a change from recent years; previous appropriations bans included numerous exemptions for individuals from specific countries. Accordingly, the “allied country” exemption, which used to be the basis for compensating non-citizens without permanent residence, is no longer in effect.

It is worth noting that the new law does *not* impact:

- Unpaid volunteers. It is usually at the discretion of agencies to accept volunteers, provided that they appropriate work authorization (for example, F-1 OPT). However, this choice is rarely feasible for recent graduates.

- Employees whose duty stations are outside of the continental United States.
- Employees appointed on or before December 16, 2009, the date of enactment.

If non-citizens without green cards do not (or cannot) fall into one of these categories, their best option is to consider one of the non-employment avenues to permanent resident status. Normally, family sponsorship is the most feasible alternative. If there is no other non-employment possibility, the non-citizen should refocus his or her U.S. job search to organizations with less stringent citizenship requirements.

For non-citizens with permanent residence, it is important to realize that while getting a paid federal government position is possible, it is still extremely competitive. Firstly, as a general procedure, the federal government gives strong priority to hiring United States citizens and nationals. Accordingly, unless a non-citizen candidate brings a hard-to-find talent or skill to an agency, the agency will prefer a U.S. citizen applicant. Additionally, at the present time, many government agencies are facing substantial budget cuts, and federal government hiring of attorneys has decreased. Correspondingly, due to the availability of qualified U.S. applicants for positions, some agencies that have previously accepted non-citizen applications are no longer considering them. Non-citizen applicants should thus realize that they are at disadvantage, regardless of their permanent resident status.

Despite these formidable obstacles, permanent resident applicants should still follow the same strategies that have already been outlined in this guide. In brief, they should target particular agencies that might value their skills and international backgrounds, and should be as diligent and as organized as they can so that agencies have ample time to consider their candidacy.

Federal Government Chart: For Further Reference

Below is a listing of the hiring policy of government branches and select federal agencies with respect to non-citizens. Keep in mind that each agency has its own procedure, and these policies are subject to change. We encourage students to follow-up with the relevant agency for the most up-to-date information.

Federal Agencies	
Agency for International Development (USAID) Information Center Ronald Reagan Building Washington, D.C. 20523-1000 (202) 712-0000 www.usaid.gov/careers	Does not offer positions to non-citizens
Commission on Civil Rights 624 Ninth Street, N.W. Washington, D.C. 20425 (202) 376- 7700	Does not offer positions to non-citizens

www.usccr.gov/jobs/jobs.htm	
<p>Comptroller of Currency, Chief Counsel’s Office</p> <p>Administrator of National Banks Washington, D.C. 20219 (202) 874-5200 www.occ.treas.gov/topics/laws-regulations/about-legal.html</p> <p><i>Contact email for 2L Summer Legal Internship Program:</i> Summer.Internship@occ.treas.gov</p> <p><i>Contact email for entry-level attorney hiring:</i> attyhiringquestions@occ.treas.gov</p>	<p>Non-citizens with the appropriate work authorization can apply (see “Official Restrictions” section)</p>
<p>Department of Education 400 Maryland Ave., S.W. Washington, D.C. 20202-0100 www.ed.gov/jobs</p>	<p>Does not offer positions to non-citizens</p>
<p>Department of Energy, Office of the General Counsel</p> <p>Room 6A-245 1000 Independence Avenue, S.W. Washington, D.C. 20585 www.energy.gov/node/721</p>	<p>Does not offer positions to non-citizens</p>
<p>Department of Housing and Urban Development</p> <p>Office of General Counsel 451 7th Street S.W. Washington, D.C. 20410 http://portal.hud.gov/hudportal/HUD?src=/program_offices/general_counsel</p> <p><i>Contact email for Legal Honors Intern Program:</i> legalhonors@hud.gov</p>	<p>Does not offer positions to non-citizens</p>

<p>Department of Justice 950 Pennsylvania Avenue, N.W. Washington, D.C. 20530-0001 www.justice.gov/careers/careers.html</p> <p><i>Honor's Program:</i> www.justice.gov/careers/legal/entry.html</p> <p><i>Summer Program:</i> www.justice.gov/careers/legal/summer-intern.html</p>	<p>Currently, non-citizens cannot apply for the Attorney General's Honors Program or the Summer Law Intern Program. This effectively eliminates entry-level hiring for graduating 3Ls and joint-degree law students in the DOJ. This policy is a change from past years, since previously there had not been an across-the-Department rule concerning citizenship for these programs.</p> <p>Non-U.S. citizens may apply for the Volunteer Legal Internship program in any DOJ department except for the following: the Executive Office for Immigration Review, the U.S. Trustee's Offices, the Federal Bureau of Investigation, and U.S. Attorney's Offices. Please note, however, that appointments for non-U.S. citizens are very rare.</p> <p>For experienced attorney positions, only U.S. citizens are eligible for positions with the Executive Office for Immigration Review and positions at U.S. Attorney's Offices. Non-citizens may apply for positions in other departments, unless citizenship requirements are indicated in a particular job posting. However, appointments within the Department are extremely rare.</p> <p>Dual citizens of the U.S. and another country are reviewed on a case-by-case basis.</p>
<p>Environmental Protection Agency, Office of the General Counsel 1200 Pennsylvania Avenue, N.W. (2310A) Washington, D.C. 20460 http://www.epa.gov/aboutepa/ogc.html</p> <p><i>Summer Honors Program for 2Ls:</i> www.epa.gov/ogc/summerhonors.htm</p>	<p>Generally, no. Only United States citizens and nationals may be appointed in the competitive civil service; however, federal agencies may employ certain non-citizens who meet specific employability requirements in the excepted service or the Senior Executive Service.</p>
<p>Equal Opportunity and Employment Commission 1801 L Street NW Washington, D.C. 20507 www.eeoc.gov</p> <p><i>Summer Legal Program for 1Ls and 2Ls:</i> www.eeoc.gov/eeoc/jobs/intern_positions.cfm</p>	<p>Does not offer positions to non-citizens</p>
<p>Export-Import Bank of the United</p>	<p>Non-citizens with the appropriate work</p>

<p>States – Office of the General Counsel 811 Vermont Ave., NW Washington, D.C. 20571 www.exim.gov</p>	<p>authorization can apply</p>
<p>Federal Communications Commission 445 12th Street SW Washington, D.C. 20554 www.fcc.gov</p> <p><i>Summer Internship Program for 1Ls, 2Ls and 3Ls:</i> www.fcc.gov/internships</p> <p><i>Attorney Honors Program, Office of General Counsel:</i> www.fcc.gov/attorneyhonorsprogram/honors.program@fcc.gov</p>	<p>Does not offer positions to non-citizens</p>
<p>Federal Election Commission, Office of the General Counsel 999 E Street, NW Washington, D.C. 20463 202-694-1000 http://www.fec.gov/about/offices/OGC/OGC.shtml</p> <p><i>Summer Legal Internship Program for 2Ls:</i> http://www.fec.gov/pages/jobs/SummerInternshipOpportunities.shtml</p>	<p>Non-citizens with the appropriate work authorization can apply</p>
<p>Federal Reserve Board 20th Street and Constitution Ave. NW Washington, D.C. 20551 www.federalreserve.gov</p>	<p>Non-citizens with the appropriate work authorization can apply</p>
<p>Federal Trade Commission, Bureau of Consumer Protection and Bureau of Competition 600 Pennsylvania Avenue, N.W. Washington, D.C. 20580 www.ftc.gov</p> <p><i>Bureau of Competition Entry-Level Attorney Program:</i> http://www.ftc.gov/bc/recruit/atty_program.shtm</p>	<p>Does not offer positions to non-citizens</p>

<p><i>Bureau of Competition Summer Program for 1Ls and 2Ls:</i> http://www.ftc.gov/bc/recruit/summer-program.shtm</p> <p><i>Bureau of Consumer Protection Summer Program for 1Ls and 2Ls:</i> http://www.ftc.gov/bcp/lawclerk/</p>	
<p>Government Accountability Office (GAO) 441 G St., N.W. Washington, D.C. 20548 http://gao.gov/careers/index.html</p>	<p>Non-citizens with the appropriate work authorization can apply</p>
<p>Internal Revenue Service, Office of Chief Counsel 1111 Constitution Avenue, NW, Room 4219 Washington, DC 20224 (202) 622-4550</p> <p><i>Summer Legal Intern Program for 2Ls:</i> http://jobs.irs.gov/midcareer/occ-law-students-recent-grads.html#legalintern</p> <p><i>Honors Program for 3Ls and LLMS:</i> http://jobs.irs.gov/midcareer/occ-law-students-recent-grads.html#honorsprogram</p>	<p>Does not offer positions to non-citizens</p>
<p>National Labor Relations Board 1099 14th St. N.W. Washington, D.C. 20570-0001 www.nlr.gov</p> <p><i>Office of General Counsel Honors Program for 3Ls and LLMS:</i> www.nlr.gov/who-we-are/careers/2011-honors-program</p> <p><i>Student Internship Program for 2Ls and 3Ls:</i> www.nlr.gov/who-we-are/careers/job-descriptions-and-listings/student-positions-law-non-legal</p>	<p>Non-citizens with the appropriate work authorization can apply</p>
<p>Nuclear Regulatory Commission Office of the General Counsel MS 015 D21 Washington, DC 20555-0001</p>	<p>Non-citizens with the appropriate work authorization can apply</p>

<p><i>Honor Law Graduate Program:</i> www.nrc.gov/about-nrc/employment/honor-law.html</p>	
<p>Department of State, Office of the Legal Advisor L/EX Room 5519 2201 C Street N.W. Washington, D.C. 20520-6419 http://www.state.gov/s/l/ <i>Summer Intern/Fall Spring Extern Program:</i> www.state.gov/s/l/3190.htm</p>	<p>Does not offer positions to non-citizens</p>
<p>Overseas Private Investment Corporation 1100 New York Ave., N.W. Washington D.C. 20527 www.opic.gob <i>Legal Intern Program:</i> www.opic.gov/about/jobs/internship/legal</p>	<p>Does not offer positions to non-citizens</p>
<p>Securities and Exchange Commission 100 F Street, N.E. Washington, D.C. 20549 www.sec.gov <i>Advanced Commitment Program for 3Ls and LLMS:</i> www.sec.gov/jobs/jobs_students.shtml <i>Summer Honors Law Program:</i> www.sec.gov/jobs/jobs_students.shtml#shlp <i>Law Student Observer Program (Spring & Fall):</i> www.sec.gov/jobs/jobs_students.shtml#lsop</p>	<p>Does not offer positions to non-citizens</p>
<p>Trade and Development Agency, Office of General Counsel 1000 Wilson Blvd., Suite 1600 Arlington, V.A. 22209 <i>Summer Program for 1Ls and 2Ls:</i> http://www.ustda.gov/about/internships.asp</p>	<p>Non-citizens with the appropriate work authorization can apply</p>

Resources:

Listed below are some sources that non-citizens should reference for a more nuanced view of the subject:

Articles

“Visas After Graduation” - An article about visa options for recent graduates. Written by Dan H. Berger and Jennifer Riley.

Web address: <http://curranberger.com/images/articles/visas%20after%20graduation.pdf>

“Employment-Based Visas: There May Be a Better Way” – An article about alternatives to employer visas, with a particular focus on non-employment avenues to permanent residency. Written by Dan H. Berger.

Web address: <http://curranberger.com/images/articles/better-way.pdf>

“Thinking Outside the Box: Business Visas for Nonprofits” - An article about non-profit visa sponsorship, with a detailed discussion of H-1B quota exemptions. Written by Dan Berger, Marisa Howe, Jennie Riley, and Jennifer Rogers.

Web address:

<http://curranberger.com/images/business%20visas%20for%20nonprofits%20thinking%20outside%20the%20box.pdf>

“What Employers Should Know About Hiring International Students” – An article summarizing the hiring process for students with F-1 visas. This document was originally published in 2000 with a grant from NAFSA: Association of International Educators. Revisions in 2004 by Laurie Cox, University of Wisconsin, Madison; 2010 co-editors: Lay Tuan Tan, California State University Fullerton, University of La Verne & Junko Pierry, Stanford University.

Web address:

http://www.nafsa.org/uploadedFiles/NAFSA_Home/NAFSA_Regions/Region_XII/hiringiss.pdf

Websites

Federal Employment Information Fact Sheet: employment of Non-Citizens:

http://help.usajobs.gov/index.php/Employment_of_Non-citizens

NAFSA: Association of International Educator’s information center on H-1B quotas:

http://www.nafsa.org/regulatory_information.sec/29_month_opt_rule_updates/f_1_cap_gap_for_f_1_students/

Department of State’s complete list of employment-based nonimmigrant visas:

http://travel.state.gov/visa/temp/types/types_1275.html.

Department of State's Diversity Immigrant lottery program:
http://www.travel.state.gov/visa/immigrants/types/types_1322.html

United States Citizenship and Immigration Services:
www.uscis.gov (Reference the "Green Card Resources" section of the homepage for more information on different routes to permanent residence).