

## Volunteering and Unpaid Internships for F-1 and J-1 Students

It is a common misperception that if you are not receiving payment, you are just “volunteering” and not really employed. However, this is a complicated area involving both immigration regulations and employment law. It is your responsibility to be aware of the relevant regulations and laws that pertain to your activities in the United States.

F-1 and J-1 students that wish to engage in off-campus employment (whether paid or unpaid) must first obtain authorization. Engaging in employment without such authorization is a violation of your nonimmigrant status, see [8 C.F.R. 214.1\(e\)](#), which may result in termination of your SEVIS record, your removal from the United States, and/or difficulty in future attempts to get a visa or re-enter the United States. If your SEVIS record is terminated for unauthorized employment, you are ineligible for reinstatement to F-1 status.

### What is “employment”?

Under immigration and employment laws, “employment” generally refers to the relationship where an individual provides services or labor and receives wages or other remuneration for these services. Accepting housing, gifts, meals, or other non-monetary forms of remuneration for your services is generally still “employment.”

### What is “volunteering”?

A “volunteer” is “individual who performs hours of service . . . for civic, charitable, or humanitarian reasons, without promise, expectation or receipt of compensation for services rendered.” ([29 C.F.R. 553.101](#)). Under the Fair Labor Standards Act, a person may not volunteer services for for-profit private sector employers. See [here](#) for more guidance from the U.S. Department of Labor regarding volunteering.

To be considered a volunteer, the work performed by the individual must meet the following criteria:

- No expectation of compensation;
- The volunteer cannot displace a genuine employee;
- The services provided by the volunteer should not be the same services for which he or she was previously paid and/or expects to be hired and paid for in the future; and
- Services are performed for a non-profit organization for public service or religious or humanitarian objectives. See [here](#) for more information about what is considered a non-profit organization.

F-1 and J-1 students do not need employment authorization for opportunities that meet the criteria above. For example, helping to serve meals occasionally at a homeless shelter may qualify as volunteering if you are not being paid.

**Important Note:** Doing the same type of duties for your academic department as those for which you were previously paid as a graduate assistant does not qualify as “volunteering.” Your academic department may not be aware of the differences between volunteering and employment. If your academic department has questions regarding whether you must be paid for your services, your supervisor must contact Human Resources before you start providing services.

## What is an “unpaid internship”?

Unpaid internships are typically not considered “volunteering.” Internships, both paid and unpaid, are primarily offered by the private sector and related to the intern’s major field of study. Whether your position qualifies as an unpaid internship depends on the unique circumstances of your situation and involves an analysis of various factors. For more information, see the [U.S. Department of Labor’s Fact Sheet #71: Internship Programs Under the Fair Labor Standards Act](#).

If you are an enrolled student, you must receive authorization for Curricular Practical Training (F-1) or Academic Training (J-1) to participate in an unpaid internship.

**Note:** The University of Akron generally does not allow students to provide services for the university as an unpaid intern. If a faculty or staff member at The University of Akron offers you an unpaid internship, your supervisor must contact Human Resources to discuss whether your participation in the opportunity is permissible before you start providing services.

## Why does the United States have these rules?

U.S. Department of Labor (DOL) is concerned with (1) protecting jobs for United States citizens and (2) preventing the exploitation of workers. The DOL has created laws to ensure that employment that should be paid is not done for free. Even if you and your employer are satisfied with an unpaid arrangement because you are gaining practical experience, it may be an unfair arrangement under U.S. laws.

## How do I obtain employment authorization?

### **On Campus Employment:**

Enrolled F-1 students are eligible to work on campus up to 20 hours per week during the academic year and 29 hours per week during official breaks (winter break, spring break, and summer break). The job must be located “on campus” but need not be related to your major area of study. No approval is required by the International Center for on-campus employment. *You may not continue working on campus after you complete your academic program (e.g., during your 60-day grace period following the end date on your I-20).*

Enrolled J-1 students are eligible to work on campus up to 20 hours per week during the academic year and 29 hours per week during official breaks (winter break, spring break, and summer break). The employment must be authorized in advance, in writing, by a Responsible Officer or Alternate Responsible Officer of the program that issued your Form DS-2019. You must be in good academic standing enrolled in a full course of study and the job must be located “on campus” and your employment must not take the place of a U.S. worker. *You may not continue working on campus after you complete your academic program at The University of Akron (e.g., during your 30-day grace period following the end date on your Form DS-2019).*

### **Off-Campus Employment Related to Your Field of Study**

Enrolled F-1 students may apply for paid or unpaid **Curricular Practical Training (CPT)** to participate in an internship, cooperative education, or practicum (such as a clinical course) offered by a sponsoring

employer through a cooperative agreement with The University of Akron. The purpose of CPT is to facilitate academic objectives, and it must be integral to the established curriculum of your major area of study. For more information about eligibility requirements and the application process, click [here](#) and select “Curricular Practical Training Application” under “Employment Authorization.”

Enrolled F-1 students and F-1 students who have completed their academic program within the past 60 days may apply for **Optional Practical Training (OPT)**. For more information, see the form “OPT: Apply” on [this website](#) under “Employment Authorization.”

Enrolled J-1 students may apply for paid or unpaid **Academic Training** if they meet the following criteria:

- You are primarily in the U.S. to study rather than engage in academic training;
- Your academic training is directly related to your major field of study;
- You are in good academic standing;
- You receive written approval in advance from the Responsible Officer or Alternate Responsible Officer of the program that issued your Form DS-2019;
- You apply before the completion of your academic program; and
- The employment begins no later than 30 days after your completion of studies at The University of Akron.

Set up an appointment at the International Center if you have questions regarding CPT, OPT, or Academic Training.

### **Severe Economic Hardship Employment Authorization**

F-1 students: You may be eligible for off-campus employment authorization for up to 20 hours per week while school is in session and full time employment during official school breaks if:

- You have been in F-1 status for at least one full academic year;
- Are in good academic standing; and
- Can demonstrate to the U.S. government that:
  - The employment is necessary due to severe economic hardship caused by circumstances beyond your control that arose after obtaining F-1 status,
  - On-campus employment is insufficient to meet your needs that have arisen, and
  - The employment will not interfere with your full course of study.

If the International Center recommends you for this form of relief, you will need to file an application with U.S. Citizenship and Immigration Services. If you are granted this form of relief, you may work for any employer, whether the job is related to your academic program or not.

J-1 students: if you have serious, urgent, and unforeseen economic circumstances that have arisen since acquiring J-1 status, set up an appointment at the International Center to discuss your eligibility for off-campus employment authorization.