

# Immigration Law $\cong$ Foodservice

## Increase Your Staff Diversity with Summer Work Travel Students, All Year Round

by **Becki Young**

**E**mployers with a seasonal or peak load need who do not already use the J1 Summer Work Travel (SWT) program should consider this free temporary staffing solution in their recruitment efforts.

SWT brings around 100,000 foreign university students to the US each year, to fill temporary or entry-level positions requiring basic job skills at employers around the country. At the same time, participants have a unique



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opportunity to experience life in the U.S. by sharing its traditions and culture through short-term work, an experience

that is very different from that of a tourist. The students come during their official summer vacation, up to a maximum of four months. Because they come from all over the world, the participants are available all year round, with the possible exception of late October.

In the winter season (late November to early April) students come from the Southern Hemisphere/Latin America (including

Chile, Colombia, Brazil, Peru and Argentina).

In the spring season (early March to mid June) students come from South Asia (i.e. Thailand and the Philippines).

And in the summer season (May to October) students come from Western and Eastern Europe, the former Soviet Union, South-East Asia (i.e. Japan, South Korea, Taiwan and China), Africa (i.e. Ghana), the Dominican Republic, plus Ecuador and Colombia (which is the only country to send students in both the winter and summer seasons).

If an employer needs to staff a peak load need from Memorial Day to Labor Day, it is advised that they divide their SWT participants into two groups – one group arriving early to cover Memorial Day and departing in August, and a second group arriving in June to cover Labor Day.

Because the SWT participants are university students and the duration of their program is limited in nature, they are best suited to basic skills jobs; in foodservice and related industries this could include server, cook, dishwasher, cashier, bartender, fast food crew member, and busser. It may be possible for an employer to be matched with a student majoring in a particular subject (i.e. hospitality management) upon request. There is no minimum number of SWT participants per employer.

In order to come to participate in the program, the students must be pre-matched with a US employer. That employer must guarantee a 32-40 hour work week (overtime is allowed by mutual agreement), and must pay the same wage as paid to similarly situated US workers.

Other than the wages, there are no costs to the US employer. The participants are responsible for arriving directly at the employer's site, and for their own transportation costs once there. They are also responsible for their own meals and housing costs, although employers are asked to assist in locating

housing as they should be familiar with the local housing situation.

Another thing to keep in mind is that SWT participants can hold multiple jobs as long as they respect the schedule assigned by the primary employer (who offers them a job prior to coming to US).

In addition to year-round availability and flexible employment dates, benefits to US employers include: no immigration paperwork hassle (this is handled by the sponsoring organization) and savings on payroll taxes (participants are exempt from FICA and FUTA taxes) as well as employee benefits costs (participants are enrolled in a comprehensive health insurance plan for the duration of their stay. The insured amount is up to \$100,000).

Employers should be sensitive to the fact that SWT participants may occasionally get homesick, as this is often their first experience outside their home country (and one of their first work experiences), but they can be assured that they will benefit from outstanding, highly motivated, energetic, hard-working employees.

Employers wishing to sponsor a SWT student are advised to start the process 4 to 5 months ahead of time. For more information contact Anca Radoi-Bodnarescu, SWT Program Manager, CSB International, Inc. @ 877-669-0717 X 122 or [anca@csb-usa.com](mailto:anca@csb-usa.com).



*Becki L. Young has been working in the field of immigration law since 1995. Ms. Young's practice focuses on employment-based immigration law. She has represented employers in a variety of industries, including investment banking and securities, information technology, health care, and hospitality, providing advice on work permits and related immigration issues, and is the co-editor of Immigration Options for Essential Workers published by the American Immigration Lawyers Association. To learn more or to schedule a personal consultation, call 202-232-0983 or e-mail [becki.young@blylaw.com](mailto:becki.young@blylaw.com).*

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