

Volunteering vs Unpaid Internships

DISCLAIMER: GCC ISO provides this guide for general information only. Information in this document does not constitute legal advice. Because immigration rules and interpretations can change, U.S. Citizenship and Immigration Services (USCIS) and the Department of State (DOS) may modify eligibility requirements or interpretations at any time.

General

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 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 (money) or other types of compensation for these services. Accepting housing, gifts, meals, or other non-monetary forms of compensation for your services is generally still “employment.”

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) to participate in an unpaid internship.

NOTE: Glendale Community College generally does not allow students to provide services for the College as an unpaid intern. If a faculty or staff member at Glendale Community College 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.

Volunteering vs Unpaid Internships

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 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 students do not need employment authorization for opportunities that meet the criteria above. For example, occasionally volunteering at a homeless shelter to serve meals.

Why does the United States have these rules?

U.S. Department of Labor (DOL) is concerned with protecting jobs for United States citizens and preventing the exploitation of workers. The DOL has created laws to ensure that true employment 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:

For more information about eligibility requirements and the application process, see the “On-Campus Employment” section of our Working in the US guide on our [Immigration](#) page.

Off-Campus Employment Directly Related to Your Major

Enrolled F-1 students may apply for **Curricular Practical Training (CPT)** to participate in an internship or cooperative education course. The purpose of CPT is to facilitate your 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, see the “Off-Campus Employment” section of our Working in the US guide on our [Immigration](#) page.

Graduating Students may apply for **Optional Practical Training (OPT)**. For more information, attend an [OPT Workshop](#) and review the Optional Practical Training: Quick Guide on our [Immigration](#) page.

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Severe Economic Hardship Employment Authorization

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:
 - 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; **and**
 - The employment will not interfere with your full course of study.

See the Severe Economic Hardship guide on the [Immigration](#) page for information and requirements.