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# When Simple Questions Reveal Complex Problems: The Hidden Risks in Global Mobility

How a straightforward benefits inquiry exposed serious immigration violations—and why expert counsel matters

by Michael Ray

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## The Deceptively Simple Question

The email seemed routine enough:

"We have a team member in South Africa who will be pursuing their PhD in the US. They will be working part-time on a few projects while also focusing on their degree. Since this team member will be part-time, we need to determine the appropriate benefits for their situation. Could you please suggest some questions we should be asking?"

On the surface, this appears to be a standard HR benefits question. A company wants to do right by an employee pursuing higher education. They're being thoughtful—asking what benefits make sense for part-time status, seeking guidance on the right questions to ask.

But embedded within this innocent inquiry lies a potential immigration violation that could result in visa revocation, deportation, and serious consequences for both the employee and the employer.

This is the reality of Global Mobility work: what appears simple rarely is.

## The Problem Hiding in Plain Sight

The client's question focused entirely on benefits administration. They wanted to know:

- What benefits are appropriate for part-time employees?
- What questions should we ask about their existing coverage?
- How do we structure compensation fairly?

These are reasonable HR considerations. But they completely missed the fundamental issue: **Can this person legally work for the company at all while studying in the United States?**

The assumption baked into the question—that the employee would simply continue working part-time during their PhD program—ignored the complex web of U.S. immigration law governing international student employment. The client was preparing to design a benefits package for an arrangement that might not be legally permissible.

This isn't a criticism of the client. They did exactly what responsible employers should do: they reached out for guidance when facing an unfamiliar situation. The problem is they didn't know what they didn't know.

## **Why This Matters: The Immigration Landmine**

Here's the piece everyone missed: could this person even legally work in the U.S. at all?

The student in question was planning to pursue a PhD in the United States under an F-1 visa. And that single detail changes everything. F-1 status comes with very specific—and very restrictive—employment rules. Unless a student has explicit authorization, the safe assumption should always be they can't work for you.

During the first academic year, F-1 students are limited to on-campus jobs, up to 20 hours a week when classes are in session. Off-campus work isn't allowed unless and until they get proper authorization. After that first year, there are only a few narrow paths: Curricular Practical Training (CPT) and Optional Practical Training (OPT).

CPT is approved by the university's international office. It has to be tied directly to the student's curriculum, think an internship that's required for a degree or integral to a specific course. OPT, on the other hand, requires both school recommendation and an application to USCIS for an Employment Authorization Document. Neither happens automatically, and both take time.

While an F-1 student is physically in the United States, any compensated work—on-site or remote, part-time or full-time—requires that authorization. There's no gray area just because the work is done over Zoom or for a familiar employer back home. Immigration rules hinge on where the student is, not where the company's servers or offices are.

Working without authorization isn't a technicality; it's a status violation. That can lead to the student's SEVIS record being terminated, loss of F-1 status, and potential visa cancellation. Once that happens, unlawful-presence clocks start ticking—cross the 180-day mark, and you're looking at multi-year re-entry bars. Employers who knowingly or negligently keep someone on payroll without valid authorization can face civil fines and reputational risk that outlasts the incident.

In plain English: one “helpful” decision to let a student keep working remotely could derail a PhD, damage a career, and invite government attention your company doesn't want.

That's why, in Global Mobility, the right first question isn't “what benefits apply?” *It's “can we legally pay this person at all?”*

All because a benefits question seemed straightforward.

### **The Expertise Gap in Global Mobility**

This scenario illustrates why Global Mobility requires specialized expertise that goes far beyond traditional HR or benefits administration.

**Traditional HR professionals** excel at domestic employment law, benefits design, compensation strategy, and employee relations. They understand ERISA, FMLA, ADA, and the full alphabet soup of U.S. employment regulations. But international student work authorization? That's not in their wheelhouse, and there's no reason it should be.

**Immigration attorneys** understand visa categories, work authorization, and compliance requirements. But they may not think holistically about the employment relationship, tax implications, benefits coordination, or business operational needs.

**Global Mobility specialists** sit at the intersection. They recognize when an HR question triggers immigration concerns, when a visa issue creates tax complications, when a relocation plan requires coordination across multiple jurisdictions, and when seemingly simple arrangements hide complex compliance requirements.

The value isn't just knowing the rules—it's recognizing which rules apply to a given situation.

## **The Diagnostic Process: What Expert Review Reveals**

When a Global Mobility expert reviews the client's seemingly simple question, a different set of issues immediately emerges:

### **Immigration Status Analysis**

- What visa will the student hold? (Almost certainly F-1)
- What are the employment restrictions for that visa category?
- Has the student completed one academic year? (Affects CPT eligibility)
- What authorization pathways might be available?
- What's the timeline for obtaining proper authorization?

### **Work Authorization Mechanics**

- Does the proposed work qualify as "integral to curriculum" for CPT?
- Would the university's Designated School Official approve this arrangement?
- What documentation and endorsements are required?
- Are there hour limitations that must be enforced?
- How does this affect future OPT eligibility?

## Structural Considerations

- Can the work be redesigned to fit within authorization pathways?
- What's the contingency plan if authorization is denied or delayed?
- How do we maintain compliance monitoring throughout the arrangement?
- What are the export control implications, if any?

## Benefits and Tax Complexity

- How does F-1 status affect tax withholding requirements?
- Are there treaty benefits that apply?
- What's the interplay between university health insurance requirements and employer coverage?
- How does part-time status affect benefits eligibility independent of immigration issues?

Only after addressing these foundational questions does the original benefits inquiry become relevant. And the answer might be: "We need to solve the work authorization problem first, because we may not be able to employ this person at all in the way you're envisioning."

## The Cost of Getting It Wrong

The consequences of proceeding without proper guidance extend far beyond the immediate situation.

### For the Employee:

- Visa revocation ends their PhD program, forcing return to their home country
- Future U.S. visa applications face heightened scrutiny

- Immigration violations create permanent records affecting lifetime travel and work opportunities
- Career disruption and lost educational investment

### **For the Employer:**

- Potential fines and penalties for employing unauthorized workers
- Heightened scrutiny from immigration authorities for future work visa sponsorships
- Reputational damage with universities and in international talent markets
- Loss of valued employee and project disruption
- Legal defense costs even if violations were inadvertent

### **For the Industry:**

- Increased regulatory enforcement affecting all employers
- Reduced flexibility in legitimate work authorization programs
- Damaged relationships between universities and corporate partners

The financial cost of expert consultation—typically a few hundred to a few thousand dollars depending on complexity—pales in comparison to these potential consequences.

## **Red Flags That Should Trigger Expert Review**

Global Mobility issues don't always announce themselves clearly. Certain situations should automatically prompt consultation with specialists:

### **International Student Employment**

- Any arrangement involving F-1, J-1, or other student visa holders

- Part-time work, internships, or research collaborations with enrolled students
- Remote work for U.S. companies by individuals studying in the U.S.

### **Cross-Border Work Arrangements**

- Employees relocating internationally for any duration
- Remote work from foreign countries, even temporarily
- Business travel that involves productive work, not just meetings

### **Immigration Status Changes**

- Employees transitioning between visa categories
- Applications for permanent residence while employed
- Family members of primary visa holders seeking employment authorization

### **Compensation and Benefits Across Borders**

- Stock options, bonuses, or equity compensation for international employees
- Benefits continuation during international assignments
- Retirement plan participation for globally mobile workers

### **Vendor and Contractor Relationships**

- International independent contractors working on U.S. projects
- Foreign vendor employees working at U.S. facilities
- "Secondment" arrangements between related entities across borders

The common thread: whenever employment and immigration status intersect, specialized expertise becomes essential.

## What Qualified Counsel Provides

Expert Global Mobility consultation delivers several critical functions:

**Issue Spotting** The most valuable service is often identifying problems the client didn't know existed. The benefits question that's actually an immigration question. The relocation that triggers tax treaty complications. The remote work arrangement that creates permanent establishment risk.

**Multi-Jurisdictional Coordination** Global Mobility issues rarely involve just one area of law. Immigration intersects with employment law, tax law, benefits regulations, and corporate structure considerations. Qualified counsel coordinates across these domains.

**Practical Solutions** Theory matters less than workable solutions. Can we restructure this arrangement to fit within authorization pathways? What's the timeline for proper compliance? What alternatives exist if the preferred approach isn't viable?

**Risk Assessment** Not every technical violation carries equal consequence. Expert counsel helps prioritize compliance efforts, understanding where flexibility exists and where strict adherence is non-negotiable.

**Documentation and Process** Proper authorization requires specific documentation, applications to appropriate authorities, and ongoing compliance monitoring. Experts guide the mechanics of implementation.

## The Corrected Approach

Once the immigration issues were identified, the path forward became clear—but dramatically different from the original question:

## Immediate Priorities:

1. Determine visa status and university enrollment details
2. Consult with university's International Student Office about CPT eligibility
3. Evaluate whether proposed projects qualify as curricular practical training
4. Establish timeline for authorization applications
5. Develop contingency plans if authorization is unavailable or delayed

**Only Then:** 6. Design appropriate benefits package for compliant part-time arrangement 7. Structure compensation and tax withholding correctly 8. Establish monitoring systems for ongoing compliance

The benefits question didn't disappear—it just moved to its proper place in the sequence, after addressing the threshold issue of whether employment is legally permissible at all.

## Building Internal Competency

Organizations don't need to become immigration law experts, but they do need to recognize when they're encountering Global Mobility issues that require specialist input.

**Develop Organizational Awareness** Train HR teams, hiring managers, and project leaders to recognize red flags. Create clear escalation paths when international employment situations arise. Build relationships with qualified Global Mobility advisors before urgent needs emerge.

**Establish Review Protocols** Implement systematic reviews for any situation involving:

- International hires or relocations
- Changes to existing international employee arrangements
- Students, interns, or visa holders in any capacity
- Cross-border projects or team structures

**Budget for Expertise** Global Mobility consultation should be a planned expense, not an emergency cost. Organizations that budget for specialist review on international matters prevent far more expensive problems.

**Document Institutional Knowledge** When issues arise and get resolved, document the lessons learned. Build organizational memory about what triggers require review, which arrangements have worked, and where pitfalls lie.

### **The Broader Lesson**

This case study illustrates a fundamental truth about Global Mobility work: **complexity hides in plain sight.**

A benefits question reveals immigration violations. A simple relocation triggers tax treaty analysis. A remote work arrangement creates corporate presence in foreign jurisdictions. An intern program runs afoul of work authorization rules.

The specialized value of Global Mobility expertise isn't just knowledge of specific regulations—it's the pattern recognition that sees hidden complexity in apparently straightforward situations. It's knowing which questions to ask when clients don't know what they don't know.

This is why organizations invest in Global Mobility specialists, why international assignments require dedicated program management, and why a "just figure it out" approach to cross-border work arrangements consistently produces expensive problems.

### **Moving Forward**

For the client in this case, the outcome was positive. By seeking guidance—even if the initial question didn't identify the core issue—they avoided serious consequences. The employee obtained proper work authorization through CPT, the arrangement was structured compliantly, and the benefits package was designed appropriately for the actual situation.

But the lesson extends beyond this single case: in **Global Mobility, what you don't know absolutely can hurt you.**

The complexity of international employment, immigration status, tax treaties, benefits coordination, and regulatory compliance creates a minefield for well-intentioned employers. The cost of missteps—measured in visa revocations, legal penalties, and disrupted careers—far exceeds the investment in qualified guidance.

When your organization encounters international employment situations, pause before implementing solutions. Ask whether immigration, tax, or regulatory complexity might be lurking beneath the surface. Engage specialists who can identify issues before they become violations.

Sometimes the most valuable answer to a simple question is: "That's not actually the question you need to be asking."

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We design smarter mobility programs, train the people who run them, and connect the partners who make them work.

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