



Northeastern State University Employment of Non-Resident, Non-Immigrant Aliens

It is the policy of the administration at Northeastern State University to comply with federal immigration laws which govern the employment of permanent resident aliens and non-resident aliens in the United States. If NSU policy is ever in conflict with existing federal immigration law, the federal law prevails.

PURPOSE AND SCOPE

Before employment of a non-resident (non-immigrant) alien can begin, the University must petition the Department of Homeland Security (DHS) for employment approval at Northeastern State or verify that employment is lawful for that individual. The University has contracted with the legal firm of Stump & Associates, PC to oversee all processes associated with employment of non-resident (non-immigrant) aliens.

Permanent resident aliens may be employed as United States citizens are employed. Non-resident (non-immigrant) aliens are restricted as to stay and employment in the United States, based on the type of immigration status they hold. Detailed information about immigration status and permitted employment is available through the Office of Human Resources.

Departments considering appointment, reappointment, or change in employment status of a faculty member or staff member who is not a U.S. citizen or permanent resident should first contact the Office of Human Resources. When review of applications is completed, work authorization must be verified in the University's ATS (Applicant Tracking System), Cornerstone. Written approval from the Dean/Director and the Provost/Vice President is required if sponsorship for work authorization (i.e. immigration services) is required for the selected applicant. In cases requiring NSU to submit a petition to DHS, the University will endorse only those petitions which follow these procedures. Northeastern State University only utilizes immigration services to fill positions where U.S. workers are not readily available or are less qualified for the position.

Agreements offering temporary as well as tenure-track appointments should contain the standard paragraphs concerning immigration requirements. A copy of the paragraphs to be used is available in this policy. After appropriate verifications and actions have been taken to obtain immigration approval for employment, an NSU Personnel Action Form should be completed for: (1) academic positions, and (2) staff positions. Approval for employment involves new hires, continuous employment, or special payments. All non-resident (non-immigrant) alien employees must have an NSU Personnel Action Form in order to complete payroll sign-up.

Hiring Department Responsibility:

a. Verify immigration status

Applicants will be asked to disclose whether they will require employment-based visa sponsorship now or in the future. No further inquiry into an applicant's immigration status should be made until a hiring decision is complete, and only for the purpose of obtaining the necessary work authorization. Questions regarding immigration matters should be directed to the Office of Human Resources, who will consult with Stump & Associates, PC as needed to provide answers and suggest options, if any, in obtaining an immigration status which would allow employment.

b. Offer Letters –

When the immigration status is verified and it is appropriate to offer employment, offer letters should contain the following standard paragraphs concerning immigration.

"This offer is contingent upon your authorization to work in accordance with immigration laws and regulations, and responsibility for meeting immigration requirements of the United States must rest with you. This includes determining what immigration status is appropriate to your particular needs and is consistent with the law, and seeing that the appropriate steps are taken to secure it. The University will assist in these matters, but you must understand that immigration status is a legal relationship directly between an alien and the United States government. We want to be as helpful as possible, but only the U.S. Department of Homeland Security or a United States Consulate is in a position to give you authoritative advice. The University contracts exclusively with Stump & Associates, PC for all immigration-related matters.

Approval of this contract is contingent upon the production of documentation of identification and eligibility for employment as required by the Immigration Reform and Control Act of 1986."

c. Immigration Petitions

When an immigration petition is required, the University contracts exclusively with Stump & Associates, PC to secure their immigration services in order to process the petition and any accompanying documentation. State-appropriated funds may be used only for certain immigration fees. Some immigration costs must be paid by either by the foreign national or from University Foundation funds. Certain costs must be paid by the employer (University) by law. All costs that must be paid by the University or are voluntarily paid by the University must be paid by or against the budget of the hiring department or College or their Foundation accounts. Costs, including governmental fees and attorney fees, are subject to change without notice.

The foreign national may be asked to work directly with Stump & Associates, PC on specific portions of their immigration application, and must cooperate with these requests to ensure the timeliness and accuracy of their application. The Office of Human Resources will act as the liaison between the University/Department/College and Stump & Associates, PC in fulfilling

the University's responsibilities with regard to immigration applications, but cooperation from the hiring department or college is required.

When the requested status is confirmed by the appropriate document from DHS, the applicant will be notified by the Office of Human Resources. If the department has further obligations or responsibilities relating to the employee's status, they will be advised by the Office of Human Resources. In cases where a public inspection file is required, such file will be maintained in the Office of Human Resources. The Office must be notified of any planned changes to the visa-holders employment (including, but not limited to, job title, work duties, work location, pay, etc.) before the change occurs. Ultimately, the file will be remanded to the Office of Human Resources to be retained for the period of time required by law.

d. Effective date of employment

Employment cannot begin until the University has received approval from DHS and a background check has been successfully completed. A Personnel Action Form must be completed and submitted per the University's existing process. All new hire documentation, including the I-9 (Employment Eligibility Verification) must be completed with the Office of Human Resources no later than the first day of employment.

e. Personnel Action Form

After the NSU Personnel Action form is completed, the non-resident (non-immigrant) alien should be advised to have the following documents ready for payroll sign-up:

(a) I-94 and I-20 or IAP-66 if appropriate,

(b) Social Security card, and

(c) appropriate documentation for completion of the I-9 form, as well as DHS documents. (The I-9 and documentation are required under the Immigration Reform and Control Act of 1986 - IRCA. Copies of the I-9 and what constitutes appropriate documentation are available from Office of Human Resources.)

Office of Human Resources Responsibility:

a. Pre-employment

Search Committee chairs will determine (*via application form in Cornerstone*) if the individual selected for the position is eligible for employment in the United States or will require sponsorship now or in the future. The Office of Human Resources will consult with Stump & Associates, PC as needed, regarding any questions the hiring manager or department head may have associated with obtaining the required visa, in the event that this individual requires sponsorship.

b. Post-employment

Work authorization status will be verified when new hire documentation is completed with the Office of Human Resources:

(1) NON-RESIDENT ALIEN (NON-IMMIGRANT) DHS documents, and I-94 form will be presented; the I-94 form and immigration documents will be copied and will become part of the employee's permanent file.

- (2) PERMANENT RESIDENT ALIEN must present Form I-551, Permanent Resident Card (Green Card), which will be copied for employee's permanent file.
- (3) ALL new employees must present documentation and properly complete the Employment Eligibility Verification (Form I-9). Employment eligibility will be confirmed by the Office of Human Resources using the E-Verify system.
- (4) When DHS issues the Employment Authorization Document (EAD card), a copy will be placed on file.

c. Verification

The I-94 form and the Personnel Action Form will be used to verify that the type of appointment, length of appointment, and percent FTE meet the stipulations of the NSU employment agreement. The appointment period cannot exceed the period authorized for work as indicated on DHS forms.

d. Verification problems will be discussed with the Office of Human Resources

The verification step will be completed, when possible, during the sign-up process. A person cannot be employed when the immigration status has expired, unless otherwise allowed by law.