

# Oklahoma State University Policy and Procedures

**EMPLOYMENT OF INTERNATIONALS**

**1-0803  
GENERAL UNIVERSITY  
JUNE 1997**

## **POLICY**

1.01 It is the policy of the administration at Oklahoma 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 OSU policy is ever in conflict with existing federal immigration law, the federal law prevails.

## **PURPOSE AND SCOPE**

2.01 Before employment of a non-resident (non-immigrant) alien can begin, the University must petition the U.S. Immigration and Naturalization Service (INS) for employment approval at Oklahoma State University or verify that employment is lawful for that individual.

2.02 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 International Students and Scholars (ISS), 076 Student Union.

2.03 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 ISS. In those cases which require OSU to submit a petition to INS, the University will endorse only those which follow the procedure in Section 3.01c and carry the signature of the Executive Vice President.

2.04 Letters 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 ISS.

2.05 After appropriate verifications and actions have been taken to obtain immigration approval for employment, an OSU Employment Clearance form should be completed for: (1) academic positions, (2) student employment, and (3) staff positions. Approval for employment involves new hires, continuous employment, or special payments. All

non-resident (non-immigrant) alien employees must have an OSU Employment Clearance form in order to complete payroll sign-up.

## **POLICY AND/OR PROCEDURE**

### 3.01 Hiring Department Responsibility:

a. Verify immigration status - When interviewing candidates for employment, obtain information concerning immigration status when appropriate. The hiring department is responsible for verifying immigration status for new hires, continuous employment, or special payments. (Remember each immigration status has certain time limits and restrictions on location, wages, position description and/or percent of employment.) ISS can answer most immigration questions and can suggest options, if any, in obtaining an immigration status which would allow employment.

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

"This offer is contingent upon your immigration status, 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, is consistent with the law, and seeing that the appropriate steps are taken to secure it. The University will assist you in any way we can 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. Immigration and Naturalization Service or a United States Consulate is in a position to give you authoritative advice.

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, it will usually be necessary for the services of an immigration attorney to be secured in order to process the petition and any accompanying documentation. The prospective employee ordinarily will be expected to arrange and pay for such services and should be notified of such expectation. ISS can offer assistance to prospective employees by providing them with the names of immigration attorneys. In the rare instances where an employing department desires to itself retain such

services, no state-appropriated funds may be used, the advance approval of the Office of Legal Counsel to the Board of Regents is required, and the Office of Legal Counsel will select an appropriate attorney.

The attorney, department, and/or applicant may obtain assistance and directions from ISS. Petitions and supporting documents will be received by that office for review and forwarded to the Executive Vice President for signatures. When the requested status is confirmed by the appropriate document from INS, the applicant may obtain an internal Employment Clearance form from ISS.

If the department has further obligations or responsibilities relating to the employee's status, they will be so advised in writing by ISS. In cases where a public file is required, that file will be maintained in the ISS office and notified about updates from the department as necessary or required. Ultimately, the file will be remanded to the department to be retained for a specified period of time.

d. Effective date of employment - Employment cannot begin until the University has received approval from INS and an OSU Employment Clearance form has been completed and submitted to University Personnel Services.

e. Employment Clearance form

The applicant completes Part I of the OSU Employment Clearance form in the ISS office. Supporting documents will be copied and attached by the ISS staff.

Part II of the OSU Employment Clearance form is completed by ISS and returned to the applicant to obtain departmental signatures.

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

- (a) copy of Employment Action form,
- (b) I-94 and I-20 or IAP-66 if appropriate,
- (c) completed OSU Employment Clearance form if not already on file,
- (d) social security card, and
- (e) appropriate documentation for completion of the I-9 form, as well as INS 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 University Personnel Services.)

### 3.02 University Personnel Services Office Responsibility:

#### a. Pre-employment

(1) Employment representatives will inquire if the individual is eligible for employment in the United States.

(2) If the person applying for work is a non-resident (non-immigrant) alien and does not have an OSU Employment Clearance form, he/she will be referred to ISS to obtain one. When the completed OSU Employment Clearance form is presented, the employment representative will proceed with appropriate referrals.

(3) If the applicant is a permanent resident alien, his/her Alien Registration Receipt card (form I-551) must be presented to the employment representative. Upon that verification, the applicant will be handled for job referrals in the same way that a United States citizen would be.

(4) Every applicant will be informed that any offer of employment is contingent upon the production of appropriate documentation to establish his/her identity and employment eligibility.

b. Post-employment (payroll sign-up) - Being added to payroll will be the last verification point for legality of a non-resident alien appointment. Citizenship status will be ascertained when payroll sign-up papers come to University Personnel Services, then:

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

(2) PERMANENT RESIDENT ALIEN must present INS Alien Registration Receipt card (form I-551), 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).

(4) When INS issues the Employment Authorization Document (EAD card), a copy will be placed on file.

c. Verification - The I-94 form, the OSU Employment Clearance form, and Employment Action form will be used to verify that the type of appointment, length of appointment, and percent FTE meet the

stipulations of the OSU Employment Clearance form. The appointment period cannot exceed the period authorized for work as indicated on the Employment Clearance form. Reappointment must include a new Employment Clearance form.

d. Verification problems will be discussed with ISS. The verification step will be completed, when possible, during the sign-up process. A person cannot be employed when the immigration status has expired.

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