



# University of North Alabama

## Employee Policy Manual and Handbook

### Employment of Foreign Nationals Policy

UNA is an equal opportunity employer committed to achieving excellence and strength through diversity. The employment of foreign nationals in faculty and staff positions is an accepted practice for achieving diversity. UNA and foreign nationals, however, are subject to federal laws and regulations of the Departments of State, Labor, and Homeland Security (specifically, USCIS). Specifically, UNA is responsible for ensuring that all employees, regardless of citizenship or national origin, are lawfully employed. Specific to foreign national employees, UNA is, at a minimum, responsible for keeping them in-status (i.e., lawfully employed). This involves UNA's sponsorship of the employee as he/she applies for legal status and employment visa filing fees. The fees cannot be passed on to the foreign national employee. Failure to adhere to such laws subjects the University to potentially serious sanctions; therefore, UNA has established the following procedures that shall apply to all cost centers:

- The cost center desiring to hire a foreign national must obtain approval from the appropriate vice president for any expenditure associated with the employment of the foreign national *prior* to an offer of employment. Vice presidents will advise the Executive Council of pending employments.
- Vice presidents will then inform the Office of Human Resources of the cost center's desires, and that office will, in writing, apprise that Vice President and cost center head of current law related to employment of foreign nationals.
- During the job search phase, the Office of Human Resources will ensure that international applicants are advised of the eligibility requirements for employment in the U.S. The cost center seeking to employ the foreign national will work through its vice president and with the Office of Human Resources during the post-offer/pre-employment phase to ensure the foreign national's eligibility for the position and for the appropriate status. The cost center will continue to work with these offices throughout the visa application process.
- The University will apply for the H-1B, TN or O-1 visa. After the foreign national has been employed with the University for at least three years, the University will, at the employee's request, apply for employment-based permanent residency on behalf of the employee. If the employee has family, the employee must, if necessary, retain legal counsel to make the necessary petition on behalf on those family members.

### **IMPORTANT INFORMATION**

The classifications which have been used most frequently to appoint immigrant faculty and staff at UNA are the:

- H-1B Temporary Worker – used to employ foreign nationals who qualify as individuals engaged in “specialty occupations,” defined by immigration regulations as the “professions” (i.e., university professors and other teachers, engineers, systems analysts and other computer professionals, financial analysts and others in advanced business specialties, accountants, lawyers, architects, and other service professionals, health care professionals, etc.). The position may be of a permanent nature; however, the employment of the foreign national must be considered temporary. An individual may be employed for up to six years in H-1B status. Individuals employed as H-1Bs may remain in that status for a period of up to three years and may be renewed for up to three additional years.
- TN (Trade NAFTA) - restricted to nationals of Canada and Mexico and limited to specific professions as defined by the North American Free Trade Agreement. Admission to the U.S. in TN status is granted in

one-year increments. The number of years an individual is allowed to remain in TN status is unlimited, provided an application for extension is made each year; however, TN status is not to be used for permanent employment.

- O-1 Visa – available to foreign nationals who have extraordinary ability in science, art, education, business, or athletics which has been demonstrated by sustained national or international acclaim and whose achievements have been recognized through extensive documentation. The foreign national must seek to enter the United States and continue to work in the area in which he/she is extraordinary. The O-1 petition has an initial period of stay of up to 3 years. Subsequent extensions are unlimited but may be granted for no more than one year at a time. Work visas such as the H-1B, O-1 and TN are filed by the employer on behalf of the employee and are issued to the employee.

*Approved by the Executive Council, 07/25/2007*