

Employment of Foreign Nationals Policy

Adopted by President's Cabinet August 23, 2016

Policy Statement

The employment and/or payment of nonresident foreign nationals shall be in compliance with all applicable federal laws and shall comply with relevant visa restrictions. This policy ensures a fair and measured approach to employment of foreign nationals and ensures compliance with all applicable federal laws and relevant visa restrictions.

Definitions

Citizenship: All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state where they reside. Most individuals become US citizens in one of the following ways:

By birth, either within the territory of the US or to US citizen parents;

By naturalization; or

By adoption of any child under the age of eighteen (18) by a US citizen, when the child immigrated to the US to acquire immediate citizenship.

Foreign national, non-immigrant (do not intent to immigrate to US), and immigrant: a person who does not hold citizenship in the US as defined above.

Occasionally it is necessary and desirable to employ foreign nationals, non-immigrants and immigrants into faculty, non-classified and classified (staff) positions. The employment of foreign nationals will be accomplished in compliance with all Board of Regents' hiring policies and the appropriate US government laws and regulations.

Process/ Procedures

EGSC shall only employ those individuals who are authorized to work in the United States in accordance with federal and state law.

The Immigration Reform and Control Act (IRCA) prohibits an employer from inquiring about an employment applicant's citizenship status prior to making an offer of employment to the applicant.

EGSC will follow federal requirements to verify the eligibility of persons for employment, including the completion of the USCIS Form I-9, within the first three (3) days of employment.

Employment eligibility verification will be conducted after an offer to hire has been made.

The EGSC Employment applicants are informed of this requirement in the pre-employment setting by the following question on the employment application: Can you provide proof, if hired, that you are eligible to work in the United States?

EGSC, in its sole discretion, may elect to pursue an employer sponsored visa for a selected candidate, but this is not required. The hiring department must submit an analysis of candidates to the Office of Human Resources and all offers must be approved by Human Resources. Any EGSC sponsored visa must meet all federal processing requirements and the USG policies. When a foreign national is hired, EGSC will communicate with the foreign national employee that it is the employee's responsibility for maintaining authorization to work in the US for the duration of their employment, including recertification to EGSC, when necessary.

The Office of Human Resources will serve as the primary point of contact with the foreign national applicant and coordinate the submission of documentation to outside counsel for the filing of petitions as necessary.

Questions and Answers – Employment of Foreign Nationals

What is the process for obtaining work authorization at East Georgia State College?

East Georgia State College may sponsor H-1B work authorization visas for faculty members who are not US citizens and are not otherwise authorized to work at EGSC. EGSC Human Resources will coordinate the process of obtaining H-1B work visas with the foreign national employee and forward the information to outside immigration counsel for handling. EGSC and outside counsel will determine prevailing wage, length of work authorization, and need and timing of filing of future petitions on a case by case basis. The outside counsel will prepare and file a petition with the US Citizenship and Immigration Service (USCIS) requesting, on behalf of East Georgia State College, that the foreign national employee be approved for H-1B work authorization at EGSC. When USCIS approves the petition, a new I-94 card and Notice of Action will be sent to EGSC. Please contact the EGSC Office of Human Resources (478) 289-2025 for the process for obtaining work authorization for foreign national applicants for non-faculty positions.

Who will pay for my visa petition?

If EGSC sponsors H1B work authorization visa, EGSC will pay the attorney's fees and filing fees needed to obtain H-1B work authorization for faculty members. The foreign national employee must pay any fees associated with obtaining an actual H-1B visa. If a faculty member needs another type of visa petition, the allocation of costs will be decided on a case-by-case basis. NOTE: Two to three weeks is generally required to gather information and file an H-1B petition. Once an H-1B petition is filed, it may take three months or more to approve. Therefore, EGSC should file an H-1B petition in March or April for an applicant in order to ensure adequate time for USCIS approval prior to the start of the academic year. A foreign national employee cannot complete employment paperwork, receive keys or computer access, teach or attend classed until approval of the H-1B visa is received by EGSC. If premium processing is required to ensure a fifteen (15) day processing, the foreign national employee is required to pay this fee.

What about my dependents?

EGSC will not pay for a petition to allow your spouse and other dependents to obtain H-4 authorization. The faculty will be responsible for all costs and fees associated with the H-4 authorization. Outside counsel for EGSC may file the petition at the same time the H-1B petition is filed, provided your dependents are ready to convert to H-4 status at the time of filing.

How long does H-1B work authorization remain valid?

An H-1B lasts for three years, but can be extended for an additional three years. A faculty member can hold an H-1B for six years, provided they did not hold an H-1B sponsored by a previous employer. If you have not obtained permanent resident status by the end of the six year period, however, it may be difficult for EGSC to continue your employment.

Will EGSC help me get my green card?

EGSC cannot advise or assist you in applying for permanent residency through an I-485 (Application to Register Permanent Residence or to Adjust Status).

EGSC can assist faculty in a non-temporary position to obtain permanent resident status based on your employment. Please contact the Office of Human Resources for details.