

**Subject: Employment of International Faculty, Staff and Students**

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**PURPOSE**

To set forth policies and procedures for employing international faculty, staff and students

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**DEFINITIONS**

Department of Homeland Security (DHS). The agency responsible for administering the Immigration and Nationality Act as amended. The DHS monitors all matters related to international visitors who are in the United States.

Department of Labor (DOL). The agency responsible for administering programs that facilitate hiring temporary or permanent internationals while protecting jobs for the U.S. workforce.

U.S. Citizenship and Immigration Services (CIS). A department within DHS responsible for adjudicating immigration petitions.

Labor Condition Application (LCA). A certification obtained from DOL to ensure foreign nationals are not being hired to undercut the U.S. labor market.

Non-immigrant. Someone who has been admitted into the U.S. temporarily to engage in a specific activity (i.e. tourism, study, cultural exchange, or temporary employment).

Immigrant. Someone who has been granted permission to reside in the U.S. on a permanent basis. Also known as Lawful Permanent Resident or “Green Card” holder.

Scholar. A non-immigrant faculty or staff member.

Non-immigrant classifications. The status accorded to individuals temporarily in the U.S. Classifications generally eligible to work in the U.S. within specific guidelines and restrictions, include, but are not limited to the following.

F-1. International students who are generally eligible to work up to 20 hours per week on campus.

J-1. Exchange visitors who include students, visiting faculty and researchers who are eligible to work pursuant to the terms and conditions of their Program Sponsor. See AP 2.8 for additional information.

H-1b. Temporary workers in an occupation that requires a minimum of a bachelor’s degree in a specialized field.

TN-1. Temporary workers from Canada or Mexico in occupations specified in the North American Free Trade Agreement.

Employment Authorization Document (EAD). Work permit granted by immigration based upon application for a specific benefit (i.e. asylum, refugee, pending green card applicant, F-1 Optional Practical Training, dependent of an exchange visitor, etc.).

Optional/Curricular Practical Training. A type of work permit available to F-1 students to compliment their course of study.

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## **GENERAL POLICY**

Federal law strictly regulates the employment of non-immigrants. The provost has designated staff of the Office of International Students & Scholars (OISS) with the authority to sign CIS and DOL petitions related to the temporary employment of international faculty and staff. These include, but are not limited to the following.

1. ETA 9035 (Labor Condition Application for H-1b Non-immigrants)
2. I-129 (Petition for Non-immigrant Worker)
3. I-907 (Request for Premium Processing Service)

The OISS is responsible for filing applications and petitions on behalf of the University. For complex petitions, the University may seek advice from University Counsel.

Pursuant to PM-26, no University employee may sign form G-28 (Notice of Entry of Appearance as Attorney or Representative) to designate an attorney to assist, advise, or represent the University in the preparation and submission of employer-based petitions.

Pursuant to PM-26, the University may set policy to determine when institutional, grant, or foundation funds may be used to pay for non-mandated employer based fees. In general, institutional, or foundation funds may be used when fees are federally mandated to be paid by the employer (i.e. H-1b petition and anti-fraud fees). Grant funds may only be used if allowed by granting agency and approved through appropriate channels by the provost's office.

In the case of non-mandated fees such as the premium processing fee, departments must demonstrate business related necessity and obtain permission through normal routing channels from the provost's office. Use of grant funds for federally mandated or non-mandated immigration fees must be done in accordance with rules and regulations of the granting agency.

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## **AUTHORITY**

PM-26: LSU System Policy on International Employees and Visitors

Immigration and Nationality Act as amended

Department of Labor Regulations: 20 CFR Parts 655 and 656

Department of Homeland Security Regulations: 8 CFR Parts 214 and 274a

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## PROCEDURES

### A. Selection of International Employees

Departments that anticipate international applicants for expected job openings should consult with the Office of International Students & Scholars (OISS) prior to beginning the recruitment process. In the case of H-1b petitions, the DOL has the responsibility to certify UNO is offering the non-immigrant an adequate wage so as not to undercut the labor market for U.S. or permanent resident applicants.

Hiring units should follow normal LSU system and institutional procedures for the recruitment and appointment of faculty, staff and students. The appointment of foreign nationals to UNO faculty and staff positions must be coordinated with assistance from the OISS. Forms needed to obtain approval and process immigration petitions are available at [www.uno.edu/oiss](http://www.uno.edu/oiss).

Student Employees. Non-immigrant students are generally permitted to work on campus up to 20 hours per week as long as they have not violated the terms and conditions of their immigration status or if in possession of a valid work permit issued by immigration.

Faculty and Staff. Non-immigrant faculty and staff may work for UNO if permitted by the terms and conditions of their immigration status or if in possession of a valid work permit issued by immigration

Examples of non-immigrant classifications permitted to work on campus subject to specific terms and conditions include (but are not limited to):

F-1 status where the University of New Orleans is the sponsoring institution

H-1b status where the University of New Orleans is the petitioner

J-1 status where the University of New Orleans is the Program Sponsor

TN-1 status where the University of New Orleans is the petitioner.

### B. Personnel Actions

Students. Departments that employ international students must follow all LSU System and UNO policies and procedures for the appointment of student workers and graduate assistants. In addition, form I-9, *Employment Eligibility Verification*, must be accompanied by a copy of form I-20 or DS-2019, passport, I-94 card (usually stapled into the passport), and the *Certification of On Campus Employment* form available from the OISS. Students must obtain the latter form from the OISS and submit it to the hiring department.

Faculty and Staff. Departments that employ international faculty and staff must follow all LSU System and UNO policies and procedures. In addition, form I-9 *Employment Eligibility Verification* must be accompanied by documents evidencing eligibility to work in the U.S. These may include, DS 2019

and/or I-94 card (usually stapled into passport), or Employment Authorization Document, and passport copy.

Tax Compliance. All international employees must complete the *Foreign National Tax Information* form and all applicable tax withholding documents with the International Tax Coordinator.

### **C. Contractual Services**

Policies and procedures for payment of contractual services to foreign nationals are covered under AP 10.8.

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