

Hiring of Foreign Nationals	Procedure Number	UA-PTC AR 405.1.4
	Effective Date	1-1-19

1.0 PURPOSE

1 To establish guidelines for consistent decisions and practices, ensuring compliance with Federal regulations
 2 governing the employment of foreign nationals. This serves to protect the organization and individual employees
 3 from substantial penalties that the unauthorized employment of foreign nationals may incur.

4 **2.0 REVISION HISTORY**

5 Adopted on:
 6 Revised on:
 7 Supersedes: ARHR 2.10.1 Hiring of Foreign Nationals

3.0 PERSONS AFFECTED

8 Faculty and staff

4.1 PROCEDURE

- 9 A. The employment of any foreign national working under a nonimmigrant visa will be subject to the terms
 10 and conditions specific to the type of visa held. The Director of Human Resources will work in conjunction
 11 with the University Of Arkansas System Office Of General Counsel to represent UA-PTC in any
 12 nonimmigrant or immigrant petition or application proceedings. A foreign national may choose to retain a
 13 private attorney to represent his/her interests or those of accompanying family members; however, UA-
 14 Pulaski Technical College will not pay for this private representation. Questions about employing foreign
 15 nationals must be addressed prior to making an offer of employment.
- 16 B. Applicants Currently Holding H-1B Visa- Applicants holding H-1B visas may not be appointed beyond the
 17 term of their current visa’s expiration date. A visa transfer need not be officially granted before
 18 employment begins, but a petition must be submitted by UA-PTC to the US Citizen and Immigration
 19 Service (USCIS), with proof of receipt. Before employment is offered, the AVC for Human Resources must
 20 approve of a salary offer to ensure conformity with government regulations on minimum salary levels for
 21 H-1B visa holders. Upon expiration of an employee’s H-1B visa, UA-PTC will be responsible for return
 22 travel to the employee’s country of origin. If visa expiration is anticipated during employment,
 23 departments should budget accordingly.
- 24 C. Applicants with Other Types of Visa- Applicants with student (usually an F1) or post-academic training
 25 (usually OPT) visas may be employed subject to the terms of work authorizations issued by the USCIS.
 26 Human Resources must keep a copy of the visa holder’s work authorization card or papers and ensure
 27 Form I-9 employment eligibility verification.
- 28 D. Initial H-1B Visa Sponsorship- Due to the costs associated with initiating H-1B sponsorship, all requests to
 29 sponsor an applicant or employee must be approved by the Chancellor.

30 E. Nothing in this rule shall be used as the basis for discrimination against any individual or group because of
 31 race, sex, age, color, religion, national origin, disability, or veteran status; nor will it be construed to be a
 32 basis for circumventing equal employment opportunity laws, policies, and standard employment
 33 procedures.

REQUIRED APPROVALS	NAME/SIGNATURE/TITLE	DATE
Originator(s):	UA-PTC Review	Oct 2018
Ratified by:	UA General Counsel	Jan 2019
Recommended by Chancellor (Signature)	Margaret Ellibee	May 2019
UA Aligned Policy		