

Policies of the University of North Texas	Chapter 03
03.202 Employment of Non-Citizens	Human Resources

Policy Statement. The University of North Texas System Administration (System Administration) employs immigrants and non-immigrants in accordance with the provisions of the United States Immigration and Nationality Act, as amended, the Mutual Educational and Cultural Exchange Act of 1961 and other federal laws and regulations. An individual who is not a citizen of this country is protected from discrimination in hiring and in employment under the provisions of federal law and the Texas Labor Code. Non-immigrants are eligible for the same employee benefits as immigrants in accordance with Federal and State law.

Application of Policy. All Employees

Definitions.

1. Curricular Practical Training. “Curricular Practical Training” means practical experience directly related to an F1 student’s field of study. Authorization is granted by the Designated School Official (DSO) at the Student and Exchange Visitor Information System (SEVIS) school where the student is currently enrolled.
2. Employee. “Employee” means an individual who is employed full-time, part-time, in a temporary status as staff or hourly, or who is required to be a student as a condition of employment.
3. Employing Department. “Employing Department” means the System Administration department responsible for the decision to offer employment or to promote, transfer, or reclassify an employee.
4. Immigrant. “Immigrant” means an individual who has been granted permanent resident status in the United States, but is not a United States citizen.
5. Non-immigrant. “Non-immigrant” means an individual who is admitted into the United States temporarily for specific purposes and periods of time.
6. Non-immigrants in F status. “Non-immigrant in F status” means persons temporarily admitted to this country to study at a recognized educational institution approved by the Department of Homeland Security.
7. Non-immigrants in J status. “Non-immigrants in J status” means students, scholars, teachers, professors, research scholars, specialists or similar persons temporarily admitted to this country under Department of State rules to participate in a program designated by the United States Department of State.
 - a. J-1 Research Scholar. “J1 Research Scholar” means an individual whose primary purpose is conducting research, observing, or consulting in connection with a research project at an approved University of North Texas System site of activity who possesses the required education and skill to participate.

- b. J-1 Professor. “J1 Professor” means an individual whose primary purpose is teaching, lecturing, observing, or consulting at an approved University of North Texas System site of activity who possesses the required education and skill to participate.
 - c. J-1 Short Term Scholar. “J1 Short Term Scholar” means an individual whose primary purpose is lecturing, observing, consulting, training or demonstrating special skills at an approved University of North Texas System site of activity who possesses the required education and skill to participate.
8. Non-immigrants in H-1B Specialty Occupation Temporary Worker status. “Non-immigrants in H-1B Specialty Occupation Temporary Worker status” means a person temporarily admitted to the U.S. to perform services in a specialty occupation that requires theoretical and practical application of a body of knowledge in professional fields and at least the attainment of a bachelor's degree, or its equivalent, as a minimum for entry into the occupation in the United States.
 9. Non-immigrants TN NAFTA Professional status. “Non-immigrants TN NAFTA Professional status” means a citizen of Canada or Mexico, temporarily admitted to the U.S., whose primary purpose is to engage in business activities at a professional level whose position requires a profession listed on the NAFTA Professions List and who possesses the specific requirements, education, and/or experience required by the profession.
 10. Non-immigrants E3 Specialty Occupation Professional status. “Non-immigrants E3 Specialty Occupation Professional status” means a citizen of Australia, temporarily admitted to the U.S., whose primary purpose is to perform services in a specialty occupation that requires theoretical and practical application of a body of knowledge in professional fields and at least the attainment of a bachelor's degree, or its equivalent, as a minimum for entry into the occupation in the United States.
 11. Non-immigrants O-1 Individual with Extraordinary Ability or Achievement status. “Non-immigrants O-1 Individual with Extraordinary Ability or Achievement status” means a person who demonstrates extraordinary ability by sustained national or international acclaim and must be coming temporarily to the United States to continue work in the area of extraordinary ability.
 12. Optional Practical Training. “Optional Practical Training” means United States Citizenship and Immigration Services (USCIS) adjudicated work authorization that allows an individual in F1 status to work in a field directly related to their program of study.

Procedures and Responsibilities.

I. Immigrants who are permanent residents may engage in all forms of employment.

II. Non-immigrant Status. Non-immigrants may be employed only if permission to work in the United States has been authorized by the U.S. Citizenship and Immigration Services (USCIS).

- A. F-1 students who are enrolled in a full course of study (generally 12 credit hours for an undergraduate student or 9 credit hours for graduate students, unless an exception is approved), and who are otherwise maintaining a valid F-1 status, may hold any on-campus employment., Such students do not require USCIS permission to accept on-campus

employment. However, the student's employment must not displace a United States citizen or permanent resident. These students may work:

1. No more than 20 hours per week during academic sessions.
2. No more than 25 hours per week during the summer and winter breaks and when not enrolled in classes.

F-1 students seeking off-campus employment through either "optional practical training" or "curricular practical training" may contact UNT International Student and Scholar Services (ISSS) for assistance. F-1 students from institutions other than a UNT System component institution who are employed by the System Administration under "optional practical training" or "curricular practical training" must provide the System Administration with documentation as specified by USCIS stating the terms and limitations under which they may be employed. Spouses or children in F-2 status may not be employed.

Responsible Party: Hiring Manager, ISSS, F-1 Employee

- B. Non-immigrants in J-1 status who are students may be employed on campus if work is authorized by the sponsor. Such employment requires a confirmation letter from the sponsor. Non-immigrants in J-1 status who are Professors or Research Scholars may engage in the employment status designated on their Form DS-2019. All Departments and J status holders must check with ISSS prior to offering or accepting employment or before making any increase in the non-immigrant's employment scheduled hours. J status holders may not start work without authorization by ISSS.

Spouses or children in J-2 status must have permission from USCIS to seek employment in the U.S. before they may be employed on campus. (Note: Application to the USCIS for permission to seek employment in the U.S. may be made with the assistance of ISSS, however, the application is made directly to USCIS not ISSS.)

Responsible Party: Hiring Manager, ISSS, J-1 Employee

- C. H-1B petitions for temporary employment of non-citizens in specialty occupations must fully comply with applicable federal laws and regulations. H-1B petitions are filed on behalf of the institution and must serve to support the teaching, research and service mission of the institution. H-1B petitions shall only be processed for approved faculty, professional and staff positions ("specialty occupations") for which attainment of a baccalaureate or higher degree in a specific field is a minimum requirement for entry into the occupation.

To ensure compliance with applicable federal laws and regulations, ISSS will prepare and file H-1B petitions on behalf of the institution. Employing departments are responsible for consulting with ISSS and for submitting all requested documentation. Departments should consult and obtain the approval of ISSS before making an offer of employment that will require H-1B processing.

The Chief Human Capital Officer or designee is the designated signature authority for H-1B petitions. The System Administration shall pay all H-1B petition filing fees for petitions that it authorizes, prepares and files. The System Administration has the right to terminate the petition process at any time and for any reason.

Responsible Party: Hiring Manager, ISSS, H-1B employee, Chief Human Capital Officer, or designee

- D. Other non-immigrants who require sponsorship by the System Administration may include TN Status, E-3 Status, and O-1 status. These sponsorships filed on behalf of the institution must serve to support the teaching, research, and service mission of the institution. Other non-immigrant sponsorships shall only be processed for approved staff positions in accordance with the employee's eligibility for such sponsorship.

The Chief Human Capital Officer or designee is the designated signature authority for employment sponsorship petitions. The System Administration shall pay petition filing fees for petitions that it authorizes, prepares and files. The System Administration will not pay petition filing fees for dependent petitions. The System Administration has the right to terminate the petition process at any time.

Responsible Party: Hiring Manager, ISSS, Non-Immigrant Employee, Chief Human Capital Officer

References and Cross-references.

Immigration and Naturalization Act, as amended. Immigration Reform and Control Act of 1986.

The Mutual Educational and Cultural Exchange Act of 1961.

IRS Publication 518, Foreign Scholars and Educational and Cultural Exchange Visitors. IRS Publication 519, United State Tax Guide for Aliens.

Deficit Reduction Act of 1984.

UNT System Administration Policy 03.201, Employee Affidavit

Approved: November 16, 2007

Effective: November 16, 2007

Revised: August 3, 2020