



THE UNIVERSITY of
NEW ORLEANS

ADMINISTERED BY: Office of Vice
President for Business Affairs

Policy No: AP-BA-22.3
TITLE: Employment of International Faculty,
Staff and Students
EFFECTIVE DATE: March 28, 2014
(*Policy Revised, see below)
CANCELLATION:
REVIEW DATE: Spring 2026

PURPOSE

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

AUTHORITY

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; Part Two, Chapter III, Section IV of the Bylaws and Rules of the University of Louisiana System; Part III-C, Chapter IV, Title 17 of the Louisiana Revised Statutes of 1950, R.S. 17:1826.3.

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 (USCIS). 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, student interns, visiting faculty and researchers who are eligible to work pursuant to the terms and conditions of their Program Sponsor. See AP-OP-05.2 for additional information.
- H-1b. Temporary workers in an occupation that requires a minimum of a bachelor's degree in a specialized field.
- O-1. Temporary workers who possess extraordinary ability in a specific 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 complement their course of study.

Academic Training. A type of work authorization available to J-1 students to complement their course of study.

GENERAL POLICY

Federal law strictly regulates the employment of non-immigrants. The Provost and Vice President for Academic Affairs has designated staff of the Office of International Students & Scholars (OISS) with the authority to sign USCIS 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 with the assistance of outside immigration counsel.

The Director of OISS has been designated to 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.

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 Office of Academic Affairs.

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 Office of Academic Affairs. 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.

PROCEDURE

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 UL 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 <https://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. The State of Louisiana has implemented additional screening requirements for any graduate student applicant for a research or research-related support position (Section D of this policy). The additional screening must occur prior to the employment offer.

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. The State of Louisiana has implemented additional screening requirements for any person seeking a research position, research-related support position, or a visiting researcher. The additional requirements can be found in Section D of this policy and must be complete prior to an employment offer.

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

O-1 status where the University of New Orleans is the petitioner

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

B. Personnel Actions

Students. Departments that employ international students must follow all UL 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, 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 UL 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, 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-BA-17.

D. Special Screening Requirements for Foreign Researchers

The Louisiana Revised Statutes of 1950 (R.S 17:1826.3) places additional screening requirements for any person in a research or research-related support position, a graduate student applicant for a research or research-related support position, or for a position as a visiting researcher. In addition to any steps required by the sections of this policy, prior to being offered employment, individuals shall be screened to determine whether:

The applicant is a citizen or permanent resident of the United States who has any affiliation with a foreign adversary or in a foreign country of concern as defined in LA RS 17:1826.2,

or

The applicant has at least one year of prior employment or training in a foreign adversary country of concern as defined in LA RS 17:1826.2 except for employment or training by an agency of the United States government.

Applicants who meet any of the aforementioned conditions are required to submit the following application documentation:

- A copy of their current passport;
- Their most recent Online Nonimmigrant Visa Application, DS-160;
- A complete resume and curriculum vitae that includes:
 - every institution of higher education attended;

- all previous employment since the applicant's eighteenth birthday;
 - a list of all published material for which the applicant received credit as an author, a researcher, or otherwise or, to which the applicant contributed significant research, writing, or editorial support;
 - a list of the applicants' current and pending research funding, and its amount, from any source, including the applicant's role on the project, and a brief description of the research;
 - and a full disclosure of no university professional activities, including any affiliation with an institution or program in a foreign adversary country of concern.
- If an applicant has been continually employed or enrolled in a postsecondary education institution in the United States for twenty years or more, the resume may, but is not required to, include employment history before the most recent twenty-year period. Any education or employment since the applicant's eighteenth birthday;
 - any publications in which the applicant received credit, regardless of their role;
 - a listing of the applicant's current and pending research funding, the amounts of said funding, role in the research, and a brief description of the research;
 - and a full disclosure of any non-university professional activities including any affiliation with an institution or program in a foreign country of concern.

The University shall take necessary and reasonable steps to verify the accuracy of the application materials which may include but not limited to: searching publicly available databases for research publication, presentations, and conflict of interest records for accuracy and omissions; contacting previous employers to verify employment; contacting prior educational institutions to verify enrollment and educational process; searching public listings to determine whether the applicant is subject to any sanctions or restrictions under federal or state law; and conducting a second background check performed by the Federal Bureau of Investigation, the Louisiana State Police, or any other qualified local law enforcement agency, if any of the individual's information provided on the Online Nonimmigrant Visa Application, Form DS-160 raises any security concerns for the institution about the individual's relationship with a foreign adversary.

Should conflict exist between the language of this university policy and the Revised Statutes, the language contained in the Revised Statutes shall prevail.



John W. Nicklow
President
University of New Orleans

**Policy Updates:
Revisions: 06/29/2022*