

POLICIES AND PROCEDURES

Subject: Employment of Foreign Nationals Reference: F-V-I

Source: President Eff. Date: July 17, 2000

Approval Auth.: President Approved: _____

Remarks: _____

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A. BASIC PROCEDURES

1. McLennan Community College will consider the employment of foreign nationals (all non-United States citizens not holding permanent resident visas) in strict compliance with United States law and the appropriate regulations as promulgated by the United States Immigration and Naturalization Service and other agencies of the United States government. Therefore, foreign nationals will be considered for employment at McLennan Community College only when United States citizens of equal training, experience, and competence are not available. As an additional constraint, federal law prohibits the employment of noncitizens except where certain conditions and visa requirements are met. However, documentation that a person is eligible to work in the United States may not be requested until a contingent offer of employment has been made. For these reasons, employing departments must secure proper administrative approvals and must accomplish necessary investigation and clearance of visa requirements after making a contingent offer of employment. All offers of employment should state that employment is contingent on the applicant obtaining the proper visa.
2. When it is in the mutual interest of McLennan Community College and a foreign national for the foreign national to petition the Immigration and Naturalization Service to seek permanent residency in the United States or to obtain a different visa type, the petition must be made by the foreign national. Assistance of individuals, departments, or advisors to McLennan Community College to a foreign national in obtaining permanent residence in the United States will be limited to letters of recommendation and statements or affidavits concerning performance, capability, or general evaluation of character.

B. CERTIFICATION OF VISA CREDENTIALS

After contingent offers of employment are made, McLennan Community College's Human Resources department will review the visa credentials for foreign nationals and certify their eligibility to accept employment of the type being considered. Approvals to confirm employment offers will be granted only after Human Resources or other designated department certifies the eligibility of the foreign national insofar as visa and other federal regulations are concerned.

C. AUTHORITY TO APPROVE OFFERS OF EMPLOYMENT TO FOREIGN NATIONALS

The President recommends and the Board of Trustees approves all appointments of foreign nationals who receive professional contracts. The President approves employment of all other foreign nationals.

D. RESPONSIBILITY OF EMPLOYING DEPARTMENT.

Appropriate supervisor proposing to employ foreign nationals will be responsible for:

- (1) obtaining and furnishing information showing that no United States citizen of equal training, experience, and competence is available to fill the position;
- (2) securing the approval of the appropriate Vice President (or others who report directly to the President) to contact the prospective employee to determine if the applicant would accept terms of employment (salary and benefits) if offered;
- (3) ensuring that correspondence with the foreign national, prior to obtaining the necessary approvals, does not constitute an offer of employment; and
- (4) informing the Director of Human Resources when:
 - (a) an offer of employment to a foreign national is accepted or declined;
 - (b) the foreign national employee reports on campus for duty; and
 - (c) a foreign national employee's employment is to be terminated.

Appropriate supervisor will assist Human Resources office in providing additional documentation as approved by the President.

E. COORDINATION OF FORMS AND PROCEDURES

Human Resources will issue appropriate forms and instructions so a uniform and systematic method of processing employment offers to foreign nationals may be maintained at McLennan Community College.

F. SOME COMMON TYPES OF NONIMMIGRANT VISAS

A nonimmigrant is any alien coming to the United States for a temporary stay. Nonimmigrant visas are issued under section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101), as amended. Most students receive F-1 visas if they will pursue a full course of study in an academic institution or engage in language training. They are given M-1 status if they are pursuing a full course of study at an established vocational or other recognized nonacademic institution. Some may hold other classifications (sometimes as dependents), such as diplomat (A), temporary worker (H), treaty trader/investor (E), international organization employee, (G) or exchange visitor (J). Foreign professors and researchers are usually in J-1 or H-1B status but may have O-1 status (workers of extraordinary ability in the sciences, arts, business, education, or athletics.)