Policy 4.15
Employment of Foreign Nationals

Responsible Official: VP for Human Resources
Administering Division/Department: Recruiting
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Overview

There are numerous federal laws, regulations and treaties which determine the terms and conditions of employment of citizens for countries other than the United States. In order to ensure compliance with such laws and regulations, departments are encouraged to contact International Student and Scholar Programs at 727-3300, if assistance is needed when making an employment commitment to a foreign citizen, whether or not the person is already present in the United States.

Policy Details

A foreign national’s eligibility for Emory employment is determined by the type of authorized documents. These documents are issued by the United States Citizenship and Immigration Services (USCIS) or one of its designated school officials, the Department of State’s Bureau of Cultural Affairs or one of its designated program sponsors. The chart listed below outlines the numerous non-immigrant visa categories and the restrictions that limit the Foreign National’s ability to be employed, receive compensation, or study in the United States.

Definitions

TYPES OF VISAS

F-1. Student (individual is in the United States engaging in a full course of academic study in an accredited educational program) — may be employed on the campus of the school he/she is authorized to attend for a maximum of 20 hours per week while classes are in session. During school vacations, students may work on campus for a maximum of 40 hours per week, provided the student intends to enroll for the next term following the vacation period. On-campus employment is not permitted after completion of a course of study (other than through optional practical training) unless the student has been accepted and receives an I-20, and is planning to enroll in a new educational program at the same or different educational institution. On-campus employment must be authorized by an INS designated school official on the back of the student’s I-20ID.

Students attending another college or university may be employed at Emory under the auspices of Curricular Practical Training, Severe Economic Hardship or Optional Practical Training. Students authorized for employment on Curricular Practical Training will have an endorsement for employment at Emory University on the back of a valid INS Form I-20ID by the designated school official from the school the students are authorized to attend. Students authorized for employment based on severe economic hardship will have INS Form I-688B: Employment Authorization Document. Students authorized for Optional Practical Training will have a Form I-20ID endorsed by the designated school official and Form I-688B. The date on front of the Form I-20ID may expire as long as the
authorization on the back and Form I-688B are current.

H-1B. Temporary Worker in a Specialty Occupation (individual in the United States to perform professional services for a fixed period of time) — employment is permitted only with the sponsoring institution that obtained INS approval for the visa classification or immigration status.

H-2B. Skilled or Unskilled Worker (individual is in the United States in a temporary position for which a shortage of United States workers exists for a specific employer and for a fixed period of time) — may be employed by the petitioning employer for a specified period of time.

J-1. Exchange Visitor [student] (individual in the United States for the primary purpose of studying at any academic institution under the auspices of the designated program sponsor) — may be employed on the campus of the school in which he/she is enrolled to a maximum of 20 hours per week with prior written approval from the designated program sponsor. Students in a Prescribed Course of Study may be employed for more than 20 hours a week. J-1 students from other campuses may be employed for a maximum of 20 hours per week with prior written approval from the designated program sponsor.

Either before or after graduation, both Emory students and other students may be employed at Emory under the auspices of academic training with a valid Form DS-2019 and written approval from the designated program sponsor.

J-1. Exchange Visitor [short term scholar, professor, researcher or specialist] (individual is in the United States as a visiting researcher or professor under the auspices of the designated program sponsor) — eligible to receive payment from the organization listed on form DS-2019 or the designated program sponsor for a fixed period of time. Under limited circumstances, may be authorized for additional paid employment by the responsible officer of the designated program and cannot be employed as tenured or tenure-track faculty.

J-2. Dependent of J1 Visa Holder (individual is in the United States as a dependent [spouse or unmarried child under the age of 21] of a J1 student or scholar) — eligible to apply to Immigration and Naturalization Service (INS) for work authorization. The individual may work for any employer with the Employment Authorization Document (EAD).

TN. Trade NAFTA [for citizens of Canada and Mexico] (individual is in the United States to perform professional services for a sponsoring employer in a specific position for a fixed period of time) — may be employed and compensated only by the sponsoring employer through whom the status was obtained. Canadians and Mexicans granted TN status must have a Form I-94 indicating the sponsoring employer and occupation on the reverse.

O-1. Persons of Extraordinary Ability (individuals in the United States on a temporary basis to work within his or her area of extraordinary ability)—may be employed and compensated only by the petitioning employer or agency through whom the status was obtained.

Non-resident foreign nationals may be employed in regular full-time or regular part-time positions at Emory. Regular employment (either full- or part-time) provides eligibility for expanded benefits such as tuition reimbursement, courtesy scholarship, accrued leaves and other paid leave benefits.

Related Links

- Current Version of This Policy: http://policies.emory.edu/4.15

Revision History

No previous versions of this policy were found.

Emory University policies are subject to change at any time. If you are reading this policy in paper or PDF format, you are strongly encouraged to visit policies.emory.edu to ensure that you are relying on the current version.