

HEALTH SCIENCE CENTER HANDBOOK OF OPERATING PROCEDURES

Chapter 4	General Personnel Policies	Effective:	November 2000
Section 4.5	Employment Administration	Revised:	December 2001
Policy 4.5.12	Employment of Non-Citizens	Responsibility:	Vice President for Human Resources

EMPLOYMENT OF NON-CITIZENS

Policy

The Health Science Center will comply with the provisions of the *United States Immigration and Naturalization Act*, as amended, and the *Mutual Education Cultural Exchange Act of 1961* governing the employment of immigrant and non-immigrant aliens (non-citizens).

Immigrants are those who have been granted permanent resident status, but who are not United States citizens. Non-immigrants are those individuals who are admitted temporarily for specific purposes and periods of time.

Non-immigrants may be employed by the Health Science Center only if permission to work in the United States has been granted by the Immigration and Naturalization Service (INS). Non-immigrants who may be eligible to work at the Health Science Center generally fall into three categories:

1. International students with F visas;
2. Individuals with J visas; and,
3. Individuals with H visas.

Applicability

This policy applies to all faculty, administrative and professional (A&P), and classified employees of the Health Science Center.

International Students with F Visas

1. International students are aliens temporarily admitted to this country under INS rules to study at a recognized educational institution approved by the Attorney General of the United States. International students can be identified by the symbol F-1 that appears on their visas (F-2 for spouses and children).
2. International students who are taking a full course of study may be offered on-campus employment pursuant to the terms of a scholarship, fellowship, or assistantship deemed to be part of their academic program if related to their course of study.

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3. They may also, under some conditions, be eligible for other types of on-campus employment. International students do not require INS permission to accept this type of on-campus employment. The student's employment must not displace a United States citizen or permanent resident. However, International Services may verify such employment. The F-1 visa normally limits the number of hours international students may work to 20 hours per week during academic sessions. During the summer or other vacation periods, international students may work up to 40 hours per week.
 4. Spouses or children with F-2 visas may not be employed.

**Non-Immigrants
with J Visas**

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1. Non-immigrants with J-1 visas (J-2 for spouses and children) are students, scholars, trainees, postdoctoral fellows, teachers, professors, research assistants, specialists, or similar persons temporarily admitted to this country under INS rules to participate in a program designated by the Secretary of State.
 2. Non-immigrants with a J-1 visa may be employed by the Health Science Center only in positions related to sponsored programs. Any changes or transfers in the J-1 program must be coordinated by the International Services in advance of the transaction.
 3. Spouses or children with J-2 visas must have permission from the INS to seek employment in the United States before they may be employed. The individual must make application in person to the nearest INS office for permission to seek employment in the United States. Information on the procedure is available in International Services.

**Non-Immigrants
with H Visas**

Individuals admitted to the United States as "workers of distinguished merit", "temporary workers", "postdoctoral fellows" or "trainees" under special circumstances may be employed at the Health Science Center on a temporary basis. International Services should verify authorization of such employment.

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**Benefits and
Withholding**

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1. Non-citizens who are employed are eligible for the same benefits as are other employees of comparable positions. Non-immigrants with F-1 or J-1 visas who have been authorized to work are not subject to social security withholding (FICA) for a limited period of time. International Services should be contacted for specific limitations.
 2. All non-immigrants must complete a W-4 form claiming a single exemption only and pay income tax withholding unless treaty provisions exempt them from doing so. International Services will determine if an individual is or is not subject to federal income tax.
 3. Non-immigrants on H visas are subject to withholding for social security and income taxes, unless tax exemption is specifically provided by treaty or convention. Permanent residents (immigrants) and spouses or children (with J-2 visas) or individuals with J-1 visas must participate in social security and income tax withholding, unless eligible to file an exemption from income tax withholding.
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