

Information

Employment of Non Resident Aliens Non Immigrants

Effective

May 1 1992

Number

PER 2 17

Applicability

This policy applies to University Administrators Faculty Staff and Students

Administrative Authority

Vice President for Human Resources

Responsible Unit

Human Resources

Miller Information Technology Center Rm 02C

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History

Revision Date(s): December 10, 2021 (minor edits); April 22, 2022 (minor edits); August 24, 2022 (minor edit); May 15, 2023; April 1, 2026 (minor revision)

Reviewed Date(s): March 8, 2016

Categories

Statement:

The university may hire non-resident aliens for non-permanent staff positions of up to one year and also for any visiting faculty appointment or appointments if the alien

has the appropriate visa. The standard temporary visas encountered for employment are the F1 (students) with "practical training" approval, the H1 distinguished merit scholar or worker, and the J1 exchange visitor student. The university may hire non-resident aliens for an indefinite term (i.e., in permanent positions) upon compliance with the labor certification process.

Related Information:

If the unit or department intends to offer employment to a non-resident alien, it is important to give immediate notice to the appropriate university office(s) to start coordinating any visa or work authorization process required for the alien with the [Immigration and Naturalization Service \(INS\)](#) or the [Department of Labor \(DOL\)](#).

Early notification may assist the alien in complying with his or her employment verification obligation under federal law before beginning work.

In order for the university to offer a staff position or a regular faculty appointment for an indefinite term (i.e., permanent employment) to an alien who does not have permanent residence (evidenced by the "green card"), an Application for Labor Certification must be approved in advance from the Department of Labor. A special procedure and exception to the general selection standard applies to employing faculty and allows non-selection of other qualified U. S. applicants if the non-resident alien is more qualified. This exception does not apply to non-faculty hiring.

Therefore, filing a labor certification application to hire non-resident aliens in permanent university staff positions is a difficult and lengthy process. Approval will not be granted if the salary offered is not at the prevailing market rate or if another U.S. applicant is even minimally qualified for the position. When an offer of permanent faculty employment is involved, the Office of General Counsel and VP for Legal Affairs coordinates directly with the requesting department the filing for labor certification on behalf of the university. When an offer of permanent employment is involved for non-faculty, the Office of General Counsel and VP for Legal Affairs assists in Human Resources coordination of the labor certification process. [See PER 2.16, Employment of Resident Aliens \(Immigrants\)](#), for specific information relating to this process.

U.S. law requires that all non-immigrant aliens have a valid passport issued by their home country and extended, renewed, and reissued by the home country as necessary. The university requires that such a passport be presented upon employment, along with an attached visa stamp and/or arrival/departure document issued at the port of entry in the United States. This document will bear the alien's status (F1,J1,H1), along with either an expiration date or "D/S" (duration of status for an indefinite period).

[Immigration and Naturalization Service \(INS\)](#)

[Department of Labor \(DOL\)](#)

[See PER 2.16, Employment of Resident Aliens \(Immigrants\)](#)

[International Center](#)

[International Students & Scholars](#)

Definitions:

Non-resident aliens (non-immigrants) are aliens admitted temporarily for specific purposes and definite periods of time.

An F1 student is a person with a resident in a foreign country to which he or she plans to return and who is coming to the United States temporarily and solely for the purpose of attending a school previously selected by him and approved by the Attorney General.

Responsibilities:

Upon receiving the appropriate clearances through the requesting department and the Human Resources Department, J1 visas are coordinated by the International Student Coordinator at the International Center.