

Information

Employment of Resident Aliens Immigrants

Effective

May 1 1992

Number

PER 2 16

Applicability

This policy applies to University Administrators Faculty and Staff

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 14, 2021 (minor edits); April 22, 2022 (minor edits);
August 24, 2022 (minor edit); April 1, 2026 (minor revision)

Reviewed Date(s): March 8, 2016

Categories

Statement:

For university purposes, immigrants and refugees are treated as U.S. citizens for employment practices. They may be eligible for federal financial aid, employed without restrictions of the immigration laws, and become residents for tuition purposes in public institutions. Immigrants may engage in employment through the university without special permission from the Immigration and Naturalization Service.

Related Information:

Foreign scholars coming to the United States to accept a permanent faculty position at the university should apply for an immigrant visa. Eligibility for permanent status or immigrant status is limited to the following types of persons for university purposes:

- A. Aliens having family members who are U.S. citizens or permanent residents;
- B. Refugees and applicants for asylum; and
- C. Aliens having special occupational skills who are "members of the profession," or possess "exceptional ability in the sciences or the arts" (third preference) or who are "capable of performing specified skilled or unskilled labor, not of a temporary or seasonal nature, for which a shortage of employable persons exist in the U.S." (sixth preference). Foreign scholars who are offered permanent or long-term positions in the university may qualify under this category as either third-preference or sixth-preference immigrants.

The university may offer permanent employment or a tenure-track faculty position to an immigrant alien, but a labor certification must be obtained in advance from the federal government to show no Americans are being displaced.

A special procedure exists for faculty hiring via the recruitment plan and search committee if the immigrant alien is the top choice willing to accept the position at the advertised salary.

There is no exception for non-faculty positions, which means the university must show there are no Americans who meet the minimum qualifications for those positions if offered at the "prevailing" wage. Prevailing wage means the market rate for these kinds of skills and is usually higher than university salary. A labor certification for permanent hiring of an alien in anything other than a tenure-track position should be requested in only a most exceptional situation.

[PER-2.01, Recruitment and Selection - Staff](#)

Definitions:

Resident aliens (immigrants) are persons who are admitted to the United States for the purpose of residing here permanently. They are identified by their possession of the Alien Registration Receipt Card, or Immigration/Naturalization Form I-551, commonly known as a "green card."