

# **St. Mary's College of Maryland Employment of Foreign Nationals Policy Effective May 1, 2017**

## **Purpose**

This administrative policy establishes guidelines for consistent decisions and practices to ensure compliance with federal regulations governing the employment of foreign nationals. It serves to protect the College and individual employees from substantial penalties that may be incurred in the employment of unauthorized aliens. This policy applies to the employment of foreign nationals regardless of their employment status at St. Mary's College of Maryland.

## **Policy**

It is the policy of the College that it may employ, or make employment offers to, foreign nationals only when U.S. citizens or permanent residents of equal training, experience and competence for the position are unavailable. Such a determination can only be made following a completely documented search and evaluation process. Employment of foreign nationals will be authorized only under the provisions of this policy and only when conditions and visa requirements established by federal law are ensured and documented. Under no circumstances may any employee of the College knowingly employ, or contract employment with, an unauthorized alien. Any offer of employment to a foreign national under a nonimmigrant program is considered temporary and is subject to the terms and conditions of the specific program's work authorization. Petitions from the College supporting H-1B visa classification will be reserved for individuals who have been offered positions requiring similar credentials. Holders of H-1B visas may be appointed only for the time period permitted under the individual's visa.

The Director of Human Resources (HR) is permitted to authorize an attorney to represent the College in any nonimmigrant or immigrant petition or application proceedings. A foreign national may choose to retain an attorney to represent his or her interests; however, the College will not pay for this private representation. Nothing in this policy should be used as the basis for discrimination against any individual or group because of race, sex, age, color, religion, gender identity, sexual orientation, national origin, ethnicity, disability or veteran status; nor will it be construed to be a basis for circumventing equal employment opportunity laws, policies and standard employment procedures.

## **Responsibility**

The VP of Business and Finance will assign the authority and responsibility to an appropriate department or departments to ensure that the provisions of this policy are properly administered. Each individual hiring authority within the company is responsible for ensuring that employment offers to foreign national applicants or candidates for positions are contingent on receipt of necessary work authorization documents as directed through the HR department.

## **Definitions**

**Foreign national:** An individual who is not a U.S. citizen, permanent resident or resident alien of the United States.

**Employee:** An employee of the College is an individual who performs services that are subject to the will and control of the organization in terms of what must be done and how it will be done. An employee is paid through the payroll system, with accompanying tax withholding as provided by law.

**Volunteer:** An individual who performs activities to benefit the organization and who does not receive, nor expect to receive, payment or remuneration of any kind for such labor or service at any time.

**Permanent resident or resident alien:** An individual who has been lawfully admitted to the United States to live, an immigrant or holder of a green card.

**Nonimmigrant:** A citizen of another country who has been admitted to the United States for a temporary period and for a specific purpose.

**H-1B visa:** A temporary, nonimmigrant visa issued to a foreign national who has specialized education credentials and who has been offered a position requiring the application of a theoretical and specialized body of knowledge acquired in his or her degree program.

**Firm employment offer:** An oral or written communication in which a hiring authority makes an offer to employ a specific person in a specific position at a specified rate of pay to start within a certain time frame.