

## Employing Non-U.S. Citizens

**NOTE:** The website URL for **Workday reference guides** that are referenced in this section is:  
<https://confluence.esg.wsu.edu/display/WKB/Workday>

### IMMIGRATION STATUS

U. S. Citizenship and Immigration Services (USCIS) assigns an immigration status to each alien residing in the United States.

Except for permanent residents/immigrants, most aliens who have employment authorization may be employed on a temporary basis *only*.

### ASSISTANCE

Contact the Office of International Programs (IP) for the following, prior to employing an alien:

- IP evaluates the alien's circumstance to determine any employment restrictions or resolve employment questions prior to WSU employment.
- IP and hiring departments jointly complete the U.S. Citizenship and Immigration Services (USCIS) forms and, if applicable, U.S. Department of Labor (DOL) and U.S. Department of State (DOS) application materials.
- IP signs USCIS, DOL, and DOS forms regarding nonimmigrant employment on behalf of WSU. Processing Employment Eligibility Verification (I-9) forms is an exception (see *BPPM* 60.04).

### FOREIGN WORKER DISCLOSURE STATEMENT

The University must provide a disclosure statement regarding the statutory protection against human trafficking to each worker who is a non-U.S. citizen and who comes to the state of Washington based upon an offer of employment. (*RCW* 19.320.020)

### Procedure

If a new employee provides documentation of non-U.S. citizenship when they complete the I-9 form (see *BPPM* 60.04), the department must provide a Foreign Worker Disclosure Form to the employee. A link to the form is available on the Human Resource Services website at:

[hrs.wsu.edu/forms-letters/](https://hrs.wsu.edu/forms-letters/)

Contact HRS for assistance if the new employee is not fluent or literate in the English language.

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### **Procedure (cont.)**

The new employee signs the form. The department provides the original signed form to the employee and maintains a copy in the department personnel file.

### **IMMIGRATION CODES**

Following is a list of immigration status codes and general restrictions on employment. Departments enter the following codes on personnel actions processed through Workday. (See *BPPM* 60.27 and the applicable Workday reference guides.)

#### **IM: Permanent Resident/Immigrant**

WSU may employ a permanent resident/immigrant on a permanent or temporary basis.

#### **B-1: Visitor for Business**

Under this category, individuals are not eligible for employment.

#### **B-2: Visitor for Pleasure**

Under this category, individuals are not eligible for employment.

#### **E-3: Temporary Australian Worker in Specialty Occupation**

To be employed by WSU, the alien must have an unexpired employer-specific form I-94 indicating E-3 status.

#### **E-3D: Spouse or Child of Temporary Australian Specialty Worker**

To be eligible for WSU employment, the alien must have an unexpired Employment Authorization Document issued by USCIS.

#### **F-1: Student**

WSU may employ an international student who is authorized to attend WSU and is otherwise in lawful F-1 status.

Hours of employment may not exceed 20 hours per week while school is in session. During vacation periods, employment can be full-time.

Employment of a foreign student must not displace a U.S. worker. This rule does not apply to a teaching or research assistant.

#### **F-1: With Optional Practical Training**

WSU may employ an F-1 student who has an unexpired Employment Authorization Document issued by USCIS under the Optional Practical Training program. Employment must be related to the student's major field of study.

The student must be otherwise in lawful F-1 status.

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| <b>F-1: With Curricular Practical Training</b>  | WSU may employ an F-1 student who has been authorized for Curricular Practical Training as indicated on a Form I-20 by the Designated School Official. Employment must be related to the student's major field of study.  |
|   | The student must be otherwise in lawful F-1 status.   |
| <b>F-2: Spouse and Children of F-1 Student</b>  | Under this category, individuals are not eligible for employment.   |
| <b>H-1B: Alien Who Will Perform Services in a Specialty Occupation</b>                                  | USCIS must approve an H-1B employer-specific petition for WSU and grant an alien H-1B status prior to WSU employment. Employment is permitted only during the period indicated by the authorized dates in the approved petition.  |
| <b>H-4: Spouse and Children of H-1B Alien</b>   | Under this category, individuals are not eligible for employment.   |
| <b>J-1: Exchange Visitor— Research Scholar/ Professor/Short-Term Scholar/Specialist/ Student Intern</b> | WSU may employ a J-1 exchange visitor in one of these subcategories. To be eligible for WSU employment, the alien must have an unexpired Certificate of Eligibility for Exchange Visitor (J-1) Status/DS-2019 form issued by the WSU Office of International Programs (IP). An alien presenting a DS-2019 form issued by another institution must also present a letter signed by the Responsible Officer/Alternate Responsible Officer from that institution specifically authorizing the alien to be employed at WSU. |
| <b>J-1: Exchange Visitor— Student</b>   | WSU may employ a J-1 student who is authorized to attend WSU and has obtained a work authorization from the Responsible/Alternate Officer of the Exchange Visitor Program.  |
|   | Hours of employment may not exceed 20 hours per week while school is in session. During vacation periods, employment can be full-time.  |
|   | The student must be otherwise in lawful J-1 status.   |
| <b>J-1: Exchange Visitor— Student With Academic Training</b>  | WSU can employ a J-1 student who has been authorized for Academic Training as indicated on a DS-2019 by the Responsible/Alternate Officer of the Exchange Visitor Program. The employment must be related to the student's major field of study.  |
|   | The student must be otherwise in lawful J-1 status.   |

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### **IMMIGRATION CODES (cont.)**

<b>J-2: Spouse and Children of J-1 Alien</b>	To be eligible for WSU employment, the alien must have an unexpired Employment Authorization Document issued by USCIS.
<b>K-1: Fiance or Fiancee of a U.S. Citizen</b>	The alien must have an unexpired Employment Authorization Document issued by USCIS.
<b>K-3: Spouse of a U.S. Citizen</b>	The alien must have an unexpired Employment Authorization Document issued by USCIS.
<b>O-1: Alien of Extraordinary Ability</b>	USCIS must approve an employer-specific petition for WSU prior to WSU employment. Employment is permitted only during the period indicated by the authorized dates in the approved petition.
<b>O-3: Spouse or Children of O-1 Alien</b>	Under this category, individuals are not eligible for employment.
<b>TN: NAFTA Professional, Mexican National / Canadian National</b>	To be employed by WSU, the alien must have an unexpired employer-specific form I-94 indicating TN status.
<b>TD: Spouse and Children of TN-1 or TN-2 Alien</b>	Under this category, individuals are not eligible for employment.
<b>TR: Temporary Resident (Pending I-485 Permanent Residency Application)</b>	To be eligible for WSU employment, the alien must have an unexpired Employment Authorization Document issued by USCIS.