CWUP 2-30-115 Employment of Foreign Nationals

Policy Statement

Central Washington University encourages international educational exchange initiatives and recognizes the need for worldwide recruitment for both long- and short-term positions. The appointment of foreign nationals is a complex matter involving three United States government agencies—the Departments of State, Homeland Security, and Labor. The university is constrained by the regulations of these agencies and by immigration acts enacted by Congress, including the Immigration Reform and Control Act of 1986, which sanctions employers for employing individuals not authorized to work in the United States.

The purpose of this policy is to ensure supervisors and appointing authorities comply with federal regulations concerning the employment of short- and long-term employees.

Responsibilities

(1) Each department is responsible for the employment of foreign nationals within their department.

(2) Human Resources, working with the Washington State Attorney General’s Office (AGO), provides assistance to departments and appointing authorities regarding immigration employment matters. This assistance includes, but is not limited to, reviewing supporting immigration documentation and facilitating the processing of immigration employment petitions after a contingent offer has been made. HR also acts as an agent for departments in filing labor condition applications and applications for labor certification with the Department of Labor.

Employment of Foreign Nationals in the United States

(1) It is unlawful to hire a foreign national knowing that the foreign national is not authorized to work in the United States.

(2) Unless there is a legal requirement for a particular position, citizenship status will not be used as a basis for discriminating against a foreign national. Federal law governs the employment of a foreign national. The university may not request documentation that a person is eligible to work in the United States until a contingent offer and acceptance of employment has been made. Each offer of employment should state that employment is contingent on the applicant’s ability to provide employment eligibility documentation required by federal immigration laws.

(3) The appointing authority proposing to employ a foreign national ensures that correspondence with the foreign national prior to obtaining the necessary approvals does not constitute a firm offer of employment.