



Policy Chapter: Chapter 5 Human Resources

Policy Number and Title: 05.010 Employment of Non-Citizens

I. Policy Statement

The University of North Texas (University) employs immigrants and non-immigrants in accordance with the provision of the United States Immigration and Nationality Act, as amended, the Mutual Educational and Cultural Exchange Act of 1961 and other federal laws and regulations. An individual who is not a citizen of the United States is protected from discrimination in hiring and employment under the provisions of federal law and the Texas Labor Code. Non-immigrants are eligible for the same employee benefits as immigrants in accordance with Federal and State law.

II. Application of Policy

All Employees

III. Policy Definitions

A. Curricular Practical Training

“Curricular Practical Training,” in this policy, means practical experience directly related to an F1 student’s field of study. Authorization is granted by the Designated School Official (DSO) at the Student and Exchange Visitor Information System (SEVIS) school where the student is currently enrolled.

B. Employee

“Employee,” in this policy, means an individual who is employed full-time, part-time, or in a temporary status.

C. Employing Department

“Employing Department,” in this policy, means the University of North Texas department responsible for the decision to offer employment or to promote, transfer, or reclassify an employee.

D. Immigrant

“Immigrant,” in this policy, means an individual who has been granted permanent resident status in the United States, but is not a United States citizen.

E. Lawful Permanent Resident

“Lawful Permanent Resident,” in this policy, means an individual who is not a United States citizen but has the ability to remain in the United States as an immigrant. A lawful permanent resident has been approved for United States permanent residency.

F. Non-Immigrant

“Non-immigrant,” in this policy, means an individual who is admitted into the United States temporarily for specific purposes and periods of time.

G. *Non-immigrants in F Status*

“Non-immigrant in F status,” in this policy, means persons temporarily admitted to this country to study at a recognized educational institution approved by the Department of Homeland Security.

H. *Non-immigrants in J Status*

“Non-immigrants in J status,” in this policy, means students, scholars, teachers, professors, research scholars, specialists or similar persons temporarily admitted to this country under Department of State rules to participate in a program designated by the United States Department of State.

1. J-1 Research Scholar

“J1 Research Scholar,” in this policy, means an individual whose primary purpose is conducting research, observing, or consulting in connection with a research project at the University of North Texas who possesses the required education and skill to participate.

2. J-1 Professor

“J1 Professor,” in this policy, means an individual whose primary purpose is teaching, lecturing, observing, or consulting at the University of North Texas who possesses the required education and skill to participate.

3. J-1 Short Term Scholar

“J1 Short Term Scholar,” in this policy, means an individual whose primary purpose is lecturing, observing, consulting, training, or demonstrating special skills at the University of North Texas who possesses the required education and skill to participate.

I. *Non-immigrants in H-1B Specialty Occupation Temporary Worker Status*

“Non-immigrants in H-1B Specialty Occupation Temporary Worker status,” in this policy, means a person temporarily admitted to the U.S. to perform services in a specialty occupation that requires theoretical and practical application of a body of knowledge in professional fields and at least the attainment of a bachelor's degree, or its equivalent, as a minimum for entry into the occupation in the United States.

J. *Non-immigrants TN NAFTA Professional Status*

“Non-immigrants TN NAFTA Professional status,” in this policy, means a citizen of Canada or Mexico, temporarily admitted to the U.S., whose primary purpose is to engage in business activities at a professional level whose position requires a profession listed on the NAFTA Professions List and who possesses the specific requirements, education, and/or experience required by the profession.

K. *Non-immigrants E3 Specialty Occupation Professional Status*

“Non-immigrants E3 Specialty Occupation Professional status,” in this policy, means a citizen of Australia, temporarily admitted to the U.S., whose primary purpose is to perform services in a specialty occupation that requires theoretical and practical application of a body of knowledge in professional fields and at least the attainment of a bachelor's degree, or its equivalent, as a minimum for entry into the occupation in the United States.

L. *Non-immigrants O-1 Individual with Extraordinary Ability or Achievement Status*

“Non-immigrants O-1 Individual with Extraordinary Ability or Achievement status,” in this policy, means a person who demonstrates extraordinary ability by sustained national or international acclaim and must be coming temporarily to the United States to continue work in the area of extraordinary ability.

M. *Optional Practical Training*

“Optional Practical Training,” in this policy, means United States Citizenship and Immigration Services (USCIS) adjudicated work authorization that allows an individual in F1 status to work in a field directly related to their program of study.

N. *Sponsor*

“Sponsor,” in this policy, means the U.S. Department of State designated Sponsor for the Exchange Visitor Program in which the J1 visa holder is participating. The Sponsor is authorized to issue the Certificate of Eligibility for Exchange J1 visitor status (DS-2019), which includes, but is not limited to, the University of North Texas.

IV. Policy Responsibilities

A. *Immigrant Status*

Immigrants who are permanent residents may engage in all forms of employment.

B. *Non-immigrant Status*

Non-immigrants may be employed only if permission to work in the United States has been authorized by the U.S. Citizenship and Immigration Services (USCIS).

1. F-1 students who are enrolled full-time (generally 12 credit hours for an undergraduate student or 9 credit hours for graduate students, unless an exception is approved), and who are otherwise maintaining a valid F-1 status, may hold any on-campus employment. Such students do not require USCIS permission to accept on-campus employment. However, the student’s employment must not displace a United States citizen or permanent resident.

These students may work:

- a. No more than 20 hours per week during academic sessions, and

- b. No more than 25 hours per week during the summer and winter breaks and when not enrolled in classes.

F-1 students seeking off-campus employment through either “optional practical training” or “curricular practical training” may contact UNT International Student and Scholar Services (ISSS) for assistance. F-1 students from institutions other than a UNT System component institution who are employed by the University under “optional practical training” or “curricular practical training” must provide the University with documentation as specified by USCIS stating the terms and limitations under which they may be employed. Spouses or children in F-2 status may not be employed.

2. Non-immigrants in J-1 status who are students may be employed on campus if work is authorized by the Sponsor. Such employment requires a confirmation letter from the Sponsor. Non-immigrants in J-1 status who are Professors or Research Scholars may engage in the employment status designated on their Form DS-2019. All Departments and J status holders must check with ISSS prior to offering or accepting employment or before making any increase in the non-immigrant’s employment scheduled hours. J status holders may not start work without authorization by ISSS.

Spouses or children in J-2 status must have permission from USCIS to seek employment in the U.S. before they may be employed on campus. (Note: Application to the USCIS for permission to seek employment in the U.S. may be made with the assistance of ISSS, however, the application is made directly to USCIS not ISSS.)

3. H-1B petitions for temporary employment of non-citizens in specialty occupations must fully comply with applicable federal laws and regulations. H-1B petitions are filed on behalf of the institution and must serve to support the teaching, research, and service mission of the institution. H-1B petitions shall only be processed for approved faculty, professional and staff positions (“specialty occupations”) for which attainment of a baccalaureate or higher degree in a specific field is a minimum requirement for entry into the occupation.

To ensure compliance with applicable federal laws and regulations, ISSS will prepare and file H-1B petitions on behalf of the institution. Employing departments are responsible for consulting with ISSS and for submitting all requested documentation. Departments should consult and obtain the approval of ISSS before making an offer of employment that will require H-1B processing.

The Chief Human Capital Officer or designee is the designated signature authority for H-1B petitions. The University of North Texas shall pay all H-1B petition filing fees for petitions that it authorizes, prepares, and files. The University of North Texas has the right to terminate the petition process at any time and for any reason.

4. Other non-immigrants who require Sponsorship by the University of North Texas may include TN Status, E-3 Status, and O-1 status. These Sponsorships filed on behalf of the institution must serve to support the teaching, research, and service mission of the

institution. Other non-immigrant Sponsorships shall only be processed for approved staff positions in accordance with the employee’s eligibility for such Sponsorship.

The Chief Human Capital Officer or designee is the designated signature authority for employment Sponsorship petitions. The University of North Texas shall pay petition filing fees for petitions that it authorizes, prepares, and files. The University of North Texas will not pay petition filing fees for dependent petitions. The University of North Texas has the right to terminate the petition process at any time.

5. The University of North Texas may sponsor full-time faculty employees for lawful permanent residency if their qualifications and position are appropriate. The University of North Texas does not sponsor staff for permanent residency unless an exception is approved by the appropriate division Vice President. Employment with the University of North Texas does not guarantee sponsorship for employment-based permanent residency.

The Chief Human Capital Officer or designee is the designated signature authority for employment-based lawful permanent resident sponsorship petitions. The University of North Texas has the right to terminate the petition process at any time.

V. References and Cross-References

Immigration and Naturalization Act, as amended
Immigration Reform and Control Act of 1986
The Mutual Educational and Cultural Exchange Act of 1961
IRS Publication 518, Foreign Scholars and Educational and Cultural Exchange Visitors
IRS Publication 519, United State Tax Guide for Aliens
Deficit Reduction Act of 1984
[UNT Policy 05.009, New Employee Requirements](#)

VI. Revision History

| | |
|-----------------|---|
| Policy Contact: | Asst VC & Chief HR Officer |
| Approved Date: | 05/01/1983 |
| Effective Date: | 05/01/1983 |
| Revisions: | 09/1994, 01/1999, 07/2002, 08/2003, 08/2021 |