



## Immigration Protocol

Scope of this protocol is to provide information to departments and offices regarding immigration needs. Human Resources can assist departments with their immigration needs.

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1. University hiring involves finding the most qualified candidates for the position.
  2. Consideration of hiring qualified foreign national candidates can be important and may increase the overall diversity of the University workforce.
  3. When candidates are foreign nationals, those involved in the interviewing and hiring process need to consider whether a candidate requires sponsorship to work in the United States, as the process:
    - a. may require certain actions by the University consistent with applicable law;
    - b. may require time to petition for the candidate's visa or immigration status; and
    - c. may entail some expenditure of funds to handle the paperwork necessary for Visa petitions, employment authorization and work-related travel.

### **Procedures When Interviewing Candidates**

1. Always consider who is the most qualified candidate for a position.
2. Ask all candidates the following questions:
  - a. Are you authorized to work in the United States?
  - b. Would you require University sponsorship to be authorized to work in the United States?

**Note:** When the PeopleAdmin system is used to submit and screen applications, these questions are among the questions already included on the standard on-line application.
3. It is generally not a best practice to ask in interviews if the candidate is a citizen of the United States or to ask their country of citizenship. It may entail the risk of eliminating qualified candidates or lead to claims of discrimination based on national origin.
4. It is not acceptable to ask a candidate what their ethnicity, race or national origin is in pre-employment situations. (As necessary, Human Resources may ask the candidate about their country of origin to assist with necessary immigration work authorization).
5. Generally, discussing immigration sponsorship issues is not as critical in reviewing first-round candidates.
6. In determining second-round candidates, it is appropriate to ask what kind of sponsorship the candidate would require and explore any timing issues related to any

necessary sponsorship. Departments should seek assistance from Human Resources or Legal Affairs when asking such questions.

7. Before selecting a final candidate and presenting an offer of employment, it is important to know two things:
  - a. If the candidate is authorized to work in the United States without sponsorship, and
  - b. If the candidate has ever been on a J exchange visitor visa (as prior J visa status requires the candidate to meet certain home residency requirements that may affect continuous employment).

### **Procedures When a Candidate Has Been Selected**

1. The offer letter must indicate that the offer is contingent upon the candidate obtaining proper work authorization to work in the United States, as well as meeting other JCU pre-employment requirements.
2. Work with Human Resources and/or the Provost's Office and Legal Affairs to determine the candidate's current immigration status and visa needs. Potential visa categories include:
  - a. H1-B employment-based visa: Possible for up to two 3-year terms. This visa is valid only for the particular employer sponsoring the employee. John Carroll University must pay for all H1-B and H1-B transfer fees. (Special rules apply for H1-B transfers that may permit work to proceed prior to the transfer being granted.)
  - b. O-1 visa: For individuals with extraordinary ability or achievement in sciences, arts, education, business or athletics
  - c. TN visa: For NAFTA professionals who are residents of Canada or Mexico holding a job with a U.S. employer
  - d. Permanent residency: Petitions seeking permanent residency and work authorization for those who meet these requirements. Generally, this is started for faculty only after the satisfactory completion of the mid-term faculty review. The University's established process includes the University paying for a significant portion of the costs.