

UC Davis Policy and Procedure Manual

Chapter 380, Personnel--General

Section 14, Employment of Nonresidents

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Responsible Department: Global Affairs, Services for International Students and Scholars

Source Document: Academic Personnel Manual Section 530, Recruitment and Appointment of Nonresidents; Personnel Policies for Staff Members Section 21, Appointment

I. Purpose

- A. This section outlines the policies and procedures for employment of nonresidents in student, staff, and certain academic positions.
- B. Refer also to Section [380-06](#) for information regarding employment eligibility authorization for employees and to Academic Personnel Manual Section [UCD-530](#) for procedures regarding sponsorship of a nonresident in relation to the academic recruitment and appointment process.

II. Definitions

- A. Arrival-Departure Record (I-94)--a government document that records a traveler's arrival/departure information including a person's entry date, class of admission (visa class) and the period for which the person has been given permission to remain in the U.S.
- B. Employment Authorization Card--a card issued by U.S. Citizenship and Immigration Services (USCIS) as evidence of temporary employment authorization.
- C. Immigrant (permanent resident)--a person who has been lawfully admitted to the U.S. for permanent residence, but who is still a citizen of another country and is issued a Permanent Resident Card (Form I-551 or "green card") by the USCIS.
- D. Nonresident--a person who is not a citizen or permanent resident of the U.S. and whose stay in the U.S. is temporary.
- E. Visa--a stamped entry page in the passport that enables the nonresident to travel to the U.S. and request permission to enter under conditions specified for the visa classification. Visas are issued by a U.S. embassy or consulate abroad. Visas do not confirm legal stay or employment eligibility. Such eligibility can be confirmed by the status granted on the I-94 admission record or by USCIS on the I-797 Approval Notice.

III. Policy

- A. Eligibility for employment
 1. Employment of nonresidents is strictly regulated by Federal law. In general, the following nonresident job applicants are eligible for employment:
 - a. Lawful permanent residents in possession of an Alien Registration Receipt have the same employment rights as U.S. citizens.
 - b. Persons holding an unexpired USCIS-issued Temporary Resident Card or Employment Authorization Card may be employed.
 - c. Nonimmigrant students in F-1 status, and those students in J-1 status with the permission of their exchange visitor program sponsor, may be employed on campus up to 50% (20 hours/week) while school is in session and 100% (40 hours/week) during vacation periods, or without restriction with documentary evidence of authorization by their sponsor or USCIS.
 - d. Nonimmigrant J-1 Exchange Visitors in the following Exchange Visitor categories: Professor, Research Scholar, Short-term Scholar, or Specialist.

2. For all other visa classifications, departments should consult the [Services for International Students and Scholars \(SISS\) website](http://siss.ucdavis.edu) (<http://siss.ucdavis.edu>), which describes the various visa classifications and restrictions on employment, or [contact SISS](#) before making a hiring commitment.
3. A change in immigration status to facilitate UC Davis employment may be possible where the nonresident and the proffered position meet the requirements.
 - a. This process may take several months and must be coordinated through SISS.
 - b. Procedures outlined in Academic Personnel Manual Section UCD-530 also apply in cases of staff employment.

B. Health insurance coverage requirement

Nonresidents in J status are required to obtain health insurance coverage that meets the minimum requirements set by the U.S. Department of State. See the [SISS website](http://siss.ucdavis.edu) (<http://siss.ucdavis.edu>) for additional information regarding fulfillment of this requirement.

IV. Roles and Responsibilities

A. SISS is responsible for the following:

1. Advising academic departments regarding employment of nonresidents.
2. Interpreting USCIS and U.S. Department of Labor regulations and procedures for hiring departments.
3. Providing guidance in preparing petitions and documents.
4. Advising UC Davis students, employees and potential employees about securing, maintaining, and documenting appropriate legal status and employment eligibility.

B. Job applicants are responsible for the following:

1. Determining legal eligibility to accept employment before applying for a job.
2. Seeking advice from an international student or scholar advisor at SISS if they believe they are not currently eligible to accept employment but that they can become eligible.
3. Providing evidence of employment eligibility, either if they are immediately eligible or if they have sought further assistance from SISS (see Section 380-06).

C. The hiring department (or UCDHS Human Resources) is responsible for the following:

1. Verifying that visa status does not prohibit employment or contacting SISS before making a hiring commitment.
2. Preparing appropriate employment eligibility forms.
3. Verifying employment eligibility (see Section 380-06).

D. Once hired, nonresident employees are responsible for the following:

1. Entering an online GLACIER Nonresident Tax Compliance record and related income tax forms.
2. Maintaining status/employment authorization throughout employment.
3. Applying for a social security number if they do not already have one.

E, Accounting and Financial Services—Tax Division is responsible for the following:

1. Determining income tax withholding.
2. Advising nonresident employees and departments about tax treaties.

V. Further Information

- A. For information on documentation needed to complete an I-9 for Proof of Employment Eligibility, review the Handbook for Employers, M-274, at the USCIS website at www.uscis.gov.
- B. For more information, contact the SISS office at (530) 752-0864; siss.ucdavis.edu.

VI. References and Related Policies

- A. Social Security Administration Program Operations Manual System RM 10211.420 Employment Authorization for Non-immigrants (<https://secure.ssa.gov/poms.nsf/lnx/0110211420>).
- B. Academic Personnel Manual Sections 530, Recruitment Nonresidents (http://www.ucop.edu/academic-personnel-programs/_files/apm/apm-530.pdf).
- C. Personnel Policies for Staff Members, Policy 21, Appointment (<http://manuals.ucdavis.edu/spp/spp-toc.htm>).
- D. UC Davis Policy & Procedure Manual (<http://manuals.ucdavis.edu/PPM/about.htm>):
 - 1. Section 380-06, Employment Eligibility Verification.