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| Policies of the University of North Texas Health Science Center | Chapter 05 Human Resources |
| 05.408 Employment of Non-citizens | |

Policy Statement.

It is the policy of the health science center to employ immigrant and non-immigrant aliens within the provisions of applicable federal laws and regulations.

Application of Policy.

Faculty and Staff

Definitions.

1. **Immigrants** are those who have been granted permanent resident status, but who are not United States citizens. Immigrants (permanent residents) can engage in all forms of employment.
2. **Non-immigrants** are those individuals who are admitted temporarily for specific purposes and periods of time. Non-immigrants may be employed by the health science center only if permission to work in the United States has been granted by the Immigration and Naturalization Service.

Procedures and Responsibilities.

Procedures / Duty

Responsible Party

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| <ol style="list-style-type: none"> 1. Non-immigrant Status: Non-immigrants who may be eligible to work fall into three categories: international students with F-visas enrolled at the health science center, individuals with J-visas, and individuals with H-visas. | <p>Human Resource Services</p> |
| <ol style="list-style-type: none"> 2. International students with F-visas: International students are aliens temporarily admitted to this country under Immigration and Naturalization Service (INS) rules, to study at a recognized educational institution approved by the Attorney General of the United States. International students can be identified by the symbol "F-1" that appears on their visas (F-2 for spouses and children). | <p>Human Resource Services</p> |

International students who are taking a full course of study may be offered on-campus employment pursuant to the terms of a scholarship, fellowship or assistantship deemed to be part of their academic program if related to their course of study. International students do not require INS permission to accept this kind of on-campus employment. However, the student's

employment must not displace a United States citizen or permanent resident.

International students on F-1 status may, upon completion of their studies, apply for permission for employment for purposes of "practical training." Students who have been granted "practical training" status by INS may be employed in any position related to their field of study and only for the period of authorization.

The F-1 visa normally limits the number of hours international students may work to twenty (20) hours per week on campus during academic sessions. During the summer or other vacation periods, international students may work up to forty (40) hours per week. In order to work on campus at the health science center, the student must be enrolled at the health science center. Spouses or children with F-2 visas may not be employed by the health science center.

3. **Non-immigrants with J-visas:** Non-immigrants with J-1 visas (J-2 for spouses or children) are students, scholars, trainees, teachers, professors, research assistants, specialists or similar persons temporarily admitted to this country under INS rules, to participate in a program designated by the Secretary of State. Human Resource Services

Non-immigrants with J-1 visas may be employed by the health science center if permission to work is obtained from their sponsors.

Spouses or children with J-2 visas must have permission of the INS to seek employment in the United States before they may be employed by the health science center.

4. **Non-immigrants with H-visas:** Individuals admitted to the United States as "workers of distinguished merit," "temporary workers," or "trainees," under special circumstances may be employed at the health science center on a temporary basis. Human Resource Services
5. **Benefits Eligibility:** Non-citizens who are employed are eligible for the same benefits as are other employees of comparable positions. Human Resource Services

Non-immigrants on F-1 or J-1 visas who have been authorized to work are not subject to Social Security withholding (FICA).

All non-immigrants must pay income tax withholding unless treaty provisions exempt them from doing so (individuals with J-1 visas are usually not subject to income tax. See publication 518). However, like United States citizens, they may be eligible to file an "Exemption from Income Tax Withholding."

Non-immigrants on H-visas are subject to social security taxes and income taxes, unless tax exemption is specifically provided by treaty or convention.

Permanent residents (immigrants) and spouses or children (with J-2 visas) of individuals with J-1 visas must participate in social security and income tax withholding (unless eligible to file exempt from income tax withholding).

References and Cross-references.

Immigration and Nationality Act, as amended.

The Mutual Educational and Cultural Exchange Act of 1961.

IRS Publication 518, Foreign Scholars and Educational and Cultural Exchange Visitors

IRS Publication 519, United States Tax Guide for Aliens.

Immigration Reform and Control Act of 1986.

Forms and Tools.

None

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Revised: