

**Policy Title:** Work Authorization for Foreign Nationals

**Policy Summary:** Guidelines Governing Work Authorization for Foreign Nationals

**Policy Category:** Human Resources

**Policy Owner:** Human Resources

**Policy Summary**

This policy creates guidelines governing work authorization for foreign nationals at Drake University.

**Purpose**

The purpose of this policy is to comply with the provisions of the Immigration Reform and Control Act in a manner that serves to support the mission of Drake University and must fully comply with the regulations of the Department of Labor and the Department of Homeland Security.

**Scope**

This policy applies to foreign nationals who may require and be eligible to obtain work authorization for employment at Drake University.

**Policy**

In order to comply with the provisions of the Immigration Reform and Control Act, Drake University may not employ individuals who are not authorized to work in the United States. Petitions for temporary employment and permanent residency must serve to support the mission of Drake University and must fully comply with the regulations of the Department of Labor and the Department of Homeland Security.

Departments hiring individuals who may need work authorization must contact Human Resources prior to the extension of an offer. The date an employee can begin work for the Univeresity may need to be delayed until authorization can be secured.

**Drake University Job Eligibility for H1-B and Immigrant/Permanent Resident Status**

The following table illustrates those eligible for work authorization support from Drake University:

	<b>H1-B*</b>	<b>Permanent Residency</b>
<b>Full-Time Faculty (except visiting faculty)</b>	X	X, if there is an expectation of re-appointment at the time the decision is made. At least one performance review must be completed.
<b>Visiting Faculty</b>	X	
<b>Full time professional staff</b>	X	
<b>Senior Administrators</b>	X	X, with the approval of the President

\*The feasibility of petitioning for H-1B status is contingent upon several factors such as funding, salary, job requirements, and both the educational background and the current immigration status of the foreign national. Pursuant to federal regulations, not every position is eligible for H1-B status. In addition, in order for existing employees to qualify for H1-B status or permanent residency, there must be an expectation of continued employment or re-appointment and a satisfactory performance record.

### **Financial Support**

If an employee is deemed eligible, Drake will pay all attorneys and filing fees necessary for an H-1B or permanent residency. In all cases, Drake will select the attorneys and firms used to secure proper authorization. Immunizations, physicals or other incidental costs are the responsibility of the employee. All necessary filings will be completed by counsel selected by Drake University.

Drake does not provide financial support for spousal authorizations, but Drake counsel often provides services for spousal authorizations and will bill separately for that work.

**Last Review Date:** January 2021

**Effective Date:** July 2016

### **Resources and Related University Policies:**

- [Immigration Reform and Control Act](#)
- [Department of Labor](#)
- [Department of Homeland Security](#)