

Policy Name: Employment of Foreign Nationals

Policy Owner: Human Resources

Policy Contact: Lori D. Jones, Global HR Manager, lori.jones@gatech.edu

Reviewed By: Global Human Resources, Office of the General Counsel

Policy Steering Committee Approval: February 2023

Policy Purpose: This policy outlines the requirements for hiring foreign nationals (excluding student employees), nonimmigrant petitions for temporary employment of foreign nationals, and permanent residency requests for permanent employees.

Summary of Substantive Policy Changes:

- Throughout, removed irrelevant procedural information
- Throughout, clarified the focus of the policy to Georgia Tech
- Page 3, removed restriction on non-faculty positions which will allow Global HR to file nonimmigrant petitions (i.e., H-1B petitions) for staff positions that meet the merits of a specialty occupation.



Georgia Institute of Technology

Employment of Foreign Nationals

Policy No. 8.3

Type of Policy: Administrative

Last Revised: April 2016

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1. Reason for Policy

This policy informs units of the requirements for hiring foreign nationals (excluding student employees), nonimmigrant petitions for temporary employment of foreign nationals, and permanent residency requests for permanent employees.

2. Policy Statement

Georgia Tech Human Resources is responsible for compliance with federal laws and regulations affecting the employment of foreign nationals. Global HR is authorized to file nonimmigrant petitions for the temporary employment of foreign nationals and immigrant petitions for the permanent employment of foreign nationals.

- Private attorneys are prohibited from filing petitions on behalf of Georgia Tech. Only the Global HR Manager may sign a G-28 (Notice of Appearance) allowing an attorney to represent Georgia Tech.
- A list of the categories of nonimmigrant petitions and immigrant petitions that Georgia Tech will file and additional information regarding those petitions can be found at <https://hr.gatech.edu/global-human-resources>.
- This policy applies to all foreign national employees (excluding students) and the units seeking to employ them. This policy does not apply to employees in J-1 status.
- Individuals in some nonimmigrant categories are not eligible for Georgia Tech appointment, employment, or payment under any circumstances. Georgia Tech appointment, employment, or payment is not permitted unless and until the individual obtains an immigration status permitting appointment, employment, or payment. Additional information regarding US visas can be found at <https://travel.state.gov/content/travel/en/us-visas.html>.
- If a nonimmigrant or immigrant request requires expertise or resources not available in Global Human Resources, Global Human Resources may request that the designated Special Assistant Attorney General to the University

System of Georgia file a nonimmigrant or immigrant petition at the expense of the employing unit.

- Foreign nationals who are awaiting the necessary employment authorization or whose work authorization has expired are not allowed to serve as volunteers. Note: Foreign nationals who are financially supported by a source other than the Institute are not considered volunteers.
- All requests to hire foreign nationals, and requests to file nonimmigrant or immigrant petitions must be submitted in iStart. Additional information regarding iStart and procedures can be found at <https://gatech.service-now.com/asc>

3. Scope

This policy applies to all employees at the Georgia Institute of Technology.

4. Definitions

Foreign National	A person without U.S. citizenship or nationality (may include a stateless person) or U.S. permanent resident. See the U.S. Citizenship and Immigration Services Glossary for additional definitions: https://www.uscis.gov/tools/glossary
Immigrant	Refers to a petition processed by US Citizenship and Immigration Services or a visa issued by the Department of State to stay in the United States permanently.
Nonimmigrant	Refers to a petition processed by US Citizenship and Immigration Services or a visa issued by the Department of State for a temporary stay in the United States.

5. Frequently Asked Questions

<https://gatech.service-now.com/asc>

<https://hr.gatech.edu/>

6. Responsibilities

Office of International Education (International Student and Scholar Services)

Offers assistance with policy interpretation and administers policy pertaining to the J-1 Bridge USA Program.

Georgia Tech Human Resources – Global HR

Global HR is responsible for assisting with policy interpretation and administering policy pertaining to all foreign national employees and potential employees (excluding J-1s).

Units

Units are responsible for timely submission of requests to, or requesting assistance from, Global HR.

Hiring Managers

Hiring managers are responsible for ensuring employees meet all requirements before beginning work.

Employees

Employees are responsible for complying with all terms and conditions of their visa status.

7. Enforcement

Failure to comply with federal regulations may lead to termination of employment, institutional ban on filing immigrant and nonimmigrant petitions, and/or possible consequences imposed by the federal government.

8. Related Information

Resource	Link
USG HRAP- Employment of Foreign Nationals	https://www.usg.edu/hr/assets/hr/hrap_manual/HRAP_Employment_of_Foreign_Nationals_Employment.pdf
20 CFR 656.18 - Optional special recruitment and documentation procedures for college and university teachers	https://www.ecfr.gov/current/title-20/chapter-V/part-656/subpart-C/section-656.18
3.2.1 Export Control	https://policies.gatech.edu/research/3.1.4-export-control
8 CFR § 214.2 - Special requirements for admission, extension, and maintenance of status	https://www.ecfr.gov/current/title-8/chapter-I/subchapter-B/part-214/section-214.1
8 CFR § 214.6 - Citizens of Canada or Mexico seeking temporary entry under NAFTA to engage in	https://www.ecfr.gov/current/title-8/chapter-I/subchapter-B/part-214/section-214.6

business activities at a professional level	
8 CFR §204.6 – Petitions for employment-based immigrants	https://www.ecfr.gov/current/title-8/chapter-I/subchapter-B/part-204/subpart-A/section-204.5
8.2.1 Export Controls Policy	https://policies.gatech.edu/research/8.2.1-export-controls-policy
Export Control	https://policies.gatech.edu/research-support/export-control
iStart	https://istart.gatech.edu/
Working in the United States	https://www.uscis.gov/working-in-the-united-states
USCIS Policy Manual	https://www.uscis.gov/policy-manual

9. Policy History

Revision Date	Author	Description
TBD	Georgia Tech Human Resources	Updated to allow Global HR to file nonimmigrant petitions for eligible staff.