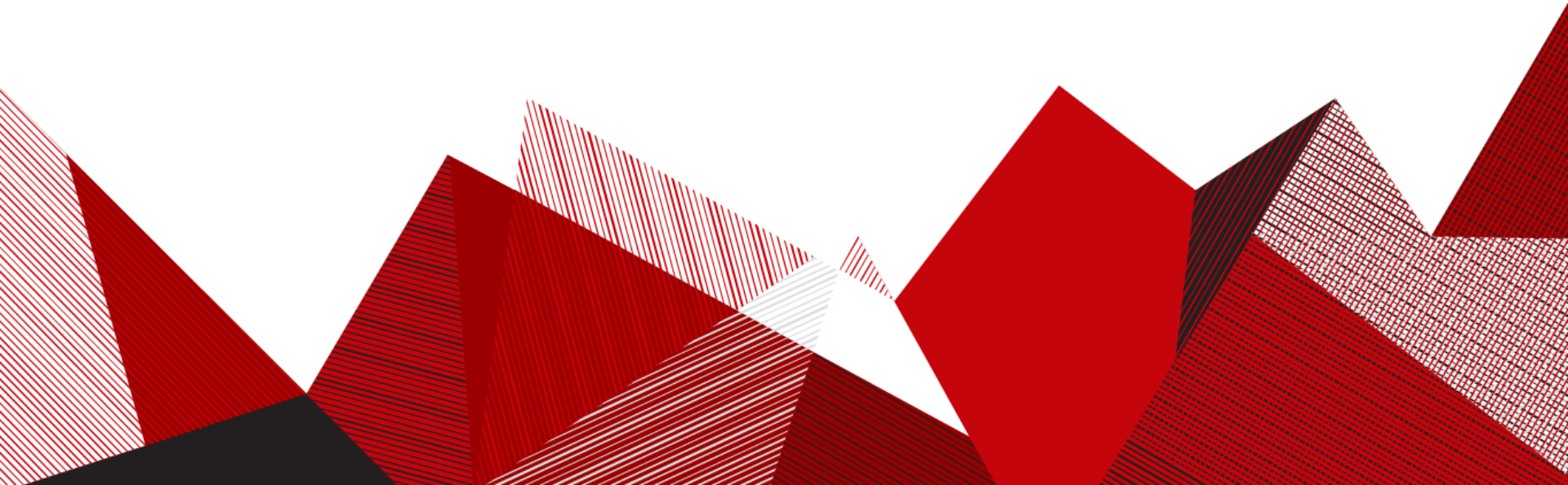




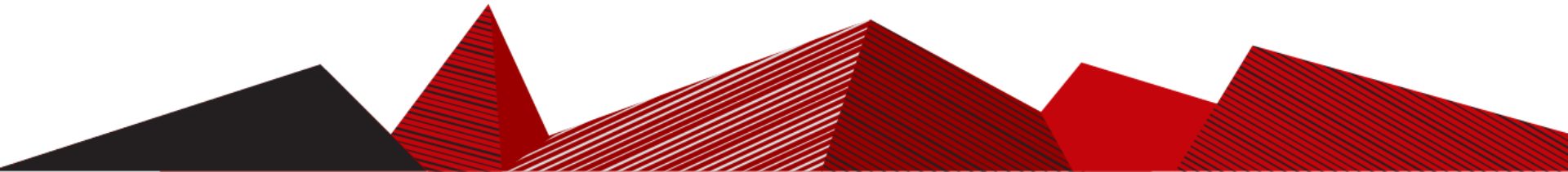
How HR Affects Immigration

International Faculty & Staff Services

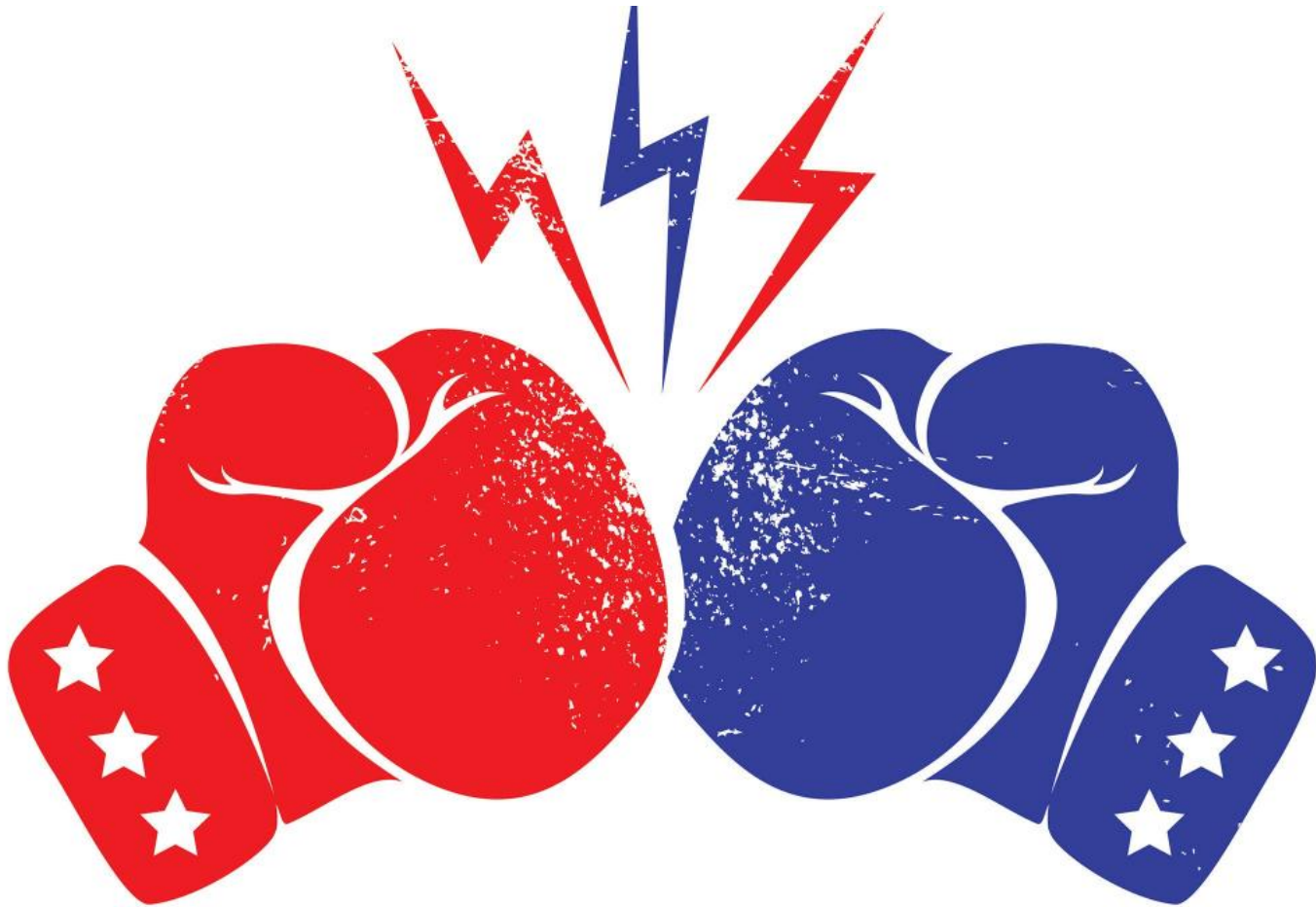


Objectives

- Impacts of HR decisions and actions
- UW's best interest vs. personal desires
- Sometimes no is the only answer

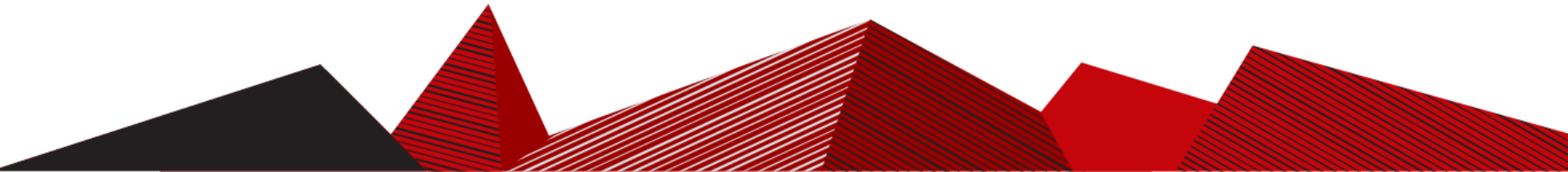


HR and immigration don't always agree...

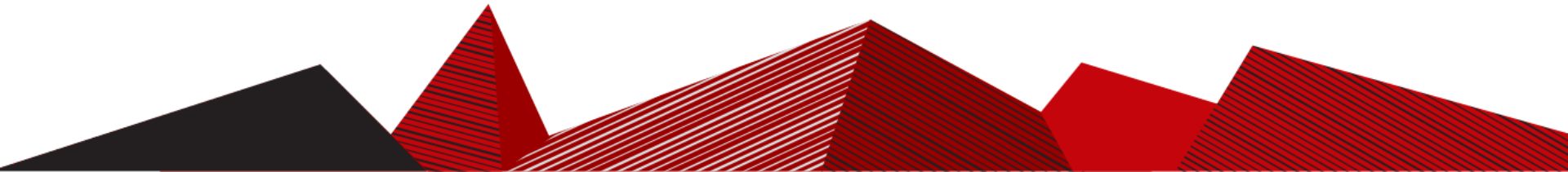


Who makes the immigration decisions at the UW?

- A. IFSS
- B. Employee
- C. Department
- D. UW Legal



HR drives the train, not immigration



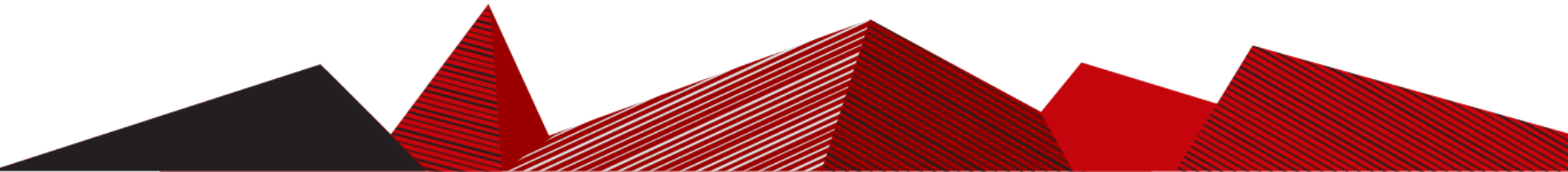
Recruitment & Selection

HR does this *first*:

- Determine unit need
- Write the position description/position vacancy listing
- Advertise
- Screen applicants for eligibility
- Interview

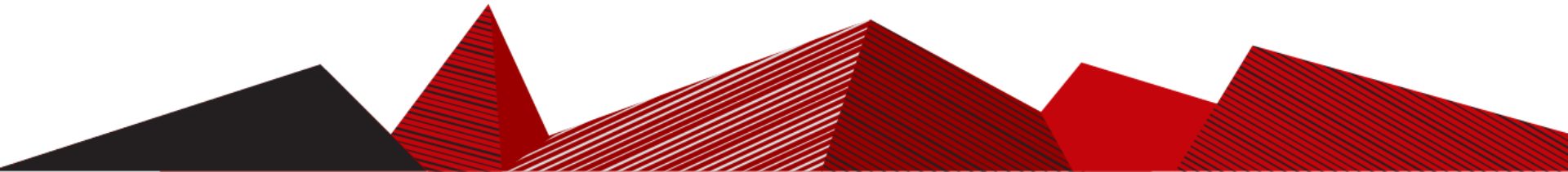
IFSS does this *second*:

- Determine eligibility for sponsorship
- Determine realistic start date



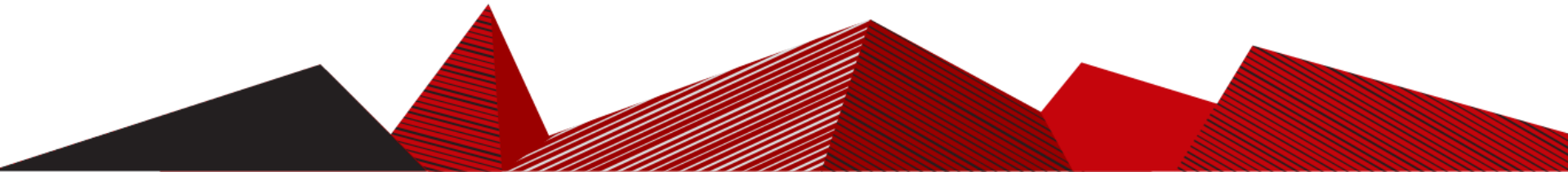
Writing the PD/PVL/PVL Waiver

- Title
 - What is appropriate for the duties?
 - Use an official UW title
- Degree and field of specialization
 - List what is needed for the job
 - What is standard in the industry
 - [O*Net](#)
 - [Occupational Outlook Handbook](#)
- Minimum experience
 - Quantify
 - Required vs. preferred
- Duties
- Additional information



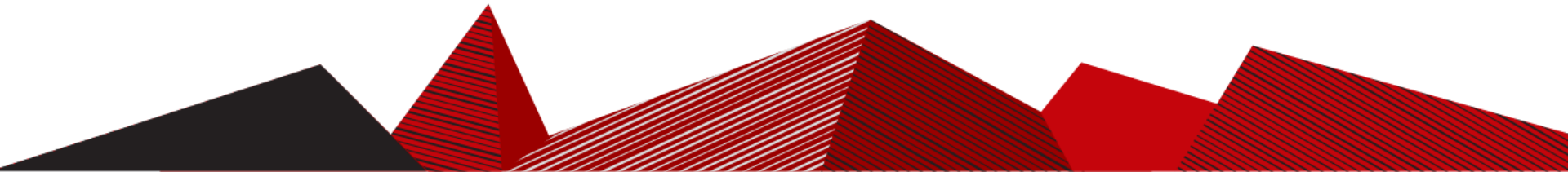
If No Position Description/No PVL

- UW HR policy does not require a PD or PVL for certain positions such as:
 - Research associate
 - Honorary fellow
 - Fellow/Trainee
- However, on the immigration side, IFSS often needs all the same information that goes into a PVL to make its determination for the appropriate immigration status.
 - Is it a specialty occupation?
 - What wage level is the position?
 - What CIP code do we use for the J-1?



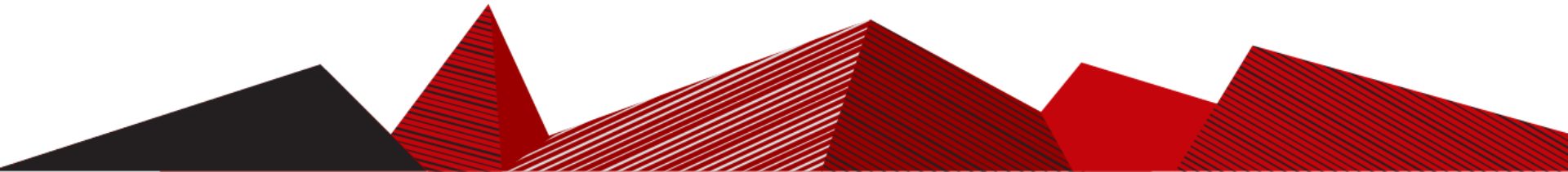
External Advertising

- Does not matter for H-1B, E-3, TN, F-1/OPT, J-1
- Does matter for faculty permanent residency petitions
 - Ads must match the PVL
 - DOL must be able to determine the ads and the PVL are for the same position
 - Must be in a professional journal of national circulation
 - If online, must be visible for at least 30 days



Screening Applicants

- Is the applicant qualified for the position?
 - Look at the PVL
 - Does the applicant meet the minimum qualifications?
 - You need to be able to justify the hire
 - For PR, DOL requires job-related reasons for non-selection for EACH applicant.
- ABD (All But Dissertation)
 - Ok for US Citizen and PR hires
 - Ok to have this in the PVL
 - Poses challenges on the immigration side



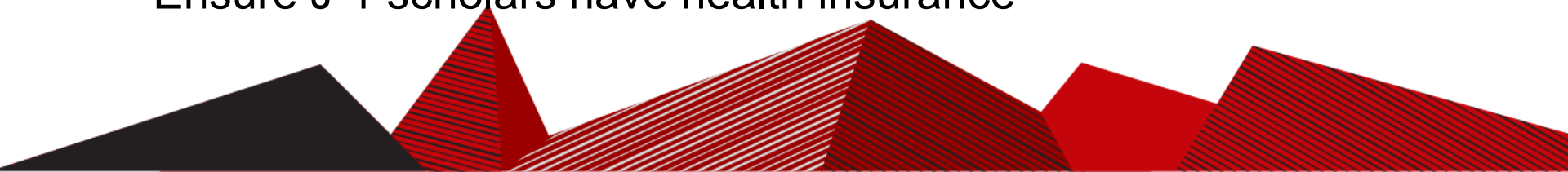
Onboarding

HR and employee do these *first*:

- Complete new employee paperwork, such as:
 - I-9 (record the end date so you can reverify timely)
 - Payroll and benefits paperwork
 - Appointment in HRS is active
- Glacier account
- Sign up for health insurance timely
- Other department specific tasks

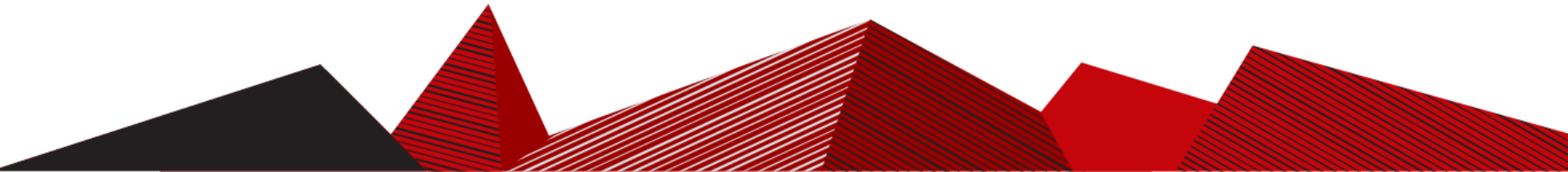
IFSS does this *second*:

- Ensures I-9 is done
- Conduct check-ins and orientation for some statuses
- Ensure J-1 scholars have health insurance



BUT...

Many HR actions occur during employment. It's critical that you, our HR partners, understand the impacts of HR actions on immigration.



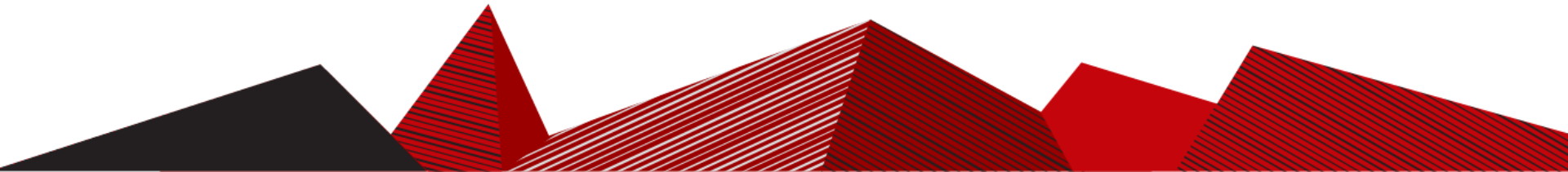
During Employment

- Common HR actions

- Rate changes
- Title changes
- Percent changes
- Change of duties
- Promotions
- Department change
- Unpaid to paid appointments

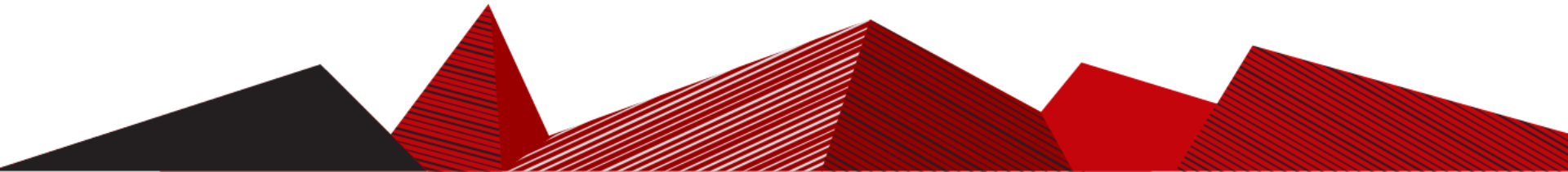
- Potential Immigration Impact

- Amendment could be needed before change can go into effect
- Eligibility for a particular visa status could change
- Employee can lose or gain eligibility for State Group Health (thus potentially eliminating the need for SHIP)



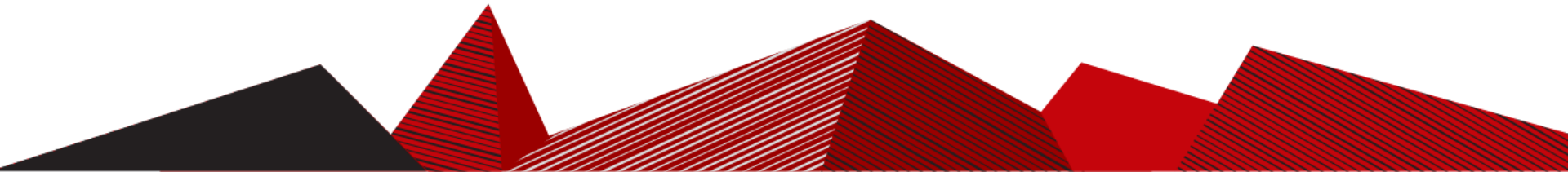
OHR Approval Chart

- <https://hr.wisc.edu/hr-professionals/>
- Look at Column N
 - IFSS= International Faculty and Staff Services
 - BN = Benefits
 - PY = Payroll



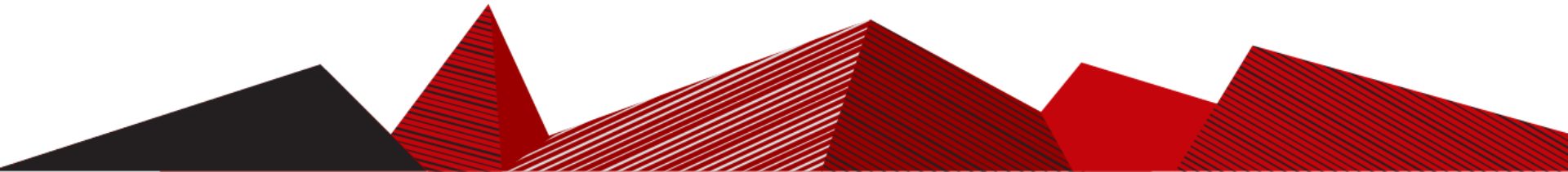
Impacts of Work Authorization End (WAE) date

- When a FNL is hired and the I-9 is completed, the WAE date must be noted by the employing unit.
- Six months prior to the WAE date, the unit should notify the EE of the upcoming end date.
 - Department should remind EE to get renewed work authorization or
 - Department works with IFSS to change, extend status so EE can continue to work.
- When work authorization expires, the employee can no longer be an active EE. Employment must be terminated. Volunteering is not an option.
- EE can be rehired once s/he has new work authorization.



Termination

- Termination
 - Layoffs
 - Non-renewals
 - Department change
 - Resignation
- Potential Immigration Impact
 - Return transportation offer could be required
 - Employee may or may not have a grace period in which to find new sponsorship or leave the U.S.
 - If moving to new job at UW, amendment may be needed before new job can start
 - Federal agencies require us to notify them when someone leaves so the UW is no longer liable for wages anymore



UW's Interest vs. Employee's

- Immigration status must align with the position
- Business decision
 - Past practice
 - Setting precedent
- Fairness
- Equity
- Non discrimination against US citizen and permanent residents

