

## **33.99.09.E0.01      Employment of Foreign Nationals**

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Supplements System Regulation 33.99.09

### **Standard Administrative Procedure Summary**

The Texas A&M Engineering Experiment Station (TEES) shall employ foreign nationals as provided by System Regulation 33.99.09 and this Standard Administrative Procedure (SAP). Faculty appointments will be handled in accordance with TAMU SAP 33.99.09.M0.01. This SAP provides minimum procedures to be used in the employment of foreign national employees. It does not apply to the employment of international students.

### **Procedures and Responsibilities**

#### **1. ADMINISTRATION**

- 1.1 Engineering Human Resources (HR) has been designated as the office with the responsibility for employment of international researchers and staff.
- 1.2 Review of immigration credentials of foreign national employees and certification of employment eligibility is coordinated between Engineering Human Resources and Texas A&M University's Immigration Services for Faculty & Scholars Office (ISFS).
- 1.3 TEES will employ foreign nationals (any non-United States citizens not holding permanent resident status) only when the individuals have presented the appropriate documentation to show they are legally entitled to be employed in the United States.
- 1.4 The employing division must ensure that no correspondence or other communication with a foreign national constitutes a firm offer of employment until all necessary approvals have been secured.
- 1.5 Approval to hire foreign nationals must be approved by the Director of TEES or designee.
- 1.6 Work is to be conducted at the designated headquarters. An exception to the designated headquarters requires an approved alternate work location request within the United States. Working outside the United States jurisdiction, for a

business-related purpose, requires review and approval of various offices which may include the Texas A&M University System Office General Counsel.

- 1.7 Continued employment is contingent upon the foreign national employee maintaining valid immigration status and employment authorization. The employee should immediately notify his/her division regarding any change in immigration status.

## 2. PROCEDURES

- 2.1 The employing division is responsible for preparing the required documents to initiate the hiring of a foreign national employee and obtaining and/or providing other required information. Submission of the required documents to ISFS will be coordinated with Engineering Human Resources.
- 2.2 The employing division is responsible for reporting employment changes, including termination, of foreign nationals to Engineering Human Resources as outlined in System Regulation 33.99.09 Section 5, Responsibility of Hiring Department or Unit. The employing division must not knowingly continue to employ any unauthorized employee.
- 2.3 The hiring division shall ensure that the proposed employment complies with all U.S. export control laws and regulations as outlined in System Policy 15.02 *Export Controls Program Management*, working in coordination with the appropriate TEES administrative offices(s).

## 3. PETITIONS FOR NON-IMMIGRANT EMPLOYMENT

- 3.1 Sponsorship of nonimmigrant employment is an employer driven process.
- 3.2 Sponsorship will be handled in accordance with System Regulation 33.99.09 Section 6 and must be coordinated through Engineering Human Resources.

## 4. PETITIONS FOR PERMANENT RESIDENCY

- 4.1 Sponsorship for permanent residency is not an entitlement.
- 4.2 Sponsorship will be handled in accordance with System Regulation 33.99.09 Section 7 and documented on the approved [Sponsorship for Permanent Residency Form](#).

### **Related Statutes, Policies, or Requirements**

[Sponsorship for Permanent Residency Form](#)  
[Regulation 33.99.09, Employment of Foreign Nationals](#)  
[Policy 15.02, Export Controls Program Management](#)  
[TAMU SAP 33.99.09.M0.01, Employment of Foreign Nationals](#)

**Definitions**

Unless otherwise stated, all terms used in this SAP shall have the meaning assigned by System Regulation 33.99.09.

**Contact Office**

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