

## MEMORANDUM

**TO:** Division/Department Heads/Chairs  
**FROM:** Imelda E. Redito  
**DATE:** September 23, 2002  
**SUBJECT: Hiring of Students on F-1 (Student) and H-1 (Trainee) Visas**

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Students on F-1 and H-1 visas can only work in this country under certain circumstances and in accordance with regulations issued by the Immigration and Naturalization Service. The regulations are not new, they have been in the books for years but as we know and expect, INS is now focusing on the effective implementation and enforcement of these regulations.

Students and their dependents (if any) who are in this country under one of the "non-resident alien" categories must now also be evaluated under guidelines from Internal Revenue Service for taxation purposes.

Successful college compliance with the INS and IRS employment-related regulations depend on the cooperation of "hiring" departments. We need your assistance. As your department goes about the business of hiring, not only students but all types of new employees, please remember:

**I-9 (INS Employment Eligibility Verification) Forms and other required employment documentation must first be completed by ALL prospective employees and PARs must be fully approved before they are allowed to commence employment.**

Please include the attached *Personnel Guidelines on Hiring of students on F-1 and H-1 Visas* in your Personnel Guidelines binder.

I am thanking you in advance for your cooperation.

Attachment: (1)

## **HIRING OF FOREIGN STUDENTS**

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Foreign students can work in this country under certain circumstances and in accordance with regulations issued by the Immigration and Naturalization Service. They are also covered by special tax provisions within the Internal Revenue Service codes. Compliance with these federal mandates require that the following procedures be observed.

- Upon notice to Human Resources from department heads and/or supervisors of impending new hires, procedures are set in motion so that eligibility to work in this country is established for each prospective employee. The prospective employee must be informed by the hiring department to report to Human Resources prior to commencing work at the college. He/she must fill out an I-9 (INS Employment Eligibility) Form and present 2 pieces of identification. The list of documents that can be used for identification purposes are indicated on the I-9 Form.
- A foreign student on a visa must present an I-20 or similar qualified certification from the campus DSO (Designated School Official) confirming that the student has been granted permission to work. DSOs have been deputized by the INS to evaluate and act on foreign student requests for campus employment. Inquiries regarding I-20s and other foreign student employment certifications may be addressed to Mr. Ian Nixon, the primary college DSO. He can be reached at X6703 in the Student Admissions Office. No foreign student can be allowed to work without endorsement/approval from the college DSO.
- A foreign student on a visa must fill out a questionnaire and a Non-Resident Alien Tax Form in Human Resources. The 2 documents will be endorsed to the Payroll Officer who will determine the appropriate tax-withholding situation for each individual.
- Human Resources will contact the hiring department if at any stage in the employment process, a prospective employee has been found unqualified to work. To avoid college liability and penalties for non-compliance (including fines plus interest), A NEW EMPLOYEE WILL BE ALLOWED TO START WORKING AND WILL BE PLACED ON THE PAYROLL ROSTER AFTER EMPLOYMENT ELIGIBILITY HAS BEEN VERIFIED, OTHER REQUIRED PRE-EMPLOYMENT DOCUMENTATION HAVE BEEN COMPLETED AND PAR HAS BEEN FULLY APPROVED.
- Human Resources will inform the hiring department if the student has a visa that must be renewed periodically. A valid visa and current permission to work are required for continued employment and for reappointment purposes.

**HOSTOS COMMUNITY COLLEGE  
Tax Residency Declaration**

Please print

Name \_\_\_\_\_

Social Security # \_\_\_\_\_

Address \_\_\_\_\_

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1. Current visa status in the United States of America

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2. Primary purpose of visit/stay in the United States of America:

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\_\_\_\_\_  
\_\_\_\_\_

3. Date of entry in the United States:

\_\_\_\_\_

4. Prior visa status(es) and effective dates:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date