



[Faculty Resources Home](#)

[UAMS Home](#)

[Academic Affairs Home](#)

Colleges

- College of Medicine
- College of Nursing
- College of Pharmacy
- College of Health
Related Professions
- College of Public Health
- Graduate School

Helpful Links

[FAQs](#)

[Campus Directory](#)

[Intranet](#)

[Contact Us](#)

Faculty Resources

5. *Immigration Policies and Services*

[Employment of Immigrants and Aliens](#) (Admin Policy 4.5.25)

[Immigration Reform and Control Act of 1986](#) (Admin Policy 4.5.26)

Assistance and additional information on immigration issues is available through the Human Resources Department. Please visit their web site at <http://www.uams.edu/ohr/Imm.asp>.



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UAMS ADMINISTRATIVE GUIDE

NUMBER: 4.5.25

DATE: 07/01/94

REVISION:

SECTION: HUMAN RESOURCES
AREA: EMPLOYMENT
SUBJECT: EMPLOYMENT OF IMMIGRANTS AND ALIENS

POLICY

The University of Arkansas for Medical Sciences (UAMS) may employ any immigrant or non-immigrant, provided that such employment conforms to the provisions of the Immigration and Nationality Act, as amended, the regulations of the Immigration and Naturalization Service (INS), and to those standards established by the University. Any decision reached by the University will not be affected by the race, color, age, religion, sex, handicap, national origin or veteran status of the prospective employee.

PROCEDURE

1. All applicants for employment with UAMS must present proof of valid work authorization to the Office of Human Resources for verification. No alien may be employed without proper authorization.
2. Departments expecting to hire non-US workers should contact the Office of Human Resources at least 70 days in advance of any scheduled interviews to ensure that paperwork may be processed through governmental agencies in a timely manner.

DEFINITIONS

1. The term "**Alien**" shall mean any person not a citizen or national of the United States.
2. The term "**Immigrant**" shall mean any alien who has been lawfully admitted to the United States for *permanent residence*. Immigrants are entitled to remain in the United States indefinitely, to own property, and to work and move about without restriction so long as such aliens comply with all laws relating to alien registration, changes of address and annual reports.
3. The term "**Non-immigrant**" shall mean any alien who has been granted *temporary admission* to the United States for specific purposes and is required to leave the country when the purpose of the temporary stay has been accomplished. Non-immigrants must maintain in their possession an arrival-departure record (INS Form I-94) with INS notations showing their period of authorized stay and an alphabetical symbol designating their classification within the non-immigrant group. The alphabetical symbol is followed by a number which indicates the specific category within the classification. For example, "B-1" is a visitor for business and "B-2" is a visitor for pleasure. The University recognizes the following classes of non-immigrants, whose right to gainful employment in the United States is restricted as indicated:

a. Visitors for business, (B-1), and visitors for pleasure, (B-2) UAMS CODE: NONE

Both B-1 and B-2 aliens are **barred from employment**, although B-1 aliens may engage in certain business activities consistent with their status, such as negotiating contracts, or selling or soliciting orders for goods manufactured abroad.

b. Academic Students, (F-1), and their families, (F-2). UAMS Code: ST

An F-1 student may accept on-campus employment at the school attended without obtaining prior approval from INS and without limitation on the number of working hours per week provided that: (1) the alien does not displace a U.S. resident; or (2) such employment is considered part of the student's program under the terms of a scholarship, fellowship or assistantship. An F-1 student is authorized for off-campus employment only when INS has approved an individual application. Such approval allows the alien to work a maximum of 20 hours per week while school is in session, and full-time during vacation periods. The alien may work during the summer vacation however, only if registered for the following term or if eligible and intending to register for that term. Upon graduation or completion of their studies, F-1 aliens are eligible to accept employment in order to obtain practical training. This again requires prior approval by INS of an application. Aliens must make requests for practical training no later than 30 days after completion of their course curriculum. Permission to take practical training is

granted in increments of six months each, not to exceed a total of 12 months. F-2 spouses and children of F-1 aliens are **barred from employment**.

c. Temporary workers and trainees (H-1, H-2, H-3), and their dependents (H-4). UAMS Code: TP

H-1 applies to aliens of distinguished merit and ability coming to the United States temporarily to perform services of an exceptional nature requiring such qualifications. H-2 applies to other aliens coming to the United States temporarily to work at temporary jobs in occupations where a shortage of American workers exists. H-3 applies to aliens coming to the United States temporarily for training not available in their home countries. H-1, H-2, and H-3 aliens may engage in only the specific employment previously authorized by INS and within the time shown on their Form I-797. Their H-4 dependents are **barred from employment**.

d. Exchange visitors (J-1) and their dependents (J-2). UAMS Code: EX

The J-1 visa provides for the exchange of students, scholars, trainees, teachers, professors, researchers, specialists, and leaders in a specialized field of knowledge or skill for a specific program designated by the U.S. Information Agency. J-2 spouses and children may obtain permission from INS to accept employment only if such employment is necessary for their support - not for the support of the principal alien.

e. Trade Canadian (TC) UAMS Code: NONE

Non-immigrant Canadians may come to the U.S. to work under the North American Free Trade Agreement, for renewable periods of a year.



UAMS ADMINISTRATIVE GUIDE

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REVISION:

SECTION: HUMAN RESOURCES

AREA: EMPLOYMENT

SUBJECT: IMMIGRATION REFORM AND CONTROL ACT OF 1986

PURPOSE

The purpose of this policy is to make known the intentions of The University of Arkansas for Medical Sciences (UAMS) to comply with terms of the Immigration Reform and Control Act (IRCA) of 1986 in gaining proof of identity and eligibility for employment from every individual employed on or after November 6, 1986. Individuals who fail to show acceptable documentation of identity and eligibility to work will be allowed a grace period of 21 days after hire/appointment. Non-compliance thereafter will be cause for immediate termination.

PROCEDURE

1. Individual employees are responsible for producing acceptable documents, as specified by IRCA and listed on the Form I-9, in original format at the time of hire or appointment. The employee must sign the [Form I-9](#) (See page 2 of this policy for a sample form).
2. The Office of Human Resources is responsible for adequately notifying each employee of this obligation, reviewing and photocopying documents, completing the Form I-9, and completing follow-up procedures with deficient employees by verbal and written communications.
3. Employees who cannot show documentation at the time of hire or appointment will be allowed 21 days from their hire date to complete the process. If documentation is not completed within 21 days, the employee **will be terminated**. This policy will be pursued in order to avoid potential IRCA civil and criminal penalties of non-compliance.
4. An employee terminated for non-compliance will be reinstated to pay status only with presentation of the acceptable documentation on the day of rehire.
5. Completed Form I-9 will be retained in the employee's personnel file for the greater of three years, or one year following termination.



 SEARCH

Immigration Services

[UAMS Home](#)
[OHR Home](#)
[About UAMS](#)
[Jobs](#)
[New Employee](#)
[Current Employee](#)
[Exiting Employee](#)
[Manager's Information](#)
[U-Temps](#)
[Immigration Services](#)
[Forms & Info](#)
[Benefits](#)
[Retirement](#)
[Policies](#)
[Calendar](#)
[Diversity](#)
[Employee Recognition](#)
[Training](#)
[Contact US](#)

This page provides an overview of selected employment-based nonimmigrant and immigrant categories applicable to and for which UAMS provides services. For information in other areas of immigration, contact the local Immigration and Naturalization Service (INS) Office located at 245 Wagner Place, Suite 250, Memphis, Tennessee 38103; office hours M-F, 8 am-2 pm; Tel. 1-901-766-2968 (call between 9 am-12 pm. The 24-hour INS national recording, "Ask Immigration" is Tel. 1-800-755-0777. To order INS forms Tel. 1-800-870-3676. The INS Texas Service Center may be reached by Tel. 214-767-7769, FAX 214-767-7405.

Nonimmigrant Categories

Nonimmigrant categories applicable to UAMS that authorize employment are:

- [F-1 Student](#)
- [J-1 Exchange visitor](#)
- [J-2 Exchange visitor dependent with work authorization](#)
- [TN-1 Canadian or Mexican professional](#)
- [H-1B Professional temporary worker](#)

Student (F-1)

The F-1 classification is for a student who has been fully admitted at UAMS and issued a Certificate of Eligibility, Form I-20A-B. To prove eligibility for student status, the student must demonstrate that there is a foreign residence abroad which he has no intention of abandoning; that the student has a valid educational purpose for attending school in the U.S.; and that the student has sufficient funds with which to support self without working.

A student is admitted for duration of status (D/S), which is defined as the time during which he is pursuing a full course of study at an educational institution approved by the service for attendance by a foreign student, or engaging in authorized practical training following completion of studies, plus sixty days to prepare for departure from the United States.

A student is only authorized to attend the school which issued the I-20A-B. A student who wants to transfer to a new school must notify the present school of the transfer and obtain an I-20A-B from the new school.

The F-1 regulations provide for the following types of employment for an eligible student applicable to UAMS:

- On-campus employment
- Post-completion practical training
- Off-campus employment, based on economic necessity

On-campus employment must either be performed on the school's premises or at an off-campus location which is educationally affiliated with the school. Employment must not exceed twenty hours per week while school is in session. A student may work full time on campus when school is not in session or during the annual vacation.

A student may apply to INS for authorization for temporary employment for practical training after completion of studies. A student may request recommendation for practical training during a 120-day period which begins 90 days before and ends 30 days after the completion of the course of study. A student cannot accept employment until he has been issued an Employment Authorization Document by INS.

If other employment opportunities are not available or are otherwise insufficient, an eligible student may request off-campus employment work authorization based upon severe economic hardship caused by unforeseen circumstances beyond the student's control.

For further information, contact the Assistant to the Vice Chancellor for Academic Affairs, who is the Designated School Official (DSO), at the Graduate School Administration Office, Tel. 686-5454, Slot 601

Exchange Visitor (J-1)

UAMS has an approved exchange visitor program for researchers and students only, and can issue a Certificate of Eligibility for Exchange Visitor Status (form IAP-66) to post-graduate aliens and their immediate family. Graduate medical education must be sponsored through the Educational Commission for Foreign Medical Graduates, Tel. 215-662-1445.

An applicant for the J-1 must demonstrate that he has a foreign residence that he has no intention of abandoning; has sufficient funds for his stay; meets health insurance requirements for self and dependents, and has the English language proficiency required to participate in the program.

The J-1 exchange visitor is admitted for the time authorized by the category of the visit. Research scholars may stay in the U.S. in J-1 status for three years. Extensions are feasible for good cause.

Dependents (J-2) of an exchange visitor may apply for employment authorization with INS by filing form I-765.

If an exchange visitor is subject to the two-year foreign residence requirement, the alien must return to the country of nationality or last permanent residence for at least two years before being eligible to apply for H-1B or immigrant status. An exchange visitor is subject to the two-year foreign residence requirement if he or she:

- Received funding in whole or in part, directly or indirectly, from the country of the alien's last residence or from the U.S. government;
- Is a national or resident of a country designated by the Secretary of State as requiring the service of persons in the alien's particular field of knowledge or skill (Skills List); or
- Came to the U.S. to receive graduate medical education or training.

Although the J-1 exchange visitor is expected to honor a commitment to return to the home country, waivers of the two-year residency requirement may be applied for on the basis of persecution in the home country, exceptional hardship, a request from an interested U.S. government agency, and home-country non-objection. The last basis is unavailable for foreign medical graduates pursuing graduate medical education or training in the U.S.

For further information, contact the Immigration Manager, Office Human of Human Resources, Tel. 686-5074, Slot 566.

North American Free Trade Agreement (TN-1)

The North American Free Trade Agreement (NAFTA) provides TN classification for

Canadian and Mexican professionals to work in the U.S. The TN applicant must be engaged in one of the following professions listed (list annotated to be applicable to UAMS):

- Medical/allied professional (physicians-teaching and research only)
- Research assistant (working in a post-secondary educational institution) baccalaureate degree
- Scientist
- Teacher (University)

For further information contact the Immigration Manager, Office of Human Resources, Tel. 686-5074, Slot 566.

Temporary Worker (H-1B)

The H-1B classification is for an alien coming to the United States to perform services in a professional occupation. The law allows foreign medical graduates to come to the United States in H-1B status to practice medicine. Physicians involved in direct patient care specifically require:

- An Arkansas State license or authorization required by the State of intended employment, or State evidence that a license is not required (residents are exempt from this requirement); and
- A foreign medical license or foreign medical diploma or U.S. medical diploma; and
- USMLE, NBME, or equivalent, or medical diploma from a U.S. school; and
- ECFMG certificate with the English proficiency stamp or a graduate of a school of medicine accredited by the Secretary of Education.

To qualify for state licensure, the alien must have one year clinical experience in the United States.

The employer files an H-1B petition with INS after obtaining prevailing wage rate information and filing a labor condition application with the Department of Labor.

If the H-1B petition is approved and the alien is outside the U.S., the alien may apply for an H-1B visa at a consulate abroad. If the alien is in the U.S. and has maintained lawful status, the petitioner may apply for change of status on the alien's behalf. J-1 medical residents must depart the country to obtain the visa.

The petition may be filed for three years and extended for an additional three years. When an alien's H-1B status expires at the end of six years, the alien must remain outside the U.S. for one year before becoming eligible for another H-1B.

For further information, contact the Immigration Manager, Office of Human Resources, Tel. 686-5074, Slot 566.

Immigrant-Permanent Resident

For obtaining permanent resident ("green card") status through employment, the employer files an immigrant petition with INS to classify the alien for a visa under one of the employment based categories--Extraordinary Ability, Outstanding Researcher or Professor, Exceptional Ability in the National Interest and Advanced Degree in the National Interest. After the petition is approved, the alien files an application to adjust status through the local INS office in Memphis. A request for employment authorization is filed with the application and usually takes 90 days. Granting of the green card usually takes 10 months from date of application.

Another method is through a lottery. To qualify, an alien must come from a designated "low admission country" and be a high school graduate. Applying involves mailing a sheet of paper with : one's name, address, date and place of birth to INS.

For further information, contact the Immigration Manager, Office of Human Resources, Tel. 686-5650, Slot 566.

University of Arkansas for Medical Sciences
4301 W. Markham St., Little Rock, AR 72205

For the Office of Human Resources & Employee Services, Call 1-501-686-5650

To Make an Medical Appointment Call the Appointments Center at: **1-501-686-8000** or **1-800-942-8267**

For Patient Information/Rooms, Call **1-501-686-6416**

For General Information and for Numbers Not Listed, Call **1-501-686-7000**

For International Patient Appointments, Call **1-501-686-8071**

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