



THE UNIVERSITY OF CHICAGO

OFFICE OF INTERNATIONAL AFFAIRS

Do's and Don'ts for Employers
(In Regard to International Job Applicants)

Do

- Consider international student applicants a valuable resource for your company!
- Consult with your Human Resources Department before going on a recruiting trip - ask what you should know regarding international applicants.
- Give some consideration to requirements for a position, such as degree required and the wording "or foreign equivalent" to account for those applicants with equivalent but different international degrees.
- Develop resources that let you readily understand an international applicant's credentials. See www.ece.org and www.wes.org.
- Inform yourself of what constitutes unlawful discrimination in hiring.
- Realize that the interview and hiring process works very differently in other countries.
- Focus on the bona fide job qualifications of the applicant rather than ask questions about his/her country and culture (unless you are fairly well informed about them).

Don't

- Assume that an international applicant is "not worth the bother" because of visa issues; there is incredible talent in this applicant pool!
- Discriminate when faced with an international applicant. For example, you cannot choose to accept job applications only from U.S. citizens or Legal Permanent Residents unless there is a legal requirement for the job that says so.
- Ask the job applicant what his/her visa status is. (You may ask whether the individual is legally authorized to be employed in the U.S.)
- Assume that labor law does not apply to an applicant because s/he is international.
- Assume that because an applicant is international s/he won't file a complaint against you if you violate labor law or discriminate.

Important Resources for Employers

Immigration Employment Compliance Handbook, published annually by Thomson West (1-800-328-4880)

H-1B Handbook, published annually by Thomson West (1-800-328-4880)

U.S. Department of Labor: <http://www.dol.gov>

Immigration and Nationality Act Information:
<http://www.dol.gov/compliance/laws/comp-ina.htm>

Which Questions are Permitted by Law?

“What is your status?” --- No

“What is your citizenship?” --- No

“Where were you born?” --- No

“Are you lawfully authorized to work in the United States?” --- Yes

“Will you need sponsorship at any point in the future to maintain lawful employment in the United States?” --- Yes

Some Procedures Prohibited by Law

Limiting recruitment to individuals who are citizens and/or Legal Permanent Residents (LPR);

Only accessing international application pile after exhausting U.S. citizen (or Legal Permanent Resident) application pile;

Keeping citizenship information in personnel file; I-9 should be filed separately!