



PIMA COUNTY, ARIZONA

BOARD OF SUPERVISORS POLICY

Subject:

**HIRING FOREIGN NATIONALS UNDER H-1B AND OTHER
TEMPORARY OR NON-IMMIGRANT VISAS**

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PURPOSE

The purpose of this policy is to establish rules for hiring foreign nationals into Pima County. Though this policy specifically addresses the most common visa required for hiring foreign nationals (H-1B Visa), it also extends to other types of temporary or non-immigrant visas including but not limited to student and exchange program visas, TN-1 status under the North America Free Trade Agreement (NAFTA) treaty, and others.

H-1B NONIMMIGRANT VISA DESCRIPTIONS

Pursuant to current law, the H-1B non-immigrant visa is a temporary work permit for professional positions that allows foreign nationals to live and work in the United States on a temporary basis, not to exceed six years. The visa is granted for three years and can only be renewed once for an additional three years. A non-immigrant who has had an H-1B Visa with another employer will have that time counted toward the six (6) year maximum by the responsible federal government agency. Workers from Mexico and Canada in certain occupations can get special TN-1 status under the NAFTA treaty.

The Immigration and Naturalization Services (INS) must approve all H-1B Visas and renewals. The job title and job duties for consideration must require a U.S. Bachelor's degree or its equivalent and the foreign national must possess at least a U.S. Bachelor's degree or its equivalent. The potential employer must show that it has an available position and has the resources to pay at the prevailing wage to the H-1B visa holder. The Federal government establishes a maximum number of visas to be issued per year.

Pursuant to Federal law, in the event that the employer terminates the employment of the H-1B visa holder prior to the expiration of the H-1B Visa, the employer is responsible for providing return expenses, including transportation for the foreign national to his or her last place of foreign residence.

BOARD OF SUPERVISORS POLICY STATEMENT

It is the policy of the Board of Supervisors that the hiring into County positions of foreign nationals who are not permanent residents or immigrants and who require either an H-1B Visa or other temporary or non-immigrant visa to work in the U.S. requires the approval of the County Administrator. This approval must be obtained prior to any documents being presented to outside entities and prior to job offers being made. Only the County Administrator has signature authority to outside agencies involving the hiring of foreign nationals and requests for visas. The County Administrator will ascertain that all federal requirements are in order prior to initial approval and at the time of renewal of the visa.

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ADMINISTRATIVE PROCEDURES

The County Administrator will develop Administrative Procedures to carry out this policy and to ensure that departments comply with the requirements of this policy and with federal law. Procedures are subject to change to comply with revised Federal law.

Effective Date: July 15, 2002