

COMMONWEALTH OF PENNSYLVANIA
OFFICE OF ADMINISTRATION

November 10, 1994

SUBJECT: Non-Immigrant Applicants

TO: ALL PERSONNEL OFFICERS OF ALL DEPARTMENTS,
INDEPENDENT ADMINISTRATIVE BOARDS AND
COMMISSIONS AND OTHER STATE AGENCIES
UNDER THE GOVERNOR'S JURISDICTION

FROM: Charles T. Sciotto *Charles T. Sciotto*
Deputy Secretary for Employee Relations

Questions have been raised regarding the hiring of non-immigrant applicants, specifically, those with temporary visas, i.e., F-1 and H-1B.

Based upon our review, it is clear that non-immigrant applicants with temporary visas should not be hired into permanent positions. In addition, agencies may receive requests from applicants or employees to sponsor their petition for a H-1B visa. This sponsorship requires the employer to assume liability for the reasonable costs of return transportation of the immigrant to his or her homeland if the employee is dismissed for any reason. As a matter of policy, the Commonwealth will not agree to such liability and agencies are instructed not to complete Section 1 of the USINS Form I-129 Supplement or any other form which would make the Commonwealth liable for the costs of return transportation.

If it is determined that an applicant has a temporary non-immigrant visa, you may request the State Civil Service Commission remove the applicant from the Civil Service list. An alternative course of action is to not select a candidate whose name appears on a Civil Service list if the position being filled is a permanent position.

Please advise me of any appeals filed regarding the application of this policy.

If you have any questions, please contact Barb Berkoben of my staff at 7-8575.

cc: Secretary Zazycz
Mr. John Wilk