

Work Eligibility Questions During the Application Process

During the application process, hiring units are required to ask the following question of all candidates (not just those who are foreign nationals) to determine up front if the individuals will require visa sponsorship for employment at Oklahoma State University.

Are you currently legally authorized to work in the United States?

- Yes, and I will not require sponsorship for employment visa status now or in the future.
- Yes, but I will require sponsorship for employment visa status in the future.
- No, and I will require sponsorship for employment visa status in the future.

All individuals who apply online through the OSU Career Site are prompted to answer this question as part of the application process.

It is a violation of federal and state anti-discrimination laws and university policies to discriminate against applicants because of their race, ethnicity, or national origin.

How to Interpret Responses to the Required Work Authorization Question

The following table provides additional information to help you understand what the response to the following questions may mean for a hiring unit and when it may or may not be appropriate to ask follow-up questions about immigration status according to the U.S. Department of Justice Unfair Immigration-Related Employment Practice provisions in the law.

Response to Eligibility for Employment Question	Response to Need for Sponsorship Question (second part of answer)	What this Response Means to Hiring Units
Yes	No	<p>Legal Compliance: When a candidate answers “yes” to the first part of the question and no to the second, the hiring unit is not allowed to ask any further questions about immigration status. Asking further questions risks a discrimination charge.</p> <p>Petitions for an Employment Visa: Based on this response, the candidate is indicating that they do not need OSU to sponsor a petition for an employment visa. Candidates who answer in this manner are likely U.S. citizens or permanent residents.</p>
Yes	Yes	<p>Legal Compliance: When the candidate answers “yes” and indicates they will require sponsorship, the hiring unit is allowed to ask further questions about immigration status</p>

		<p>without risking liability or a discrimination charge. Additional questions may include:</p> <ol style="list-style-type: none"> 1. What is the basis of your current work authorization? 2. When does that work authorization expire? 3. Have you ever been on a J-1 visa? <p>Petitioning for an Employment Visa: This response indicates the candidate currently holds work authorization but will need OSU to sponsor a petition for an employment visa (such as an H-1B) now or in the future. Contact the HR Immigration Services Consultant if you need additional guidance on eligibility prior to making a formal job offer.</p>
No	Yes	<p>Legal Compliance: When a candidate answers “no” for the first part and yes to the second part of the questions, the hiring unit is allowed to ask further questions about immigration status without risking liability or a discrimination charge. Additional questions may include:</p> <ol style="list-style-type: none"> 1. What is your current immigration status? 2. When does that status expire? <p>Petitioning for an Employment Visa: This response indicates the candidate will need OSU to sponsor a petition for an employment visa (such as an H-1B). Contact the HR Immigration Services Consultant if you need additional guidance on eligibility prior to making a formal job offer.</p>