

Work Eligibility Questions During the Application Process

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

- Are you currently eligible to work in the United States of America?
- Do you now or in the future require visa sponsorship to continue working in the United States?

NOTE: All individuals who apply for staff positions are prompted to answer these questions directly in eRecruit.

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

How to Interpret Responses to Required Immigration Status Questions?

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 (1)	Response to Need for U-M Sponsorship Question (2)	What This Response Means to U-M Hiring Units
Yes	Yes	<p><i>Legal Compliance:</i> When a candidate answer “yes” to both 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 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><i>Petitioning for a U-M Employment Visa:</i> Contact the U-M International Center before a formal job offer is made to ensure that the individual is eligible for continued employment and is not required to return to his/her home country before reentering the U.S. on another type of employment visa.</p>

Legal Compliance: When a candidate answers “yes” to the first question and “no” to the second question, the hiring unit is not allowed to ask further questions about immigration status. Asking further questions risks a discrimination charge.

Yes

No

Petitioning for a U-M Employment Visa: Based on this response, the candidate is indicating that he/she does not need U-M to sponsor a petition for an employment visa. Candidates who answer in this manner are likely U.S. citizens or permanent residents. Contact the U-M International Center if additional assistance is needed.

No

Yes

Legal Compliance: When a candidate answers “no” to the first question and “yes” to the second question, the hiring unit is allowed to ask further questions about immigration status without risking liability or a discrimination charge. Additional questions may include:

1. What is your current immigration status?
2. When does that status expire?

Petitioning for a U-M Employment Visa: Contact the U-M International Center to determine the appropriate visa type for the position.

No

No

Legal Compliance: When a candidate answers “no” to both questions, he or she is not eligible for employment. The candidate likely misunderstood the questions and additional follow-up with the candidate is needed. Contact the U-M International Center for guidance.

Source URL: <https://internationalcenter.umich.edu/fsis/work-eligibility-questions>