

DEPARTMENT OF ADMINISTRATIVE & FINANCIAL SERVICES
Bureau of Human Resources

August 25, 1995

HUMAN RESOURCES MEMORANDUM 8-95

TO: All Agency/Department Heads/Personnel Officers

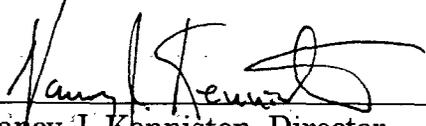
SUBJECT: Employment Policy for Legal Residents of the United States

The purpose of this Memorandum is to clarify the non-discrimination requirements of the Immigration Reform and Control Act of 1986.

The State of Maine must not discriminate against any person who has established the right to live and work in the United States. Non-U.S. citizens can obtain status as lawful permanent or conditional U.S. residents by virtue of a Resident Alien Card or Conditional Resident Alien Card (commonly referred to as *green card*) or other federally authorized document. Such non-U.S. citizens must, as legal U.S. residents, be treated in the same manner as United States citizens with respect to employment.

Non-U.S. citizens may have or obtain a *green card* by virtue of relationship to a U. S. citizen (by marriage, by birth, etc.). Non-U.S. citizens who do not qualify for a *green card* by relationship to a U.S. citizen may obtain a work-related *green card* through the Department of Labor, but only if the employer is unable to locate U.S. citizens for the employment in question. As long as the labor market includes U.S. citizens, the Department of Labor will not issue a *green card* in accordance with the U. S. Code of Federal Regulations, Title 20, Section 656.21.

In those cases where a Civil Service certification includes the name of a non-U.S. citizen, the employing department must verify that the non-U.S. citizen has or is eligible for a *green card* or other documentation that establishes legal residency. If the certification includes U.S. citizens, the employing department must inform the non-U.S. candidate that it is not possible to justify the conditions needed for a work-related *green card*.



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