

ARTICLE XX
NON-CITIZEN WORKERS' RIGHTS

Section A. Each non-citizen Employee is responsible for ensuring that they have valid work authorization and are compliant with the terms of their visa. The University will provide information and reasonable support to its Non-citizens Employees under University visa sponsorship through the efforts of the Harvard International Office and other relevant groups.

The parties understand that the United States government is the final arbiter of any and all immigration and visa issues that may arise.

Section B. Assuming that the Employee provides any needed information in a timely manner, the University will, in a timely manner, complete all work authorization documentation for which it is responsible and provide updates about the processing in an effort to avoid delayed start dates, paychecks, or benefit coverage. Employees will normally be kept informed of relevant deadlines, typical approval timelines, and implications of federal administrative actions that may impact them or their families of which the University is aware. In cases of delays or complications, the University will promptly inform the Employee and, within its capacity, work to resolve the issue.

Section C. Visa Processing.

1. In cases where an Employee does not have valid work authorization or is unable to enter the United States due to their immigration status, the Employee will not be allowed to work nor will they be allowed to work remotely. However, the Employee may be granted a limited exception in the University's discretion to allow remote work for a limited period of time. Whether to grant an exception and for how long solely in the University's discretion and may depend on whether there are any legal implications, sponsor considerations, or other work-related restrictions that would preclude remote work. Any determination whether or not to grant remote work, or its duration, is not grievable.

Where remote work is not approved, and if the University is not able to continue to employ an Employee as a result of the Employee's immigration status, the University shall hold the position open for a reasonable period of time, where feasible, in order for the employee to obtain work authorization. If lawful status is obtained thereafter, reemployment is not guaranteed and shall depend on several factors, including, but not limited to, availability of lab space and research funding. Any determination made under this section is not grievable.

2. The Employee shall promptly notify their supervisor in cases in which an Employee is unable to enter the United States due to visa-related issues or is otherwise denied entry by federal agents. The Employee may also notify the Union in such cases.
3. The University shall provide contact information for and access to qualified support personnel (e.g., HIO representative) to all its Non-Citizen Employees under University visa sponsorship, including contact information for the HAW-UAW Union. The HIO will maintain an after-hours support phone line in case of immigration and visa related emergencies that require immediate response from HIO. The phone line is not for seeking general information about immigration or visa issues.
4. The University shall assign an HIO representative to each bargaining unit Employee who is a Non-Citizen Worker under University visa sponsorship. The HIO representative will act as the primary contact for immigration-related matters.

Section D Information for Visa Holders

1. The University shall develop, share and periodically update general information on the HIO website for visa holders, outlining their general rights and options. However, in no way shall this be offered or construed as legal advice for Employees.
2. If the position sponsored for H1B status includes a teaching component, the University in its sole discretion shall decide whether it wishes to allow for

teaching as a permitted activity as part of the appointment. Should the University decide to allow teaching as a permitted activity, the University shall provide all documentation necessary for a petition to add teaching as a permitted activity.

Section E. Immigration-based leave.

Subject to any pay restrictions in a particular sponsor project, Employees shall have the right to five (5) business days off without loss of pay to attend visa and immigration proceedings in which they are required to attend for themselves, their spouse or dependent(s). The Employee may request additional time that may be needed beyond the five (5) business days and such requests will be given good faith consideration. This time shall not be counted against any other paid or unpaid time off allotted by the University or guaranteed by this Agreement.

Section F. Meetings.

1. Should any change in laws or regulations relevant to these procedures — including but not limited to the repeal of Deferred Action for Childhood Arrivals (DACA), rescinding of Temporary Protected Status (TPS), travel bans, or any change in immigration law or regulations, or a court ruling that sets forth any new interpretation pertaining to these procedures occur, the University and the Union may meet to discuss the impact of such changes on bargaining unit members.
2. Issues of international employment, immigration status, and visas may be discussed at meetings of the LMC.

Section G. Support.

1. The HIO shall maintain a list of attorneys and agencies for referral, including pro-bono agencies, if the Employee has a complex immigration issue.

Section H. Grievance.

Grievances pertaining to this Article may be filed at Step Two of the Grievance and Arbitration Article:

Section I Employee privacy

- a. Immigration status is confidential and the University will not divulge personal immigration status information of Employees to any parties except as required for the immigration sponsorship process, as requested by Employees in question, as required by law, as required to defend the University or its employees in legal proceedings or as expressly stipulated in this Agreement.

Section J Know Your Rights

The University will host periodic Know Your Rights training sessions during work hours, educating all Employees on their legal rights when interacting with law enforcement or immigration authorities at home, in public spaces, or in the workplace.

The University will also publish guidance to managers on responding to requests from law enforcement or other government regulatory or investigative agency.