

Can job ads request U.S. work authorization?

Q. Our 40-employee company advertises for jobs internationally but we aren't able to offer sponsorship to any candidate who is not legally able to work in the United States. I realize we can't put "Prefer U.S. citizen" on a job ad, but can we alert candidates to our requirement?

A. Yes. Although you cannot require individuals to be United States citizens, you can require them to be currently authorized to work in the United States. People who do not have such work authorization can often be sponsored by employers for an appropriate work visa (H-1B, H-2B, etc), but the process can be both time-consuming and expensive. For a smaller employer, it is acceptable to ask whether the individual is currently authorized to work in the United States, perhaps adding that you will not pay to sponsor otherwise eligible candidates for an appropriate work authorization.