



Office of Information Technology Services

State Capitol P.O. Box 2062
Albany, NY 12220-0062
www.its.ny.gov

Office of Information Technology Services Policy	No: ITS-P18-006
ITS Policy: Immigration	Updated: 001/27/2022
	Issued By: NYS Office of Information Technology Services Owner: Division of Legal Affairs

1.0 Purpose and Benefits

The purpose of this policy is to establish procedures for processing and responding to requests from governmental agencies and/or third-party employers regarding immigration matters for the Office of Informational Technology Services' (ITS) contractors and consultants.

2.0 Authority

Section 1 of Executive Order No. 117¹, issued January 2002 charges the State Chief Information Officer with overseeing and supervising the management and operations of ITS. *Section 102(2) of the State Technology Law* gives the Director of ITS responsibility for the administration of ITS. Details regarding this authority can be found in NYS ITS Policy, [NYS-P08-002 Authority to Establish State Enterprise Information Technology \(IT\) Policy, Standards and Guidelines](#).

3.0 Scope

This policy applies to ITS employees, contractors, and consultants.

¹ All references to Executive Order 117 refer to that which was originally issued by Governor George E. Pataki on January 28, 2002 and continued by Executive Order 5 issued by Governor Eliot Spitzer on January 1, 2007, Executive Order 9 issued by Governor David A. Patterson on June 18, 2008, Executive Order 2 issued by Governor Andrew M. Cuomo on January 1, 2011, and Executive Order 6 issued by Governor Kathy Hochul on October 8, 2021.

4.0 Information Statement

ITS contracts with contractors and consultants who are legally permitted to work in the United States through various types of work visas issued by the United States Citizenship and Immigration Services (“USCIS”), e.g., H-1B nonimmigrant work visas. These contractors and consultants provide valuable services in helping ITS meet its mission. Due to ITS’s position as a third-party beneficiary for these contractors’ and consultants’ services, ITS is often asked to provide assistance related to their employment status, e.g., client verification letters. As these requests have increased, it is critical that ITS have policies and procedures in place to ensure a consistent approach in responding to immigration-related requests.

4.1 Client Verification

Client verification is often required when a visa holder is renewing their specific visa or traveling overseas. USCIS requires documentation of client verification as evidence that the visa holder is providing services as stated in their visa renewal petition or travel documents. The following are the steps required for requesting and obtaining approval of client verification documentation from the ITS Division of Legal Affairs (“DLA”).

4.2 Notification of Need

ITS employees must notify DLA as soon as practicable after they receive a request for client verification information. Notifications must be sent to its.sm.dla@its.ny.gov and must contain the following information:

- Contractor’s/consultant’s name
- Contractor’s/consultant’s ITS supervisor’s/manager’s name
- Requestor name and organization (e.g., USCIS), including contact information
- If from the contractor’s/consultant’s direct employer, a detailed statement of need for the request
- if from a government entity, a copy of the notice requesting additional evidence

DLA will only process requests from a government entity or an employer, not a contractor or a consultant. DLA may require additional information to process the request.

4.3 Client Verification Information

Client verification information must not be released without prior consultation with and approval by DLA. Such client verification information may include but is not limited to: whether a contractor/consultant performs services for ITS; when a contractor/consultant had performed services for ITS; and the name of the vendor employing the contractor/consultant.

4.4 Communication of Verification

Under no circumstances should an ITS employee provide client verification information to the requestor without consultation with DLA. Further, no contractor/consultant may be provided their own client verification information unless required by law, rule, or regulation.

4.5 Governmental Entity

All communications with a governmental entity requesting client verification information must come from DLA.

4.6 Contractor's/Consultant's Employer

DLA will provide the contractor's/consultant's ITS supervisor/manager an approved client verification letter template to be completed in accordance with the directions contained within. DLA will review and revise the completed letter and, if necessary, return it to the ITS supervisor/manager for further information. Once the review cycle is complete, DLA will provide an approved copy of the letter to the ITS supervisor/manager for signature. The letter must be sent in PDF, or any successor, format directly to the contractor's/consultant's employer.

4.7 Site Visits by U.S. Government Officials

Executive Orders 170 and 170.1², respectively, restrict ITS employees from providing certain information or access to federal immigration authorities with certain exceptions. Questions regarding these Executive Orders, so long as they remain in effect, must be directed to DLA. Should an ITS employee be contacted, in any form, by federal immigration authorities or any other U.S. Government official regarding an ITS employee's, contractor's, or consultant's immigration status, please direct such authority or official to DLA at the email address and/or telephone number provided in Section 7.0.

4.8 Immigration-Related Matters

All other immigration-related matters must be directed to DLA at the email address and/or telephone number provided in Section 7.0.

5.0 Compliance

This policy shall take effect upon publication. Compliance is required with all enterprise policies and standards. ITS may amend its policies and standards at any time; compliance with amended policies and standards is required.

6.0 Definitions of Key Terms

Except for terms defined in this policy, all terms shall have the meanings found in <http://www.its.ny.gov/glossary>.

² All references to Executive Orders 170 and 170.1 refer to Executive Orders that were originally issued by Governor Andrew M. Cuomo on September 15, 2017 and April 25, 2018, respectively, and continued by Executive Order 6 issued by Governor Kathy Hochul on October 8, 2021.

7.0 Contact Information

Submit all inquiries and requests for future enhancements to the policy owner at:

Division of Legal Affairs
Reference: ITS-P18-006
NYS Office of Information Technology Services
State Capitol, PO Box 2062
Albany, NY 12220-0062
Telephone: (518) 473-5115
Email: its.sm.dla@its.ny.gov

ITS policies, standards, and guidelines may be found on the Inside Edge at:
<https://nysemail.sharepoint.com/sites/myITS/InsideEdge/Pages/Policies.aspx>

8.0 Revision History

This policy shall be reviewed at least once every two years to ensure relevancy.

Date	Description of Change	Reviewer
12/18/2018	Issued policy	Division of Legal Affairs
08/03/2020	Updated	Division of Legal Affairs
01/27/2022	Updated – Name change from Contractor Verification of Employment to Immigration	Division of Legal Affairs

9.0 Related Documents
