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Office of Information Technology Services Policy	**No:** ITS-P18-006
ITS Policy: **Immigration**	**Updated:** 4/15/2026
	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 Information Technology Services' (ITS) contractors and consultants.

2.0 Authority

Section 1 of Executive Order No. 117[1], 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 Enterprise Information Technology (IT) Policies, Standards and Guidelines*.

[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.

3.0 Scope

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

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 or immigration status.

4.1 Employment Eligibility and Work Authorization

4.1.1 Sponsorship

ITS will not sponsor new employment-based immigrant visas (e.g., Green Cards).

4.1.2 Employment Eligibility Verification

All employment eligibility is verified through the I-9 process.

4.1.3 Work Authorization

If an employee is unable to provide updated work authorization prior to the expiration of their current authorization, they will be fully separated from their position and unable to receive discretionary leave.

ITS has the right to deny employment to a pending applicant/employee and/or terminate an employee, if ITS discovers the individual answered no on Part 1 of an Application for Employment, where it asks, "Do you now or in the future require sponsorship," but it is subsequently discovered that the applicant/employee in fact does. See Section 4.1.1 above.

4.2 Client Verification of ITS Contractors

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

4.2.1 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. DLA will only provide verifications for ITS-funded consultants. Employment verification for consultants whose positions are funded by other agencies is the responsibility of the funding agency.

4.2.2 Client Verification Information

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.

4.2.3 Communication of Verification

Client verification information cannot be released without prior consultation with and approval by DLA. Further, no contractor/consultant shall be provided their own client verification information unless required by law, rule, or regulation. All communications with a governmental entity requesting client verification information must come from DLA.

4.2.4 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.

4.3 Immigration-related Employment Verification for ITS Employees

Immigration-related employment verification for ITS employees is handled by the ITS Human Resources Office. All questions and inquiries should be directed to HR at onboarding@its.ny.gov.

4.4 Site Visits by U.S. Government Officials

4.4.1 Scheduled Site Visits for Visa Verification

ITS supports our employees, contractors, and consultants through visa verifications done by USCIS, the U.S. Dept. of State, and other federal agencies, including occasional on-site verification visits. Scheduled site visits by federal agencies for visa verification purposes must be coordinated through DLA.

4.4.2 Unscheduled Site Visits (Enforcement Actions)

Executive Orders 170 and 170.1[2], 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, and/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. If the official declines to contact DLA, employees should immediately notify DLA for further guidance.

4.5 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.

[2] All references to Executive Order 170 and 170.1 refer to that which was originally issued by Governor Andrew M. Cuomo on September 15, 2017, and continued by Executive Order 6 issued by Governor Kathy Hochul on October 8, 2021.

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.

7.0 Contact Information

Who to contact for Immigration-related Questions:

- HR – at onboarding@its.ny.gov for:
    - I-9's, employment eligibility questions, and employment verifications for ITS employees for immigration purposes.
- DLA – Compliance Team at its.sm.dla@its.ny.gov for:
    - Employment verification for ITS contractors and consultants for immigration purposes and encounters with immigration officials/law enforcement entities.

Submit all other 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

Statewide technology policies, standards, and guidelines may be found at the following website: https://its.ny.gov/policies

8.0 Revision History

This policy should be reviewed consistent with the requirements set forth in ITS-P24-003 Process for Establishing Information Technology Polices, Standards and Guidelines.

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
06/03/2024	Cursory review	Division of Legal Affairs
04/15/2026	Updated	Division of Legal Affairs