# DEPARTMENT INFORMATION PACKET FOR H-1B STATUS

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International Faculty & Scholars (IFS) at The University of Arizona (UA) has prepared this packet of information to assist hiring departments at UA with the process of requesting preparation an H-1B petition for adjudication by U.S. Citizenship & Immigration Services (USCIS) on behalf of Foreign Nationals (FN) they wish to hire.

The process is lengthy and complex, involving various federal government agencies. In order to ensure that everything goes smoothly, it is extremely important that you read the materials in this packet very carefully, in its entirety, and that you follow the instructions. This will avoid delays in the preparation of the petition for submission to USCIS.

Please be advised, however, that any estimated processing times referenced in this packet are subject to change without notice due to changes in the regulations and/or backlogs within a particular government agency. IFS cannot control delays of this nature and therefore cannot guarantee an adjudication date. Please see www.uscis.gov for the most current published processing times. IFS cannot and will not guarantee favorable adjudication of any petitions.

If you have any questions or need additional information, please call 520-626-6289 to speak to a qualified staff member who can assist you.
COMMONLY USED ABBREVIATIONS

AILA  American Immigration Lawyers Association
AP    Advanced Parole
CSC   California Service Center
CFR   Code of Federal Regulation
COS   Change of Status
DHS   Department of Homeland Security
DOL   Department of Labor
DOS   Department of State
EAD   Employment Authorization Document
EB    Employment Based
ETA   Employment & Training Administration
EV    Exchange Visitor
FN    Foreign National
H-1B  Nonimmigrant Status for Speciality Workers
H4    Dependent of H-1B
INA   Immigration and Nationality Act
IV    Immigrant Visa
J-1   Nonimmigrant Status for Exchange Visitors
J-2   Dependent of J-1
LC    Labor Certification
LCA   Labor Condition Application
LPR   Lawful Permanent Resident
NAFSA Association of International Educators
NIV   Nonimmigrant Visa
NOID  Notice of Intent to Deny
O-1   Nonimmigrant status for Aliens of Extraordinary Ability
IFS   International Faculty & Scholars
OPR   Outstanding Professor Researcher
OR    Optional Recruitment (formerly Special Handling)
PERM  Program Electronic Review Management system
PR    Permanent Residency
PWD   Prevailing Wage Determination
PWR   Prevailing Wage Request
PWRF  Prevailing Wage Request Form
RFE   Request for Evidence
RFI   Request for Information
SESA  State Employment Security Administration
SEVIS Student and Exchange Visitor Information System
SH/OR Special Handling (now Optional Recruitment)
SWA   State Workforce Agency
UA    The University of Arizona
USCIS U.S. Citizenship & Immigration Services
Basic H-1B Classification Information:

- H-1B status is used to employ professionals temporarily for a maximum period of six (6) years, filed in two (2) increments of no more than three (3) years each. Since this six-year limit is strictly enforced, it is important to plan accordingly. It may be possible to begin another six-year period as an H-1B visa holder, but only after the individual has spent at least one year outside the United States.

- Each H-1B petition may be for a period of time up to three (3) years; not to exceed six (6) years cummulative. However, an employer may not sponsor a FN for a period of time that exceeds guaranteed funding. If funding can only be guaranteed for one (1) year, then the hiring department may seek to extend the FN’s status each year based on available funding. A petition will not be filed unless the department guarantees funding for the period requested.

- The position must require a minimum of a bachelors degree and the FN must possess at least a bachelors degree or its equivalent in the field in which s/he is seeking employment. We cannot file an H-1B for a position requesting less than a Bachelor’s degree.FNs with a bachelors equivalent in work experience will be required to provide a credentials evaluation, at their own expense, documenting work experience equivalent to a bachelors degree.

- H-1B status is employer specific; therefore, the FN may only work for the UA who is sponsoring their status. However, the FN may have H-1B status for more than one (1) employer, which will allow concurrent employment.

- H-1B status recognizes dual intent. This means that the FN may apply for permanent residency (PR) while in H-1B status. For information regarding PR, please see the PR information packet on IFS website.

- Spouses and unmarried children under the age of 21 of H-1B visa holders are considered dependents and are eligible for H-4 status. H-4 visa holders are only eligible to stay in the United States while their H-1B spouses or parents are in the United States maintaining the terms and conditions of their H-1B status. If already in the United States, Form I-539 for dependent family members must be submitted with the H-1B petition. The FN must submit the completed form with their H-1B required documentation for submission to USCIS. If outside the United States, Form I-539 is not required. Form I-539 is the sole responsibility of the FN.

- Dependent family members in H-4 status are not eligible to work or volunteer, but may study in the United States, full-time or part-time, for the duration of the H-1B’s period of stay.

- The FN will receive a copy of his/her certified Labor Condition Application (LCA) upon receipt of H-1B status, as required by law. The certified LCA shows the FN’s actual wage (what s/he is actually being paid) and the PW (what the SWA has determined to be the appropriate wage for the position). If the FN is not receiving the actual wage, equalling 100% or more of the PW listed on the LCA, s/he must contact IFS immediately.

- As H-1B status is employer specific, scholars may not accept compensation, including honoraria, from any other entity. Individuals in H-1B status invited to give a lecture, collaborate, conduct research or present at other institutions can receive reimbursement for reasonable living and transportation costs only.

- Individuals in H-1B status are required to leave the United States on or before the end date on their Form I-94. When an individual is admitted to the United States in H-1B status, a grace period of 10 days may be given at the discretion of an immigration officer at the port of entry. The 10 day grace period is indicated on the individual’s Form I-94.
**H-1B Extension Information:**

- The H-1B extension process is identical in paperwork requirements as it is for an initial H-1B application. An H-1B extension petition will require a new prevailing wage and a new labor condition application (LCA) along with new supporting documents. A petition must be filed before the current H-1B status ends in order to allow an individual to maintain status and continue to remain on payroll.

- The earliest an H-1B extension request can be filed with USCIS is 6 months prior to the end date of the current H-1B status. If a petition is “timely filed”, USCIS receives the application prior to the H-1B’s current expiration, the individual in H-1B status is authorized to continue to work and be paid for up to 240 days after the expiration of his/her current H-1B status.

- Once the extension petition is approved by USCIS, individuals traveling abroad may need to visit a U.S. Embassy or Consulate to get a new H-1B visa stamp before returning to the United States.

- H-1B regulations allow individuals already holding H-1B status to begin employment with a new employer once the new petition is received by USCIS. This means that individuals may begin new employment before the petition is approved by USCIS, but no earlier than the start date of the petition.

**H-1B Transfers, Coming to UofA from Another Employer:**

- An H-1B change of employer process is identical in paperwork requirements as it is for an initial H-1B.

- The H-1B visa is employer specific which means that an individual who has an H-1B approval from another employer is not automatically eligible to work at The University of Arizona. A new petition would need to be filed by The University of Arizona on behalf of the individual.

- Since H-1B regulations allow individuals holding H-1B status with another employer to begin employment with UofA once the new petition is timely filed with USCIS, an individual may begin employment before getting the new H-1B approval notice. IFS will notify the sponsoring department when the petition is filed.

**Forms and Fees:**

USCIS and DHS charge the following processing fees, which are subject to change, for H-1B petitions:

- **H-1B Form Fee:** $460. **(MUST be paid by employer).**
- **Fraud Prevention & Detection Fee:** $500 **(MUST be paid by employer)** for all new, change of status and transfer H-1B petitions filed. The fee is NOT required for extensions or amendments.
- **Premium Processing Fee:** $1,225 **(optional).**
- **IFS Service Fee:** $2,000 (New, Transfers), $1,500 (Extensions and Amendments), $250 (Premium Processing). *MUST be paid by employer with an IDB, eDoc.*
- **H4 Form Fee for Dependents** (if applicable $370 paid by FN).

**Above fees must be in the form of a check made payable to “U.S. Department of Homeland Security”, and must be submitted to IFS, not to USCIS directly. Separate checks must be submitted for each fee. For internal check processing purposes, use the same address for all checks:**

California Service Center, 24000 Avila Rd., Rm. 2302, Laguna Niguel, California 92677

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1 Dependants must complete Form I-539 to request H-4 dependent status classification. Form I-539 must only include information about immediate family members (spouse and children) who are inside the United States at the time of filing. Form I-539 may be downloaded from USCIS at [http://uscis.gov/graphics/formsfee/forms/index.htm](http://uscis.gov/graphics/formsfee/forms/index.htm).
H-1B PROCESS OVERVIEW

The following forms and/or steps must be followed for initial H-1B petitions, extensions/amendments of H-1B status, and/or a transfer of H-1B status. The processing times referenced below are governmental processing times and are not inclusive of IFS processing times.

STEP ONE: PREVAILING WAGE REQUEST (PWR)

The "prevailing wage" is a calculation of the average wage paid to similarly-employed workers in the occupation in the geographic area of intended employment. The prevailing wage is used as a measure of the minimum allowable wage to be paid by employers seeking to employ a foreign national. The Prevailing Wage Request Form (PWRF) is submitted to the U.S. Department of Labor (DOL). DOL assigns the position a specialized code and determines the PW. This process takes up to 90+ days from the time IFS submits the PWRF to the DOL; however, this is subject to change without notice. IFS has no control over the processing times for PWRs and there is no expedited process to move this process faster, “first in first out”. Please include any HR job descriptions, i.e. “careertrack”, along with the request as that will lead to a more accurate wage will be determined.

If the PW is higher than the offered wage:

- IFS may submit a revised PWRF one (1) time as accorded by law. Revised PWRs take the same amount of time to process, 90+ days.

- If the PW remains above the actual wage after the revised submission, the sponsoring department will have to decide between raising the salary to meet the PW, hiring a U.S. worker for the position, or offer to support another visa status (J-1) if available. By law, employers are required to pay 100% of the PW.

STEP TWO: POSTED NOTICE & LABOR CONDITION APPLICATION (LCA)

After the PW and Actual Wage have been determined, the LCA is completed by IFS and submitted to the Department of Labor (DOL). This process can take up to 10 business days. DOL keeps these applications on file, and employers, including individual departments, are required by the government to meet the attestations (wage, dates, location, etc.) reported on the application. Employers may at anytime be audited by the DOL. Before submission of the LCA, a posted notice declaring the intention to hire a FN must be posted in two (2) conspicuous locations at EACH worksite for public viewing for a minimum of ten (10) consecutive business days. The NLCA posting notice may be downloaded from IFS website.

STEP THREE: COMPLETION BY IFS & SUBMISSION TO USCIS FOR ADJUDICATION

Once all documentation, including fees, has been received from the FN and the sponsoring department, IFS will prepare the petition and forms for submission to USCIS. Adjudication by USCIS can take anywhere from 8-9 months, possibly longer if USCIS sends a Request for Evidence (RFE). Processing times can be found at http://www.uscis.gov/. If the department wishes to expedite the adjudication processing time, the department may elect to pay an additional fee of $1,225 payable to: “U.S. Department of Homeland Security”, and an additional $250 to IFS. USCIS will then guarantee a processing time of fifteen (15) calendar days. In rare cases, the FN may be permitted to pay the additional fee. This must be cleared with IFS to make sure that this business expense will not adversely affect the FN’s actual required wage.

IMPORTANT NOTICE: To minimize any potential problems with the processing times outlined above, it is important that departments submit the H-1B Request to IFS six (6) months in advance of the requested start date.

To get the H-1B process started, submit the following ASAP:

1. H-1B Data Form
2. Prevailing Wage Request Form
3. IFS Processing Fee (receipt)
WHO QUALIFIES FOR H-1B STATUS?
The position offered must be a “specialty occupation,” which is an occupation that requires “theoretical and practical application of a body of highly specialized knowledge to fully perform the occupation,” and either:

- A baccalaureate or higher degree (or its equivalent) in a specific academic discipline as the standard minimum requirement for entry into that particular position
- **A full** state license to perform the occupation granted after passage of normal professional tests and requirements; i.e., medical license.

FOREIGN MEDICAL SCHOOL GRADUATES SEEKING PATIENT CARE MUST SHOW THAT THEY:

- Possess the necessary state licensure to practice in the manner in which the position calls for (except training positions);
- Have passed one of the following: 1) the FLEX exam, 2) Steps 1, 2, & 3 of the U.S. Medical Licensing Examinations (USMLE), or 3) Parts I, II, & III of the National Board of Medical Examiners (NBME) certifying examinations;
- Have competency in written and oral English as evidenced by the passage of the ECFMG English proficiency test; or
- Is a graduate of a school of medicine accredited by the Liaison Commission on Medical Education (LCME).

FUNDING INFORMATION:

H-1B status may be sponsored for up to three (3) years at a time, not to exceed a total of six (6) years. UA may not sponsor for a period of time longer than the salary can be guaranteed. According to the Code of Federal Regulations (CFR), the employer is obligated to pay “…at least the Actual Wage level paid by the employer to all other individuals with similar experience and qualifications for the specific employment in question or the Prevailing Wage Level for the occupation in the area of employment, whichever is higher.” [20CFR §730].

Labor Condition Application (LCA) REQUIREMENTS:

The UA must certify on the LCA that the following conditions are met:

- The employment of the H-1B nonimmigrant will not adversely affect the working conditions of employees similarly employed in the area;
- On the date that the application to the DOL is signed and submitted, there is not a strike, lockout, or work stoppage in a course of a labor dispute in the occupation in which the H-1B nonimmigrant will be employed at the place of employment. If such a strike or lockout occurs after the application is submitted, UA will notify ETA within 3 days of the occurrence of such a strike or lockout and the application will not be used in support of a petition filed with CIS for an H-1B nonimmigrant to work in the same occupation at the place of employment until ETA determines the strike or lockout has ceased;
- A copy of the application has been, or will be, provided to each H-1B nonimmigrant employed pursuant to this application, and, as of this date, notice of this application has been provided to workers employed in the occupation in which the H-1B nonimmigrant will be employed; and
- A notice of filing has been posted and will remain posted for ten (10) working days in at least two (2) conspicuous locations where the H-1B nonimmigrant will be employed.
CHANGE IN EMPLOYMENT STATUS FOR H-1B

The H-1B is employer-specific, position-specific, and location-specific. Any change in the terms and conditions of employment or job title must be reported to IFS and may require filing an amended H-1B petition with US Citizenship and Immigration Services (USCIS) before the change can occur.

Change of title:
Because the H-1B is "job specific," a change of job title must be reported to IFS and may require approval by USCIS prior to the title change.

Change in worksite:
Federal law permits an H-1B employee to work only at the worksite address(es) listed on the Labor Condition Application (LCA) the UofA filed with USCIS. If a change in worksite is anticipated, contact IFS well in advance of the worksite change. If the new worksite is within the geographic area of employment supported by the existing LCA, a copy of the LCA must be posted in two prominent locations at the new location for 10 business days. ("Geographic area" is the area within normal commuting distance of the worksite listed on the LCA.) However, if the new worksite is outside the geographic area of employment supported by the LCA, the UofA must file a new LCA and I-129 (with filing fee) for the new worksite. Geographic area is determined by DOL, not IFS or UofA.

Change of UofA department:
A change of department may necessitate filing a new H-1B petition with USCIS. The UofA may be able to avoid this if: 1) the appointment title does not change; 2) there is no gap in paid employment; 3) the employee does not receive a reduction in salary; and 4) there are no changes in job duties. If all four of these conditions apply, IFS will determine whether filing an amended petition is required.

Reductions in salary or FTE:
Reductions in salary or FTE below the rate reported to USCIS on the H-1B petition are not permissible. A change in employment (FTE) from full-time to part-time, or part-time to full-time, necessitates filing a new LCA and I-129 (with filing fee).

On-leave status:
An H-1B generally maintains lawful visa status in the US only when maintaining paid employment. Before approving an unpaid leave for an employee in H-1B status, contact IFS. Any leave granted in one of these situations must be thoroughly documented in advance.

Resignations and terminations:
The employing department must notify IFS in writing of an H-1B’s resignation date or termination date. IFS will notify the Department of Labor and USCIS that the employment has ended. The UofA is liable for continued wage and benefit obligations up to the time the notice is received by USCIS.

Change of employer:
A "portability" provision in the H-1B regulations allows an applicant who is already in H-1B status to begin working for a new employer as soon as US Citizenship and Immigration Services (USCIS) receives the transfer request. An employee moving from one US employer to another who wishes to take advantage of H-1B portability must not leave his or her current paid position until the new employer's H-1B petition has been received by USCIS. Alternatively, the H-1B may depart the US and re-enter under the sponsorship of the new employer.
H-1B FAQs

What is H-1B work visa?
The H-1B specialty workers visa is a nonimmigrant visa which allows foreign nationals to enter into the U.S. and perform services in a prearranged professional job. The job must be in a 'specialty occupation' and must require a bachelor's degree as a minimum for entry into the field.

What is 'specialty occupation' for the purposes of H-1B visa?
A specialty occupation requires theoretical and practical application of a body of specialized knowledge along with at least a bachelor’s degree.

How long does it take to get H-1B status?
The H-1B application process can be lengthy. Anticipate three-six months or even longer.

How soon should I apply to extend H-1B status?
If employee is in the US and holds H-1B status, the application for extension of stay should be filed with USCIS as early as possible, up to six months prior to the I-797 Approval Notice expiration date. Note that it may take two to three months to assemble the application documents. If USCIS receives the extension application prior to the I-797 expiration date, you may continue working for 240 days while the petition is pending.

Do changes in my job affect my H-1B status?
Yes. It is very important that any potential change in employment status, (including change in salary, title, worksite location, host department, percentage of time worked, leave status, etc.) be discussed with IFS well in advance of the change.

What is H-1B portability?
A "portability" provision in the H-1B regulations allows an applicant who is already in H1B status to begin working for a new employer as soon as that employer receives the I-797 Receipt Notice for the new petition from USCIS. If you are moving to UofA and wish to take advantage of H-1B portability, do not leave your current paid position until we notify you that the UofA’s petition has been received by USCIS.

What if the H-1B has dependents?
The H-1B’s dependents (spouse and unmarried children under 21 years of age) are eligible for H-4 status. If the family members are abroad, they obtain H-4 visas by presenting copies of the H-1B Approval Notice and proof of family relationship to the H-1B (marriage certificate for spouse and birth certificates for children) to the U.S. consulate. If the family members are currently residing in the U.S. they can obtain or extend H-4 status by filing the Form I-539.

Visa vs. Visa Status: Definition of Visa Stamp..?

Visa or Visa Stamp
A U.S. non-immigrant visa is issued in an individual’s passport by a U.S. consul in a U.S. embassy or consulate outside the United States. A visa is used solely for the purpose of entry and reentry to the United States. The visa does not determine how long an individual may remain in the United States. Therefore, an individual may stay beyond the expiration date of a visa as long as the underlying visa document (I-20, DS-2019, or I-797) is valid. Most visa stamps are for multiple entries. It is not possible to renew a visa stamp in the United States.

International scholars at UofA should use the appropriate visa related to their current activities at UofA (H-1B, O-1, research scholar). Use of a “visitor” or “tourist” visa (B-1/B-2) may have serious consequences when used inappropriately. Once the proper visa expires it will be necessary to apply for a new visa stamp at a U.S. embassy or consulate when traveling outside the United States.

Visa Status
Upon entering the United States, the I-94 card is issued to an individual. The I-94 card is the arrival/departure document, a small white card indicating the visa status of an individual and the length of time an individual may remain inside the United States. Those with H-1B visa status will be given an I-94 card with actual expiration dates by which time the individual is expected to leave the United States or apply for an extension of status. An individual’s visa status is also indicated on a visa document Form I-797.
VIOLATIONS & PENALTIES
UNDER FEDERAL REGULATIONS

FILING AN LCA WHICH MISREPRESENTS A MATERIAL FACT
- Civil money penalty up to $1,000/violation
- Notice of USCIS & ETA regarding debarment from H-1B program
- Any other actions the DOL deems appropriate
- Up to $10,000 fine and/or 5 years imprisonment [18 U.S.C. 1000]

FAILURE TO PAY REQUIRED WAGES
- Back wages to H-1B employee
- Civil money penalty up to $1,000/violation
- Notice to USCIS & ETA regarding debarment from H-1B program
- Any other actions the DOL deems appropriate

FAILURE TO PROVIDE REQUIRED WORKING CONDITIONS
- Civil money penalty up to $1,000/violation
- Notice to USCIS & ETA regarding debarment from H-1B program
- Any other actions the DOL deems appropriate

NOTE: Willful misrepresentation of a material fact on the LCA will lead to civil monetary penalties ranging from $5,000-$35,000 and possible debarment from the H-1B program for a minimum of two (2) – three (3) years.

Other violations such as filing an LCA during a strike/lockout, failure to provide required notice, failure to be specific on the LCA, failure to make available for public examination the LCA and necessary documentation, failure to retain documentation as required, and failure to otherwise comply with the LCA regulations may result in:
- Civil Money Penalty up to $1,000/violation
- Any other actions the Department of Labor deems appropriate
DEPARTMENT CHECKLIST

PLEASE READ THROUGH THE ENTIRE PACKET BEFORE COMPLETING THIS CHECKLIST

Each of the following steps must be followed for initial petitions, extensions of status, transfers and/or amendments to H-1B status.

STEP 1:
☐ Complete H-1B Data Form with the Beneficiary.
☐ Complete the Department Information for Prevailing Wage Request Form & return to IFS by campus mail or fax to 520-621-2757.
☐ Complete and sign Actual Wage Documentation & Wage Calculation Determination and return originals to IFS.
☐ Read and sign the Declaration of the Department and return original to IFS.
☐ IFS Service Fee MUST be paid by department: $2,000 (New and Transfers), $1,500 (Extensions and Amendments), $250 (in an addition to for Premium Processing).

STEP 2:
☐ Post the Notice of LCA in two (2) conspicuous locations in each area of employment for a minimum of ten (10) consecutive business days and submit all originals to IFS. IFS will contact you when the prevailing wage has been determined, at this time take the postings down and fill in the end date. The posting expire 30 days after they have been taking down so it is best to wait.

STEP 3:
☐ Prepare Department Letter of Support (template online) & send signed original, on department letterhead, to IFS. The letter must include:
☐ Job Title ☐ Salary ☐ Whether or not fringe benefits are included ☐ Whether the position is part-time or full-time
☐ Beginning and ending dates of appointment
☐ A detailed statement about the proposed duties and the minimum educational requirements
☐ An explanation regarding how the prospective employee qualifies for the position

STEP 4:
☐ Prepare Department Letter of Return Trip (template online), and send signed original, on department letterhead, to IFS.

STEP 5:
☐ Gather all documentation from the FN (FN Checklist in H-1B Info. Packet) & submit entire packet to IFS along with appropriate fees.
☐ USCIS I-129 Fee $460 (MUST be paid by department)
☐ DHS Anti-Fraud Fee $500 (MUST be paid by department) (new employees, change of status and transfers)
☐ USCIS I-907 Premium Processing Fee $1225 (optional, Call IFS)
☐ Separate checks for all payments, payable to: “U.S. Department of Homeland Security”.
  Address: California Service Center, 24000 Avila Rd., Rm. 2302, Laguna Niguel, California 92677

STEP 6:
☐ Notify IFS if the FN resigns or is terminated, or if any material changes are anticipated (see Information Packet).

SUBMIT ALL DOCUMENTATION & FORMS TO:
International Faculty & Scholars, 888 N. Euclid Ave., USB-3rd Floor, Rm 301, Tucson, AZ 85721. Please review ALL dates of employment and addresses. Fill out forms completely, if you have questions please contact our office.
# APPLICANT/BENEFICIARY H-1B CHECKLIST

## NEW APPLICANTS IN THE U.S.
- **H-1B Data Form:** Completed by Department & Applicant
- **Mandatory Statement Form**
- **2-3 Letters of Recommendation**

### ONE COPY OF:
- Diplomas* and English translations
- Transcripts and English translations
- Medical License (if applicable)
- Any Licenses required for position
- I-94 Card (front and back)
- Passport ID & Visa stamp page
- Curriculum Vitae
- Pay stubs (the past 3 months from current employer, if changing status from OPT/EAD, or transferring H-1B status to UA)

*If your degree was awarded by an educational institution outside of the United States, you MUST submit a professional credential evaluation stating the U.S. equivalent of your degree.

### If Currently in J-1/J-2 Status:
- All DS-2019/IAP-66 Forms
- Home residency waiver Form I-612

### If Currently in F-1/F-2 Status:
- All I-20 Forms (including spouse, if F-2)
- EAD Card (if applicable)

## NEW APPLICANTS OUTSIDE THE U.S.
- **H-1B Data Form:** Completed by Department & Applicant
- **Mandatory Statement Form**
- **2-3 Letters of Recommendation**

### ONE COPY OF:
- Diplomas* and English translations
- Transcripts and English translations
- Medical License (if applicable)
- Any Licenses required for position
- I-94 Card (front and back)
- Passport ID & visa stamp page
- Curriculum Vitae
- Any former immigration documents that you obtained from previous stays in the U.S.

*If your degree was awarded by an educational institution outside of the United States, you MUST submit a professional credential evaluation stating the U.S. equivalent of your degree.

### NOTE:
Please contact the U.S. Embassy/Consulate where you will be applying for the visa and find out what documentation is required at the time of application and how far in advance you must make an appointment, if at all.

IFS will send your approval notice and one (1) copy of your H-1B petition to the foreign address you provided via federal express.

(Please note that Canadian citizens are exempt from visa requirements.)

## EXTENSIONS ALREADY AT THE UNIVERSITY OF ARIZONA
- **H-1B Data Form:** Completed by Department & Applicant
- **Mandatory Statement Form**
- **2-3 Letters of Recommendation**

### ONE COPY OF:
- All previous Forms I-797
- Medical License (if applicable)
- Any Licenses required for position
- Passport ID & visa stamp page
- Most recent I-94 card (front and back)
- Updated Curriculum Vitae
- Pay stubs (past 3 months)
- Diplomas (required for position)

## TRANSFERS WORKING ELSEWHERE IN THE U.S. & SEEKING TO START AT THE UNIVERSITY OF ARIZONA
- **H-1B Data Form:** Completed by Department
- **Mandatory Statement Form**
- **2-3 Letters of Recommendation**

### ONE COPY OF:
- All previous Forms I-797
- Diplomas* and English translations
- Transcripts and English translations
- Medical License (if applicable)
- Any Licenses required for position
- I-94 card (front and back)
- Passport ID & visa stamp page
- Curriculum Vitae
- Pay stubs (the past 3 months from current employer)

*If your degree was awarded by an educational institution outside of the United States, you MUST submit a professional credential evaluation stating the U.S. equivalent of your degree.

## DEPENDENTS (H-4)
- **Form I-539**
- Copies of dependent(s) I-94 card(s) (front and back), visa and passport
- Marriage certificate and translation

I-539 Application Fee: $370; Payable to: “U.S. Department of Homeland Security”

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global.arizona.edu/international-faculty

+1 (520) 626-6289
RECEIPT NOTICE MEMORANDUM FOR H-1B

TO: H-1B APPLICANT
FROM: INTERNATIONAL FACULTY & SCHOLARS
SUBJECT: H-1B I-797 RECEIPT NOTICE & CERTIFIED LCA
CC: SPONSORING DEPARTMENT
ENCLOSURES: ORIGINAL I-797 RECEIPT NOTICE & COPY OF CERTIFIED LCA

You are being provided with the original I-797 Receipt Notice for the I-129 petition for H-1B status, which was submitted on your behalf, as the beneficiary, by The University of Arizona, the petitioner. In addition, you are being provided a copy of the certified Labor Condition Application (LCA), as required by law.

The attached I-797 Receipt Notice serves as proof that the petition filed on your behalf has been received by USCIS. In addition, the Receipt Notice may also serve other purposes, as described below.

Initial Request for H-1B Status
If the petition submitted is seeking initial H-1B status, the I-797 Receipt Notice only serves as proof that your petition was received by USCIS. Therefore, you are not authorized to work, until and if the petition submitted on your behalf is approved.

Extension of H-1B Status at The University of Arizona
If the petition submitted sought to extend your H-1B status at The University of Arizona, the Receipt Notice is valid documentation to allow you to continue your employment at The University of Arizona, up to 240 days, in the event that your current H-1B status expires prior to the receipt of the I-797 Approval Notice.

In order to continue employment at The University of Arizona, the sponsoring department must submit the following to Systems Control:

1. I-797 Receipt Notice;
2. New I-9 form; and
3. PAF for appointment renewal.

Change of Employer if Already in H-1B Status
If you are already in H-1B status and a petition was submitted to change your employer to The University of Arizona, then the I-797 Receipt Notice, in combination with your previous I-797 Approval Notice (from prior employer), serves as your proof of H-1B status and work authorization. Work authorization for The University of Arizona begins on the date requested by the UA on the I-129 form. The I-797 Receipt Notice will serve this purpose until and if your petition is approved by USCIS.
We are pleased to inform you that the H-1B petition submitted on your behalf, the Beneficiary, by The University of Arizona, the Petitioner, has been approved. The dates of authorization are specified on the Approval Notice.

Included with this letter is a brochure entitled “Maintaining Your H-1 Status.” In addition to the information provided in that brochure, we would like to take this opportunity to provide you with the following reminders:

1. The enclosed H-1B Approval is employer specific. You can only work for your sponsoring department at The University of Arizona. If any material changes are anticipated or occur to your job duties, salary and/or responsibilities, you must contact IFS immediately. Material changes may require that a new LCA be filed and certified and an amended I-129 petition be filed with USCIS. Example of material changes include, but are not limited to:
   - New job duties that were not identified on the original I-129 petition or supporting LCA;
   - A change in salary, normally a change of 10% or more;
   - Transfer to a different department within The University of Arizona; and/or
   - Change in location not listed on the I-129 petition or supporting LCA (i.e.: sabbatical leave).

2. A Beneficiary of an approved H-1B petition shall be admitted to the United States for the validity period of the petition. There is no grace period for H-1B status. You may be admitted to the United States up to 10 days before the validity period begins and up to 10 days after the validity period ends. However the 10 days after the validity period ends not automatic, and only exists if the immigration inspector has recorded it on your I-94. The Beneficiary may not work except during the validity period of the H-1B Approval Notice. 8 CFR 14.2(h)(13)(i)(A).

3. The validity of the H-1B petition ceases on the date of termination of employment, even if that date is before the date listed on the approval notice.

4. If an extension will be requested, at the expiration of the validity period, the sponsoring department must initiate the process no sooner than six (6) months and no later than forty-five (45) days before the expiration of the enclosed approval notice.

5. The enclosed approval notice grants status, not a visa. You will need to apply for a visa at a United States Consulate abroad, if:
   - You were present in the United States when you received this approval and you wish to travel outside of the United States and wish to reenter the United States after traveling or
   - You received your H-1B approval notice while you were outside of the United States and are entering the United States for the first time since receiving the approval notice.

There are certain limited exceptions to visa requirements. For example, Canadians and certain other limited groups do not require a visa stamp. It is your responsibility to confirm visa requirements.
Additionally, a separate nonimmigrant visa application, Form DS-160, must be filled out for each member of a family, including infants, in H-4 status, even if more than one member of your family is included in your passport. Please see www.travel.state.gov for more detailed information.

Below is a checklist of required forms and documents for applying for a visa at a United States consulate. Please see www.travel.state.gov for the most current information and requirements for applying for a visa at a United States consulate.

**Visa Application Checklist**

- I-797 Approval Notice
  - Original and one (1) copy
- Copy of I-129 Petition
  - Contact IFS at least one (1) week prior to travel. If not inside the U.S., IFS will mail copy with Approval Notice.
- DS-160
  - Available at U.S. Consulate
- I-612 Approval Notice
  - Original and one (1) copy, if filed for 212(e) waiver.
- Valid Passport
  - Validity through approved period plus six (6) months.
- Photo(s) – passport size
  - Not applicable at all consulates. Contact consulate.
- Recent Paystubs
  - Only if already in the United States
- Visa Application Fee
  - Varies depending on country of citizenship. Contact Consulate.
- MRV Fee
  - Machine Readable Visa fee for each applicant.

**Visa Application Tips**

1. Approval of H-1B status does not guarantee issuance of a visa. Although you have been granted H-1B status, you could be denied a visa and therefore entry into the United States.

2. The consular officer will usually issue a visa valid for the dates listed on the I-797 Approval Notice.

3. If your visa expires before the validity of your H-1B approval, you do not need to apply for a new visa unless you plan on traveling outside of the United States and reentering.

4. Most nationalities may apply for a visa in most countries, which are not their country of citizenship. However, some nationalities may have an easier time applying for a visa in their home country. For more information, please go to www.travel.state.gov.

5. Most consulates are now requiring a personal interview before issuing a visa. Visa appointments must be requested in advance. You may have as long as one (1) month or more before your scheduled appointment. Therefore, you must preplan for this requirement before making any definite travel plans. Information must be obtained directly from the consulate in the country where you will be applying. Please see http://usembassy.state.gov for the most up to date information.

6. Some foreign nationals may be subject to a Security Advisory Opinion (SAO), which may delay the issuance of your visa. Possible reasons for a SAO may include the field of study or work engaged in is listed on the Technology Alert List (TAL).

Due to changing requirements and variance among consulates, IFS is not able to compile and maintain up-to-date information on each consulate and individual nationality requirements. It is strongly recommended that you contact the appropriate agency and/or consulate before applying for your visa.
# CREDENTIAL & EXPERIENCE EVALUATION PROVIDERS

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<td>800-234-1597 310-275-3530 310-275-3528(f)</td>
<td>PO Box 6908 Beverly Hills, CA 90212</td>
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<td>American Evaluation &amp; Translation Service</td>
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<td>786-276-8190 786-524-0448(f) 786-524-3300(f)</td>
<td>407 Lincoln Road, Ste. 11-J Miami Beach, FL 33139</td>
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<td>866-952-6753 713-467-2475(f) 10575 Katy Fwy., #432</td>
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<td><a href="mailto:educ@educassess.com">educ@educassess.com</a></td>
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<td>877-725-1753 706-613-0336 (in GA) 706-613-0377(f)</td>
<td>College Square Building 191 East Broad Street, Ste. 300 Athens, GA 30601</td>
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<td>Educational Credentials Evaluators, Inc. (ECE)</td>
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<td><a href="mailto:eval@ece.org">eval@ece.org</a></td>
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<td>414-289-3400 414-289-3411(f)</td>
<td>PO Box 514070 Milwaukee, WI 53202-3470</td>
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<td><a href="mailto:ymordukhay@att.net">ymordukhay@att.net</a></td>
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<td>888-887-1884 818-907-9718 818-907-9763(f)</td>
<td>16530 Ventura Boulevard, Suite 206 Encino, CA 91436</td>
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<td>Academic Credential Assessment</td>
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<td><a href="mailto:info@jsilny.com">info@jsilny.com</a></td>
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<td>512-459-8428 512-459-4565(f) 1910 Justin Lane</td>
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<td>414-248-2245 425-248-22692 (f) 14926 35th Avenue West, Suite 210</td>
<td>Lynwood, WA 98087</td>
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<td>512-528-0908 512-528-9293(f)</td>
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<td>800-446-6228 212-227-1994 212-693-1489(f)</td>
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