

PRAIRIE VIEW A&M UNIVERSITY

H-1B Nonimmigrant Temporary Worker

The H-1B nonimmigrant category can be used to employ a foreign national as a temporary worker in a “specialty occupation”. The law defines specialty occupation as an occupation “**that requires the theoretical and practical application of a body of highly specialized knowledge to perform the occupation and requires the completion of a specific course of study culminating in a baccalaureate degree or higher in a specific occupational specialty**”. The position offered can be permanent in nature, but the employment relationship with the foreign national must be temporary. The H-1B category can be petitioned for any increment of time up to three years per petition. Maximum time allowed in this category is six years.

The Immigration Act of 1990 radically changed the requirements for obtaining the H-1B. It is very important that you read the following information carefully and follow the instructions as outlined. **Do not sign any documents/forms unless you are in total agreement. Any misrepresentation of facts or the employer’s failure to comply with the regulations may result in serious fines and/or penalties.**

The **applicant** must be a professional or otherwise possess highly specialized theoretical and practical knowledge in his/her field. The employee must possess the specific knowledge for the position offered. The minimum entry-level requirement of a bachelor’s or higher degree in a specific occupational specialty is required. The position offered must be one of which the employee possesses qualifications at least matching the minimum requirement.

The **position** must require a person with the foreign national’s highly specialized qualifications. The U.S. Department of Citizenship and Immigration Services will scrutinize the job duties to determine whether the position requires a professional-level employee. The employer’s stated requirement of a bachelor or higher level degree will not suffice if the generally recognized requirements for that position are below a professional level.

The **processing fee** for the H-1B petition is currently **\$320.00**. New petitions will require a Fraud and Detection Fee of **\$500.00**. In order to expedite a request - an additional premium processing fee of **\$1000.00** is required. **Processing fees are considered business related expenses. All fees associated with the H-1B process are the responsibility of the hiring department. The applicant may not assume financial responsibility for the processing of the H-1B request.**

Please read instructions carefully. All documents must be submitted to the Office of Human Resources for review, approval and processing. All documents for academic departments must have the signature of the Department Head and the Dean of the College. Documents for other departments must have the signatures of the department’s hiring authorities. Submit the H-1B request at least 3 to 4 months prior to the requested date of employment. Application packages submitted for processing that are incomplete, require corrections or contain missing information will be returned to the requesting department. Documents with whiteout will not be accepted. All documents should be signed in blue ink – this makes it evident to both the Office of Human Resources and Homeland Security that documents submitted are originals.

INSTRUCTIONS FOR THE H-1B APPLICATION PROCESS

The H-1B process is divided into three steps:

STEP 1 – Preliminary documents are submitted to the Office of Human Resources for review and approval.

STEP 2 – Upon approval the hiring department submits the Job Offer and Acceptance Letter, the processing fees and the Employer Labor Condition Statement to the Office of Human Resources.

STEP 3 – The Office of Human Resources completes and submits the required application documents to Homeland Security.

STEP 1

Hiring Department – Request approval from the Office of Human Resources to petition the Department of Citizenship and Immigration Services for H-1B status for the selected individual.

The hiring department must submit an institutional support letter, prevailing wage worksheet, actual wage worksheet, and applicant information sheet as the first step in requesting H-1B status for an individual (initial or extension). The Office of Human Resources will review the request and submit the prevailing wage determination to the Texas Workforce Commission. The hiring department will be notified if the H-1B process can continue – based on the preliminary documents submitted. ***Please sign all documents in blue ink – so that it is evident that documents are originals.***

Preliminary Documents:

- **Institutional Support Letter** – The letter must be an original document printed on departmental letterhead and signed by departmental hiring authorities. The letter must contain a statement for each item listed below:

**To: Mr. Albert R. Gee, Vice President for Human Resources
P.O. Box 519, Mailstop 1337, Prairie View, TX 77446**

- a. The purpose of the letter and identify the applicant (initial or extension petition).
- b. The reason for the temporary employment of the applicant.
- c. The position is or is not a permanent position.
- d. How the position will be funded.
- e. The position has been advertised – if not advertised state why.
- f. The applicant's credentials and background (education, training and experience).
- g. Terms of offered employment (position title, job responsibilities, exact starting date and exact ending date of offered employment, and salary). Note: The offered employment can be any increment of time up to 3 years per petition (request).

STEP 2

Hiring Department – Submit the remaining documents for the process.

Upon notification from the Office of Human Resources that your request for an H-1B petition has been reviewed and approved - submit the following documents to the Office of Human Resources: ***Please sign all documents in blue ink – so that it is evident that documents are originals.***

Filing Fee(s) – The H-1B applicant cannot pay any fees associated with the H-1B process. Processing fees are the responsibility of the hiring department. Check pick-up and follow-up is the responsibility of the hiring department.

Request Checks for Application Fees

- a. Submit a purchase requisition to the fiscal office.
- b. Attach Homeland Security's fee sheet to the purchase requisition. You may get a copy of this document from the Office of Human Resources or you may print it from the website USCIS.gov - Immigration Forms - the form number is I-129 titled Petition for a Nonimmigrant Worker.
- c. Checks are made payable to Homeland Security. Request a separate check for each fee. Do not combine the check amounts.
- d. Mark the requisition "Ready to Pay" & Hold for "Pick Up".

Application Fees:

Form/Request	Fee
Application	\$320.00
Fraud Detection and Prevention (Initial applications only)	\$500.00
Premium Processing Fee (Optional to Expedite)	\$1000.00

Example of Required Fees:

Initial Request (first time filing for the applicant)	Fee
Application	\$320.00
Fraud Detection and Prevention	\$500.00
Premium Processing Fee (Optional to Expedite)	\$1000.00

Extension Request (extending the applicant's H-1B status)	Fee
Application	\$320.00
Premium Processing (Optional to Expedite)	\$1000.00

Job Offer and Acceptance Letter – Letter must include the following:

- a. State that the letter is an offer of employment.
- b. State terms of employment (position title and job responsibilities, exact starting date and exact ending date of offered employment, and salary).
- c. Statement - “This employment offer is contingent upon obtaining and maintaining the proper employment visa status”.
- d. The letter must be signed by hiring authorities.
- e. Include a signature line for applicant’s signature of acceptance.

Employer Labor Condition Statement - Read this form carefully before signing. It is the hiring department’s responsibility to comply with the terms and conditions of the H-1B immigration employment and to notify the Office of Human Resources of any changes.

Notice of Filing – The hiring department will be required to post the Notice of Filing within the department for 10 days. After 10 days the notice is filled out by the department and returned to the Office of Human Resources.

STEP 3

Office of Human Resources – Documents required to complete the H-1B application process

Labor Condition Application - The Office of Human Resources will submit a labor condition application to the Department of Labor for approval.

H-1B Application Form I-129 Application for Nonimmigrant Worker – The Office of Human Resources will prepare all required forms for the H-1B application process. Once all required forms are reviewed and endorsed the entire H-1B application package will be submitted to the Department of Citizenship and Immigration Services for a decision.

Hiring departments will be notified when their request has been submitted to Homeland Security’s Department of Citizenship and Immigration Services. The Office of Human Resources will inform the hiring department of the status of their pending case as well as the Department of Citizenship and Immigration Service’s decision on the case.