



Office of International Education and Development

Division of Academic Affairs

304 Perry-Paige North

Tallahassee, FL 32307

Phone 850-599-3562; Fax 850-561-2587

GUIDELINES FOR AN H-1B VISA PETITION (Temporary Employee in Specialty Occupation)

These guidelines are for University Departmental use in hiring temporary foreign nationals in *Specialty Occupations*. Complex and ever changing immigration regulations make **it imperative for faculty and administrators who wish to hire a foreign national in a professional position to consult the Office of International Education and Development (OIED) before making any formal offer of employment. The initial request for an H-1B must come from the interested Department – not the beneficiary (the foreign national to be hired).** Florida A&M University (FAMU) is required by law to maintain a public inspection file in OIED for all H-1B employees at the University. **Consequently, OIED has sole responsibility for filing all H-1B visa petitions.** The feasibility of petitioning for H-1B status is contingent on several factors, e.g. funding, salary, job requirements, and both the educational background and the current immigration status (if any) of the beneficiary.

FAMU Procedures in Hiring Foreign National Employees: Obtaining H-1B status for an individual to work at FAMU is only one of the prerequisites needed in order to place (effectuate) an applicant on the University payroll system. It is imperative that the supervisor contacts the FAMU Human Resources/Personnel Relations Department to initiate requests for the position at the departmental level. In most cases, the Office of Equal Opportunity and the Division of Academic Affairs will need to be included in the overall hiring process. **Please note: FAMU does not use outside attorneys to file its H-1B visa petitions.**

General Information on H-1B

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| <p>What is an H-1B Visa?</p> | <p>H-1B visa classification may be granted to a foreign national who will perform services (work) in a “specialty occupation.” U.S. employers may use the H-1B visa status to bring in qualified workers in specialty occupations when there are insufficient numbers of U.S. citizens or lawful permanent residents to fill such positions. A specialty occupation requires theoretical and practical application of a body of highly specialized knowledge to fully perform the required duties, and attainment of a bachelor’s or higher degree in the specific field as a minimum for entry into the occupation. Specialty occupations include, but are not limited to fields such as: computer science, architecture, engineering, mathematics, physical and social sciences, medicine and health, education, law, accounting, and business specialties. H-1B status is for temporary workers. Although the position may be a permanent one, the prospective employee under H-1B visa must be filling it temporarily, meaning for a period of up to a maximum of six years. Tenure-track and tenured faculty may be accorded H-1B visa status, but this decision should be made very carefully and wisely.</p> |
| <p>Eligibility Requirements</p> | <p>The prospective H-1B employee must have:</p> <ul style="list-style-type: none"> • A minimum of a bachelor’s degree in the required field and the requisite related experience; • A FAMU salary which meets or exceeds the Prevailing or Actual Wage, whichever is higher. <p>Documents Needed to Process an H-1B Visa Petition:</p> <ul style="list-style-type: none"> • A complete list of documents needed and Checklist are provided in these guidelines under Petition Application Process. <p>Home Residency Requirement: Individuals who have previously been in the U.S. on a J-1 visa may be subject to a two-year home residency requirement found in §212(e) of the Immigration and Nationality Act (INA). A prospective employee, who is subject to §212(e) of the INA, is not eligible for H-1B visa, unless a waiver has been granted by USDOS. For additional information, please visit the web page: http://www.immigration.gov/graphics/howdoi/exchvisit.htm.</p> |

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| <p>Methods of Applying for the H-1B Visa</p> | <p>H-1B status may be obtained by applying for a change of status within the U.S., or, if the prospective employee is overseas, by requesting the United States Citizenship and Immigration Services (USCIS) to send an approved petition to the U.S. Consulate in the foreign national’s country of residence. This will enable the prospective employee to obtain an H-1B visa to enter the U.S. for a fixed period of time.</p> <p>Change of Status: Apply for a change of current visa status of a prospective employee, who is already in the U.S. in a non-immigrant visa status to the H-1B visa.</p> <p>H-1B Transfer: Apply for a transfer of H-1B status from another current U.S. sponsor (employer) to FAMU. In other words, port you current H-1B to FAMU and a new H-1B I-129 application will be filed showing FAMU as your new employer.</p> <p>Entry from Abroad: Apply for visa status for a prospective employee who is currently NOT in the U.S. Once approval is granted, the prospective employee must apply for the H-1B visa stamp at a U.S. Consulate abroad and then enter the U.S. An approved labor condition application is required to obtain an H-1B visa.</p> <p>An applicant for a change of status to or extension of H-1B visa status, SHOULD NOT leave the U.S. while the application is pending at the USCIS. If an applicant leaves the U.S. while an application is pending, the petition is considered abandoned.</p> |
| <p>H-1B Visa Time Limits</p> | <p>There is a six-year total limit for H-1B status; however, the initial appointment cannot exceed three years. This time limit applies to all employees in H-1B status, irrespective of employer. However, please note, the General Counsel’s Office has advised that we file H-1B visas for no more than one year intervals.</p> <p>There is an exception to the six-year limit on stay when the foreign national’s U.S. stays are intermittent, seasonal, or an aggregate of less than six months a year. Extension beyond six years is permissible for those for whom a Form I-140 Immigration Petition for Alien Worker has been filed and whose labor certification or I-140 was filed for at least 365 days before the extension is requested.</p> <p>Upon completing six years, the H-1B employee must reside in his/her home country for a period of one year before reentering the U.S. in the H-1B category.</p> <p>Hiring Departments must only request H-1B visa status for the period of time for which there is guaranteed funding available for the position.</p> |
| <p>Processing Time</p> | <p>Processing times can vary when working with several state and federal agencies.</p> <p>Regular Processing: For initial H-1B applications, please expect a five to six-month processing time from the Department’s initiation to final approval by USCIS. For H-1B transfer applications, please expect two to three months. Please note that the new time-frame for us to receive a response for the Prevailing Wage request is 7 days.</p> <p>Premium Processing: Expediting the application is possible with the USCIS “premium processing” option. For an additional \$1,225.00 effective November 23, 2010, USCIS will process the application within 15 days from receipt of petition. Total processing time for the premium processing option can vary from 1½ to 2 months. Note: Application made by premium processing does not guarantee a favorable approval of your petition.</p> |

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| <p>Employment Restrictions</p> | <p>Beginning and Termination of Employment: Initial Employment shall not start before the approved date on the I-797 USCIS approval notice, which will be provided to the prospective employee as soon as it is received by OIED. However, if the prospective employee currently has a valid USCIS employment authorization in another non-immigrant status (e.g., F-1 or J-1) for employment at FAMU, she/he may continue to work in that status until it expires and then resume work once the H-1B visa petition is approved.</p> <p>The H-1B Petition is Specific to the Position and Employer: An H-1B approval for FAMU does not authorize employment with another employer. It also does not allow for honoraria from outside sources. Individuals with an H-1B from another employer may not work at FAMU.</p> <p>Change in Appointment/Employment: Once a prospective employee has obtained H-1B visa status for employment at FAMU, any change in salary, FTE, site of employment, position or job duties, must be reported to OIED. In some cases, an amended H-1B visa petition will need to be filed prior to any changes occurring in the appointment. Processing time can take several months and no change in job duties, FTE, or location of research may commence until an amended petition is filed.</p> |
| <p>Benefits and Salary</p> | <p>Hiring FAMU Departments must offer H-1B employees benefits on the same basis as U.S. employees. FAMU is required by law to pay H-1B employees the required wage for time in non-productive status due to a decision of the employer or due to the lack of a permit or license for H-1B employee. H-1B employees MUST be paid for the period of time indicated on their I-797 approval notice for H-1B visa status.</p> <p>The hiring Department must provide OIED with documentation when the H-1B employee's salary is updated.</p> |
| <p>Dependent Family Members of Beneficiary</p> | <p>The spouse and minor children (under 21) of an H-1B prospective employee who is changing status within the U.S. must file concurrently for a change of status to H-4 unless they have an independent non-immigrant status. A spouse and minor children outside the U.S. may apply for H-4 dependent status at a U.S. Consulate abroad after the H-1B has been approved for the prospective employee.</p> <p>H-4 dependents do not have employment authorization and are not allowed to work in the U.S. However, H-4 dependents may study while remaining in the H-4 status.</p> <p>When children under H-4 status turn 21, they are not considered "children" and are no longer eligible for the H-4 status. In order to remain in the U.S. legally, they must change to another non-immigrant status, such as F-1 for full-time students.</p> |
| <p>Application Fees</p> <p>Please note all fees are subject to change based upon USCIS requirements. Please confirm all fees at: www.uscis.gov</p> | <p>Checks or money orders for processing of the application should be made payable to: United States Citizenship and Immigration Services (USCIS).</p> <ul style="list-style-type: none"> • \$325 effective November 23, 2010 application filing fee for H-1B prospective employee – the hiring FAMU Departments are responsible for paying filing fee, USCIS regulations. • Premium Processing – to expedite the application process, it is possible to pay an additional \$1,225 effective November 23, 2010 to USCIS which allows for a response in 15 business days. These fees can be paid either by the employer or potential employee • \$290 effective November 23, 2010 for dependants already in the U.S. – the prospective employee is responsible for paying the filing fee. • \$500 fraud prevention and detection fee applies to all new applicants effective March 8, 2005 – the hiring FAMU Departments are responsible for paying this fee, USCIS regulations. <p>As an institution of higher learning, FAMU is exempted from paying the Data Collection and Filing Fee of \$1,000. This waiver does not apply to the premium processing fee. Applicants desiring premium processing must enclose a separate payment to USCIS for \$1,225.00.</p> |

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| <p>Extensions of H-1B</p> | <p>Requests for H-1B extensions should be submitted five months before the end of authorized employment period/date (expiration date shown on Approval Notice). The hiring Department should complete and submit all required documents for the H-1B employee and dependents to OIED. Once an application for extension is filed with USCIS and received, the H-1B employee may continue employment while the application is being processed by USCIS for up to 240 days. If no extension is requested by FAMU, the H-1B employee should (a) have another employer submit an H-1B petition, (b) apply for another non-immigrant status, or (c) depart the U.S immediately.</p> <p>The passport of H-1B visa holders must be kept valid at all times throughout the stay. U.S. laws require that the passport be kept current for at least six (6) months beyond the intended stay of the foreign national. Visas should not be extended beyond the expiration date on the foreign national's passport.</p> |
| <p>Transferring H-1B Sponsors (Portability of H-1B Status) & Concurrent Employment</p> | <p>H-1B status is transferable only if a new petition is submitted by the new employer. An H-1B employee wishing to transfer to a position or Department within FAMU must first consult OIED as a new petition will need to be submitted before such a change can be effective.</p> <p>If an individual is currently maintaining an H-1B status with another employer, it is possible for FAMU to file an H-1B visa petition on his/her behalf for employment at the University. In this case, a prospective employee could start working at FAMU as soon as the H-1B petition is filed by OIED and received by USCIS. Note: In order to seek authorization to change employers, the H-1B employee must be in lawful non-immigrant status when the new employer files a new petition.</p> <p>It is possible for two employers to petition concurrently for H-1B status for a foreign national who will work part-time with each employer. H-1B employees cannot accept honorarium and payment outside of their position at FAMU unless they hold a concurrent H-1B for that employer as well.</p> |
| <p>Change of Address</p> | <p>Under current regulations, all foreign nationals who are 14 years or older and who stay in the U.S., including non-immigrants and legal permanent residents, must report each personal change of address and new address with USCIS within 10 days of the change. Change of address reports are made on USCIS Form AR-11. Failure to comply with the change of address rule is a violation of federal law and each violation is punishable by fine of up to \$2,000 and imprisonment for 30 days. It may also be grounds for removal (deportation) from the U.S. H-1B employees are responsible for reporting changes to USCIS. You can change your address online by going to the USCIS website at the following link, https://egov.uscis.gov/crisgwi/go?action=coa</p> |

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| <p>Delays & Early Terminations</p> | <p>An applicant for a FAMU position may NOT be employed in H-1B status before USCIS approval is received unless she/he has alternative visa documentation authorizing him/her to work at FAMU in the specific position. It is always prudent to start the request process at least five to six months before the anticipated starting date for employment.</p> <p>Termination of employment before the authorized end date must be reported to OIED immediately so the record can be updated. If the hiring Department terminates employment for any reason before the designated end date on the H-1B approval notice, the hiring Department is responsible for paying the transportation costs for the employee to return to his/her home country. The return cost of airfare is defined as a “one way” economy fare for the employee to the country of residence. Please note that the hiring Department is not obligated to pay the transportation cost of the employee’s dependants.</p> <p>If the H-1B employee terminates the employment, the hiring Department is not obligated to pay for the employee’s transportation cost to return home. Please contact OIED for advice when meeting the return transportation obligation, if our assistance is needed.</p> |
| <p>Out of Status</p> | <p>Being out of status means that you are not complying in some way, with one or more of the requirements set out for your particular visa category. In the case of the H-1B category, only one of the following situations need to have been experienced to be considered "out of status", now or in the past:</p> <ol style="list-style-type: none"> You have overstayed the validity date shown on your most recent I-94 card. You are or have been unemployed for a period of time (when submitting a new petition for employment, INS will usually accept proof of employment that is no older than 30 days, i.e. recent paycheck stub). You have worked (no matter how long) and received pay from an employer who did not have an approved I-129 Petition for Nonimmigrant Worker, showing you as the beneficiary. |
| <p>Not employed</p> | <p>As long as the employer/employee relationship exists, an H-1B nonimmigrant is still in status. An H-1B nonimmigrant may work in full or part-time employment and remain in status. An H-1B nonimmigrant may also be on vacation, sick/maternity/paternity leave, on strike, or otherwise inactive without affecting his or her status.</p> |
| <p>Income Tax</p> | <p>The H-1B employee will need a Social Security number and is required to pay the Social Security tax (FICA). If the H-1B employee does not have a Social Security number, he/she must go to the Social Security Office at 2002 Old Saint Augustine Road, Saint Augustine Office Plaza–Building, Tallahassee, Florida 32301 (850-942-8978) and apply for one. He/she will need to take passport, the Form I-94 (arrival/departure card) and all applicable immigration documents with him/her.</p> <p>Additional information on federal income tax obligations can be found in International Revenue Service publications 515, <i>Withholding on Nonresident Aliens and Foreign Corporations</i>, and 519, <i>U.S. Tax Guide for Aliens</i>. If the H-1B employee needs help in filing his/her tax return, he/she must contact the Internal Revenue Services located in the Federal Building at 227 North Bronough Street, Tallahassee, Florida 32301 (850-942-8995).</p> <p>If the H-1B employee is departing the U.S., it is his/her responsibility to file a tax return. He/she should provide a forwarding address for W-2 and 1042S Forms. Tax filing forms can be obtained from a U.S. Embassy abroad or from the Internal Revenue Service web pages at: http://www.irs.gov.</p> |

H-1B Petition Application Process and Checklist

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| Step 1: | <p>The hiring Department must complete and return these documents to the Office of International Education and Development (OIED) for processing of the H-1B visa Petition: Departmental Data Collection Form, pages 8-9; signed copy of the Labor Condition Application Attestation Form, page 10; along with the following documents:</p> <ul style="list-style-type: none"> • Letter of Support to USCIS signed by the Dean/Director and Provost/Vice President, page 11; • Documentation of the selection criterion used to select this applicant meeting visa requirement, page 1; • Copy of completed Florida A&M University employment application; • A detailed copy of the position, including job duties and responsibilities, minimum education and professional requirements, and salary offered; • A copy of the job advertisement by Human Resources; • A copy of the offer letter or contract given to the employee and signed by the Provost/Vice President; • Recommendation for employment and assignment of responsibility; • Copies of at least two experience letters from current and previous employers; • A copy of the employee’s most recent (updated) resume/curriculum vitae; • A copy of the employee’s diploma for the highest degree attained or official transcripts which document the awarding of the highest degree attained. All documents not in English must be accompanied by an official, certified translation; • A copy of marriage certificate/birth certificate if filing for spouse with minor dependents along with current passports biopages. <p>Copies of past/current immigration documents listed below (if applicable):</p> <ul style="list-style-type: none"> • For F-1 Visa Holders: All Form I-20s issued; Copy of Employment Authorization Document (EAD), if in F-1 Optional Practical Training (OPT); • For J-1 Visa Holders: Copies of all IAP 66 or DS 2019 Forms, Copy of waiver if the employee was subject to the two-year home residency, section 212(e) of INA; • For H-1B Visa Holders: Copy of current I-797 and all prior approval notices, if H-1B request is for renewal/extension/new employer; • Copies (front and back) of Form I-94 (arrival/departure card); and • Copies of passport(s) and visa(s). |
| Step 2: | <p>OIED will advise the hiring Department as to whether this is a feasible petition. If a petition is deemed feasible and the hiring Department wishes to proceed, OIED proceeds with Step 3. Reasons for rejecting petitions may include the prospective employee not currently fulfilling the legal requirements of his or her current visa status.</p> |
| Step 3: | <p>OIED will complete the Prevailing Wage Request Form and submit it to the United States Department of Labor, Employment Training and Administration. This process may take thirty (30) to sixty (60) days.</p> <p>The Prevailing Wage indicates the average salary for our geographic area for the occupation in which the foreign national employee will be employed. If the salary offered is not 100% of the Prevailing Wage, the hiring Department must either agree to pay the Prevailing Wage or OIED will be unable to proceed with filing the H-1B petition.</p> |
| Step 4: | <p>Upon receiving prevailing wage information, OIED will complete Form ETA 9035 E, Labor Condition Application (LCA), and submit it electronically over the internet to the Department of Labor Office (DOL) in Atlanta, Georgia. This process may take one to two weeks when submitting the paper copy to DOL.</p> <p>The hiring Department must post in its office a copy of the completed Form ETA 9035 for 10 calendar days. OIED will send a separate copy to the FAMU Human Resources Department for posting.</p> |

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| <p>Step 5:</p> | <p>After the LCA is returned with approval (certification) from DOL, OIED will notify the hiring Department of the approval and prepare the documents for mailing to USCIS.</p> <p>The hiring Department submits to OIED the required USCIS processing fees in separate checks of \$325 application fee and \$500 fraud prevention and detection fee, with checks made payable to: United States Citizenship and Immigration Services. Applicants desiring the Premium Processing Option must enclose a separate check for \$1,225.00 also payable to: United States Citizenship and Immigration Services.</p> <p>If the prospective employee has dependent family members in the U.S., a required additional USCIS fee of \$290.00 is collected and sent as part of the entire application package. The prospective employee (beneficiary), NOT the hiring Department, is responsible for paying this fee.</p> |
| <p>Step 6:</p> | <p>Once the DOL returns a certified LCA, OIED will prepare Forms I-29, I-129H Supplement, and I-129H Data Collection and Filing Fee and submit the entire application packet, including the fees, to USCIS to classify the employee as an H-1B temporary worker. The certified LCA is part of the H-1B petition filed with USCIS. If the prospective employee has dependent family members in the U.S., Form I-539 is prepared by spouse, signed, verified by OIED and submitted with the entire packet, including the \$290 fee to USCIS.</p> |
| <p>Step 7:</p> | <p>USCIS will notify OIED whether the petition is approved or denied. If the petition is approved, USCIS will send an approval notice called Form I-797 to OIED. Once this information is received, OIED will notify the hiring Department and the applicant of USCIS approval or denial.</p> <ul style="list-style-type: none"> • If the prospective employee is already in the U.S., OIED will provide to the hiring Department the “Non-Immigrant Visa and Employment” Certification. • If the prospective employee is outside the U.S., OIED will provide the visa packet necessary for the prospective employee to apply for visa at the U.S. Consulate abroad. At the cost of the hiring Department, OIED will courier documents to the prospective employee. |
| <p>Step 8:</p> | <p>The hiring Department must call OIED to schedule a “check-in” appointment for the H-1B employee to meet with the OIED staff to discuss visa status, University/USCIS regulations, and to obtain valuable information about services and programs available to the H-1B employee.</p> |
| <p>Step 9:</p> | <p>In order for the H-1B employee to continue/amend employment, OIED needs to file for either an extension or amendment. Please contact OIED in order to begin processing applications in a timely manner. The hiring Department should submit extension/amendment applications to OIED five months before expiration date on H-1B approval notice.</p> |
| <p>Step 10:</p> | <p>Completion of employment/termination: Once employment has ended, the hiring Department is responsible for making sure that all accounts for the individual are closed out. The hiring Department is required to notify OIED when the employee is leaving FAMU so that its records can be updated. If the hiring Department terminates employment for any reason before the designated end date on the H-1B approval notice, the hiring department is responsible for the return cost of transportation for the employee to return home.</p> <p>ADDENDUM TO Premium Processing Fees: The Department can make a determination as to whose benefit (potential employee or employer), to pay the filing fee of \$1,225.00 Premium Processing.</p> |



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**DEPARTMENTAL DATA COLLECTION FORM
 FOR AN H-1B PETITION ON BEHALF OF A FOREIGN NATIONAL EMPLOYEE**

This form must be completed by the FAMU hiring Department and returned to the Office of International Education and Development (OIED) at the above address. The information supplied on this form will enable OIED to begin the process of filing an H-1B visa petition. Be sure to attach all requested documentation to this application. Please keep a copy for departmental record.

(PLEASE SEE CHANGES IN LIGHT GREEN) by A. Simmonds

Foreign National Information:

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| Last Name _____ | | First Name _____ | Initial _____ | U.S. Social Security No. (if none, leave blank) _____ |
| Gender: <input type="checkbox"/> M <input type="checkbox"/> F | Birth Date (mm/dd/yyyy) _____ | Country of Citizenship _____ | | Country of Legal Permanent Residence _____ |
| Marital Status: <input type="checkbox"/> Single <input type="checkbox"/> Married | Additional Dependents: <input type="checkbox"/> Yes <input type="checkbox"/> No | Place of Birth (City, Province, Country) _____ | | Degrees Held: <input type="checkbox"/> Doctoral <input type="checkbox"/> Master's <input type="checkbox"/> Bachelor's |
| Current Mailing U.S. Home Address: _____ | | | | Phone Number: _____ Fax Number: _____ E-mail: _____ |

Visa Status Information, Very Important:

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| Current Visa Status _____ | <u>Last Arrival Date in U.S. (I-94 Document)</u> (mm/dd/yyyy) _____ | <u>Port of Entry into US:</u> Current Stay Expires (mm/dd/yyyy) _____ |
| Has the foreign national ever been in J-1 Status? <input type="checkbox"/> Yes <input type="checkbox"/> No | If the foreign national was subject to the 2-year home residency requirement, did he/she receive a waiver from the Department of State and USCIS? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Please note that OIED cannot file an H-1B visa petition until waiver has been approved. It is the responsibility of the foreign national to apply for the waiver.</i> | |
| Has the foreign national ever been in H-1B Status? <input type="checkbox"/> Yes <input type="checkbox"/> No Has ever been denied? () Yes () No If yes, please indicate date(s) for the entire time period in H-1B status <u>at another institution or private business</u> (mm/dd/yyyy): _____ | | |

Departmental and Position Information:

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| FAMU Hiring Department: _____ | Campus Address: _____ | Phone: _____ Fax: _____ |
| Name of Department Sponsor: _____ | Title of Department Sponsor: _____ | Phone: _____ E-mail: _____ |
| Specific Employment Location for Beneficiary: _____ | Job Title of Beneficiary (please be specific): _____ | Years of Related Training Required: _____ Years of Related Occupation Required: _____ |
| Brief Job Description (attach a detailed job description): _____ _____ | | |
| Years of Experience Position Requires: _____ | Degree Required for Position: _____ | Will Supervise: <input type="checkbox"/> Yes <input type="checkbox"/> No <u>How Many</u> <input type="checkbox"/> Whom |
| Is Job Full-Time? <input type="checkbox"/> Yes <input type="checkbox"/> No (please specify hours per week): _____ Dates of Expected Employment: From (mm/dd/yyyy): _____ To (mm/dd/yyyy): _____ | | Salary: \$_____ (TARP Funds?) No/Yes (Check One) Per: <input type="checkbox"/> Week <input type="checkbox"/> Month <input type="checkbox"/> Year |

Certifying Signatures:

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| <p>This data sheet was prepared by staff:</p> <p>Name: _____</p> <p>Title: _____</p> | <p>Phone: _____</p> <p>Fax: _____</p> <p>E-mail: _____</p> | <p>_____</p> <p style="text-align: center;">Signature</p> <p>Date: _____</p> |
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Current H-1B regulations require that the employer assume responsibility for the reasonable costs of return transportation of the foreign national abroad if the foreign national is dismissed from employment prior to the end of the authorized stay. Florida A&M University requires that the following Statement of Responsibility be signed by Deans or Vice Presidents of hiring college, schools, institute or departments authorized to commit funds in the event that this become necessary. Please read and sign the statement below.

I certify that in the event that Florida A&M University **terminates its employment relationship** with _____ (name of foreign national) prior to end of **contractual period** (stipulated in employment contract or offer letter), funds will be made available for the cost of his/her return transportation abroad, as required by the Immigration Act of 1990. It is my understanding that this responsibility does not apply in the following scenarios: (1) if the foreign national is dismissed for service for good cause; (2) if the foreign national violates the terms of his/her visa status; and (3) if the foreign national become the beneficiary of another employer’s H-1B visa petition.

By signing this form, I also agree that:

- ✓ The hiring Department will not employ the foreign national until the Office of International Education and Development (OIED) has issued the Non-Immigrant Visa Employment Certificate indicating eligibility of the foreign national to be employed at Florida A&M University.
- ✓ The foreign national will be supervised by the faculty/staff whose name appears in the “Department Sponsor” section above.
- ✓ The teaching and/or research is consistent with the objectives and limits of the Department of Labor (H-1B Visa) and U.S. immigration regulations.
- ✓ The hiring Department will consult with OIED regarding significant changes or problems with the Florida A&M University appointment (including position title and description, salary, FTE, and dates).
- ✓ The hiring Department will call OIED to schedule a “check-in” appointment for the foreign national to meet with the OIED staff to discuss visa status, University/USCIS regulations, and to obtain valuable information about services and programs available to him/her.
- ✓ The hiring Department will notify OIED of termination and/or departure of foreign national.

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| <p>_____</p> <p>Department Sponsor Signature</p> | <p>_____</p> <p>Director/Dean Signature</p> | <p>_____</p> <p>Assistant Vice President International Education and Development</p> |
| <p>_____</p> <p>Date</p> | <p>_____</p> <p>Date</p> | <p>_____</p> <p>Date</p> |

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| <p>_____</p> <p>Provost and/or Vice President Signature Division of _____ Affairs</p> |
| <p>_____</p> <p>Date</p> |

Labor Condition Application Attestation Form

I have read and understand all of the conditions and regulations associated with the filing of a Labor Condition Application on behalf of my foreign national employee and agree to abide by all federal regulations which govern the Labor Condition Application (LCA) and the H-1B visa classification. I also confirm that all of the information I have provided to the Office of International Education and Development at Florida A&M University is correct and accurate:

- As the hiring College, School, Institute or Department at Florida A&M University, I agree to pay the higher of the actual or prevailing wage for the position;
- I agree to pay the H-1B employee the required wage for non-productive time due to a decision by the employer, or due to the H-1B employee's lack of a permit or license;
- The employment of the H-1B employee will not adversely affect the working conditions of other employees similarly employed and the H-1B employee will be afforded working conditions on the same basis, and in accordance with the same criteria, as is offered to similarly employed U.S. employees;
- The H-1B employee will be offered benefits and eligibility for benefits on the same basis and in accordance with the same criteria as offered U.S. employees;
- There is no strike, lockout of work stoppage in the occupational classification at the time of the filing of the LCA. If such a strike, lockout or work stoppage occurs after the application is submitted, I will notify the Office of International Education and Development within three days to enable it to notify the Department of Labor as is required by law;
- Notice of the hiring Department's intent to hire an H-1B employee has been provided to other employees at the place of employment by posting of the LCA in a prominent place; and
- A copy of the LCA will be provided to the H-1B employee prior to the date of employment.

Department: _____

Name of Director/Dean: _____

Director/Dean Signature: _____

Date: _____

Name of Provost/Vice President: _____

Provost/Vice President Signature: _____

Date: _____

SAMPLE LETTER OF SUPPORT TO USCIS ON DEPARTMENT'S LETTERHEAD
MUST BE SIGNED BY THE DEAN & PROVOST AND/OR VICE PRESIDENT
(This sample letter is a guide; please submit a professional looking letter or it will be returned to you.)

Date _____

(PLEASE USE ONLY THE APPROPRIATE ADDRESS BELOW FOR TYPE OF PROCESSING)

Regular Processing Service

U. S. Citizenship and Immigration Services
California Service Center
ATTN: CAP EXEMPT H-1B Processing Unit
P.O. BOX 30040
Laguna Niguel, CA 92607-3004

or

Premium Processing Service

U. S. Citizenship and Immigration Services
California Service Center
ATTN: CAP EXEMPT H-1B Processing Unit
24000 Avila Road, Room 2312
Laguna Niguel, CA 92677

Dear Sir/Madam:

We are writing in support of an H-1B petition for _____ (name of foreign national) for the position of (job title) in the _____ (department) in the (school/college/institute). This temporary appointment will begin on _____ and end on (one year later). The position will carry a salary of \$_____ per year.

Florida A&M University is a well-known non-profit institution of higher education with 13 colleges, schools and one Institute. In order to maintain a high level of excellence in education and research, it is essential that our employees be of the highest ability and expertise.

The main degree and duties required for this position are _____ (please describe in detail what the duties are and the educational requirements).

_____ (name of foreign national) possesses the necessary qualifications for the above position. These qualifications include _____ (give specific examples to include: publications, experience beyond the degree, professional development, service on committees, boards, significant contribution to the field, etc. Provide as much information as possible on the qualifications of the foreign national).

The College/School/Division (select one) assumes financial responsibility for reasonable cost of return transportation, if the H-1B employee is dismissed prior to the end of authorized employment. Please note that the use of an H-1B worker will not adversely affect the working conditions of similarly employed workers, which include hours, vacations, and fringe benefits.

Thank you for a favorable consideration of this petition.

Sincerely,

Name and Title Director/Dean

Name and Title Provost/Vice President

(WE PREFER LETTERS THAT ARE ONE FULL PAGE IN LENGTH)

Updated: 08/08/2014 by AVS