



## Department Request for H-1B Temporary Worker

### **Who Completes this Request?**

This request should be completed by a Department representative. No part of this form should be completed by an individual who will be hired as an H-1B employee.

### **What is an H-1B visa?**

The H-1B temporary worker visa is designated for individuals coming temporarily to the U.S. to perform services in a specialty occupation, which is defined as "an occupation which requires theoretical and practical application of a body of highly specialized knowledge," and requires any applicant for this visa to have achieved "attainment of a bachelor's or higher degree for the specific specialization (or its equivalent in experience)." The hiring department must provide documentation to prove that the job requires a person with special qualifications and that the foreign scholar has those qualifications. The USCIS makes the final decision on whether or not the appointee qualifies for the H-1B classification.

In addition to the information above, we have further information on our website for Departments or you can go to: <https://www.uscis.gov/working-united-states/temporary-nonimmigrant-workers>

### **What should be included with this Request?**

- This request packet and all of its fields completed in its entirety
- Checks – requested by the Department and sent to the International Center to be mailed with the petition
- Prospective Employee Information found on our website as well but must include:
  - Completed Information Request Form
  - Most recent CV
  - Copy of Passport information page
  - Copy of degree/diploma
  - If degree was conferred outside of the United States, and academic equivalency
  - If currently present in the United States copies of all immigration documentation

### **Costs & Checks**

The International Center charges a fee for the processing of H-1B petitions. Information about this fee is found on the Department Request Form included in this packet. The fee will be billed directly to the Department Account noted on the Department Request Form.

In addition to our internal processing fee, the US Customs & Immigration Service (USCIS) has fees associated with all H-1B petitions. Departments should request checks be made payable to:

US Department of Homeland Security  
USCIS California Service Center  
PO Box 30111  
Laguna Niguel, CA 92607-0111

### **Checks should be in the following amounts:**

\$460 ALL petitions require this fee

\$500 All INITIAL requests for H-1B at Tufts require this fee

\$1,225 Premium Processing Fee. This fee is recommended as it guarantees the H-1B petition will be adjudicated within 15 calendar days. It is not required. Please check with the I Center for current regular processing times to determine whether or not this fee should be paid.

**Department Request Form (DRF)**

**PROSPECTIVE EMPLOYEE INFORMATION**

Last Name \_\_\_\_\_ First Name \_\_\_\_\_ Middle Name \_\_\_\_\_

Tufts Department \_\_\_\_\_ Faculty Sponsor \_\_\_\_\_

Job Title \_\_\_\_\_ Start Date \_\_\_\_\_ End Date \_\_\_\_\_

Job title must concur with the title used on the Personnel Action Form, Contract or Agreement Letter

<b>H-1B</b>	Initial	\$1,500
	Renewal	\$1,500
	Expedite Surcharge*	\$500
<b>E-3</b>	Consular Processing	\$500
	Renewal	\$1,500
<b>All Requests</b>	Multiple Mailing Surcharge**	\$100

**Visa Request Type:**

H-1B Initial                      E-3 Consular Processing  
H-1B Renewal                    E-3 Renewal

\*Requests received for processing with 90 days or less before the proposed start date.

\*\*Requests to send additional documents through no fault of the International Center (i.e. department or employee changes start date, department or employer entered incorrect information, etc.

*Please note: The fees described are costs for the International Center's visa services and must be paid for by the department.*

**The employee will be funded by the department:**                      Dept. ID \_\_\_\_\_

**REQUIRED APPROVAL**

By checking this box, you understand that if applicable, your department will be charged the above listed amount and have obtained approval from the Dean and/or Department Chair as needed.

**Name of person requesting:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Visa Categories**

**H-1B Initial**

The H-1B visa category is a "specialty occupation" visa. The prospective H-1B employee must hold a minimum of a bachelor's degree in her/his area of employment. This category is appropriate for those individuals who are seeking more long-term employment. Individuals seeking this category can be present in the United States in another visa category or be outside of the United States. This process generally takes 4 months for approval and is relatively labor intensive. H-1B petitions can be approved for up to 3 years and are renewable for up to 6 years of total H status.

**H-1B Renewal**

For those individuals who currently hold H-1B status in the United States at Tufts.

**E-3 Consular Processing**

The E-3 category is only available to individuals from Australia to work in the United States temporarily in a specialty occupation. Similar to the H-1B, prospective E-3 visa holders must have a minimum of a bachelor's degree in their area of employment. This category is available for an initial 2 years and is renewable indefinitely.

**E-3 Renewal**

For those individuals who currently hold E-3 status in the United States at Tufts.

## **Form H**

Name of Candidate

Job/Position Title

Tufts Department

Department Phone

Department Address

Prospective Start Date

Prospective End Date

**\*\*The U.S. Citizenship & Immigration Services will approve the petition based on the dates listed above. The end date used here must concur with the end date on Personnel Action Form, Contract or Agreement Letter.**

Salary Offered

Highest Degree of Candidate

Is the position

Full Time

Part Time

Number of hours/week

Title of Candidates Supervisor

Is this a tenure-track position

Job Description:

### **RETURN TRAVEL COST RESPONSIBILITY OF TUFTS SPONSORING DEPARTMENT**

**Under the following conditions:** The Tufts Sponsoring Department will be responsible for the reasonable cost of return transportation (air) to place of last residence outside of the U.S. of the above-mentioned foreign national if he/she is dismissed by the Tufts department before the end of his/her period of authorized H-1B status. The above-mentioned, Tufts Sponsoring Department, must also comply with the terms of the Labor Condition Application (Form ETA 9035) for the duration of the alien's authorized period of stay. The Department is also required to notify the International Center of any substantial changes in the H-1B visa holder's employment (such as a new location of employment, change in job duties, change in source or amount of salary, job title, and termination date, etc.).

### **Approvals/Signatures**

Name of Person Completing the Form

Date

Name of Department Chair

**Department Letter to USCIS**  
**Guidelines**

A letter from the Department must accompany the H-1B petition. The letter should meet the following guidelines:

- The letter, at least one page in length, must attest to the applicant’s qualifications in this “specialty occupation” including how the individual meets the positions’ specific professional requirements. A specialty occupation is defined as “occupations that require highly specialized knowledge and a minimum of a bachelor’s degree or its equivalent.”
- The letter should include:
  - What the applicant is doing and/or is going to do while at Tufts. Describe in lay terms the duties to be performed.
  - Describe the experience and knowledge required for the position as well as any preferred skills or knowledge that the candidate may have.
  - List the required degree(s) and training required for the position.
- The letter should be addressed to:  
USCIS  
California Service Center  
PO Box 30111  
Laguna Niguel, CA 92607-0111
- The letter must be printed on letterhead, dated & signed by the Department Chair or the sponsoring faculty member. The letter can be sent to the I Center via email.

# H-1B Wage Verification Form

**CONFIDENTIAL**

Departments must keep a copy of this form along with any other documentation providing proof of how this individual's salary and benefits were determined.

The Department of Labor does have the authority to request to see Payroll records to substantiate the rate of pay to employees in comparable occupations. The Tufts sponsoring department must also be prepared to establish that the working conditions of the H-1B worker and any other employees in the same occupational classification are similar to working conditions existing in like business establishments in the local area of employment.

This documentation should be maintained for a period of three years beyond the date of the employment of the individual. In signing this form you are confirming that you are:

1. Paying the individual a minimum of prevailing wage (wage level paid to all other individuals with similar experience and qualifications);
2. Offering the same benefits package as you offer to all other similarly employed employees;
3. Providing the same work conditions as you provide to all other similarly employed people.

Name of International Scholar  
Position Title

Tufts Hiring Department  
Annual Salary

- I hereby attest that the information provided to the International Center in regards to this non-immigrant's salary/benefits/work conditions is accurate and in accordance with the information on the non-immigrant's contract, agreement or form letter. **I also attest to the fact that the information provided to the International Center concurs with the information provided to the Payroll/Human Resources department on the Personnel Action Form (i.e. Title, Salary, Employment Dates, etc.).**
- I hereby attest to the fact that I will notify the International Center PRIOR to any significant change in the non-immigrant's salary, job title, job description, work location, work conditions, termination of employment, resignation, lay-off, etc.** Tufts University is required by law to report any significant changes in employment to the U.S. Citizenship & Immigration Services (USCIS). In order for our office to do so, we depend on you, the non-immigrant's sponsoring department, to keep us informed.
- I hereby attest to the fact that the end date provided to the International Center on Form "H" concurs with the prospective end date of the individual's contract, agreement or offer letter. I understand the end date listed on Form H will be the date that the International Center will include in the H-1B Petition to the USCIS. Therefore, if USCIS approves the H-1B Petition, it will only approve it until such a date.**

Is this employee eligible for the same benefits package as you would offer any other employee with similar position?

Yes  No (Please indicate which benefits package is being offered)

Partial Benefits

Full Benefits

Post-Doc Benefits

No Benefits

Below: List employees with positions similarly related to the position being offered to above prospective employee. The people you list below must possess similar experience and qualifications as above. Factors to be considered: experience, qualifications, education, job responsibility and function, or specialized knowledge. In the event of an institutional audit by the Department of Labor, Tufts will be required to prove that it paid the prevailing wage to the H-1B scholar as it did to all other similarly related employees. They could request to verify payroll records as well. **It will be the responsibility of the Tufts sponsoring department to defend/explain the information provided here in the event of a USCIS or Dept. of Labor Audit.** Please be

very mindful of this as you complete the following. Also provide actual position title, annual salary and explanation of any salary differences:

***CONFIDENTIAL***

<b>Employee Name</b>	<b>Position</b>	<b>Title</b>	<b>Salary</b>	<b>Explanation of Salary Differences</b>
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**NOTES:**

**DO NOT KEEP THIS FORM IN APPOINTEE'S FILE. You should establish a separate file with this type of information since it contains compensation details of other employees in your department.**

**DO NOT GIVE THIS FORM TO THE H-1B SCHOLAR, for the same confidentiality reasons, to protect the privacy of other individuals mentioned on this form.**

**APPROVAL SIGNATURES:**

Name of Dept. Chair

Signature of Dept. Chair: \_\_\_\_\_ Date: \_\_\_\_\_

Name of School Dean

Signature of School Dean \_\_\_\_\_ Date: \_\_\_\_\_

## **EXPORT CONTROL**

Form I-129 Part 6. Certification Regarding the Release of Controlled Technology or Technical Data to Foreign Persons in the United States.

Select Item Number 1. or Item Number 2. as appropriate. DO NOT select both boxes.

With respect to the technology or technical data the petition will release or otherwise provide access to the beneficiary, the petitioner certifies that it has reviewed the Export Administration Regulations (EAR) and the International Traffic in Arms Regulations (ITAR) and has determined that:

1. A license is not required from either the U.S. Department of Commerce or the U.S. Department of State to release such technology or technical data to the foreign person; or
2. A license is required from the U.S. Department of Commerce and/or the U.S. Department of State to release such technology or technical data to the beneficiary and the petitioner will prevent access to the controlled technology or technical data by the beneficiary until and unless the petitioner has received the required license or other authorization to release it to the beneficiary.