At approximately 8 months prior to the end of an H-1B visa, department consults with OISS (Office of International Students & Scholars) via phone, e-mail or in person and determines if that individual meets criteria for H-1B extension to show him/her to continue work in same job, and that this is the appropriate visa option.

**Is H-1B to be renewed?**

- **NO**
  - Department confirms with faculty member that employment will end at time of H-1B end date.

- **YES**
  - Department finalizes details with faculty member re: fees/costs and who will pay what expenses. Costs may be paid by individual or the university.

Department notifies Human Resources of need to continue sponsorship for H-1B by sending "Approval to Initiate or Extend H-1B Visa Application for Faculty & Staff" form signed by chair/head along with a print out of job description to the Director of Recruitment. Failure to notify HR might delay H-1B process once it is ready to be signed by HR director.

NOTE: Utilization of firms that have not been pre-approved need to be cleared through the General Counsel's Office.

Department contacts pre-approved law firm (copies OISS) and 1. informs them of need to continue sponsorship for faculty member for H-1B, 2. determines payment schedule as to who pays what, and 3. provides necessary information for immigration attorney's office to begin paperwork.

Immigration attorney's office has faculty member and department complete information sheet and document checklist.

**H-1B for Faculty Extension**

Faculty member contacts immigration attorney's office and reviews H-1B process and costs.

Faculty member and department complete forms (including obtaining department chair's signature) and returns to immigration attorney's office.

Department advises faculty member to contact immigration attorney's office.

HR forwards the "Export Control I-129 Compliance" Form to sponsoring department.

Hiring supervisor will fill out the form and sign it. The form will also be reviewed and signed by dept. chair and dean of the school.

The completed "Export Control I-129 Compliance" form is sent to the Office of Sponsored Research.

OSR will complete the form based on how the questions were answered by the dept. and sign it.

OSR will send the form back to HR. The form will attest to Part 6 of the I-129 form and without it any H-1B paperwork that is submitted to United States Customs & Immigration Services (USCIS) will be placed on hold.

HR reviews, approves and returns signed forms and support letter to the immigration attorney's office.

HR removes Notices of Filing after 10 days; dates posted are noted and postings are signed by person who posted.

Postings are added to the Public Access File.

Immigration attorney's office certifies the LCA electronically through the Dept. of Labor's iCert program, finalizes the H-1B petition packet* and sends to HR for signatory's review and signatures. DOL regulations allow for the LCA to adjudicate for 7 business days. **The immigration attorney's office will hold off on sending packet if the "Export Control I-129 Compliance Form" has not been returned to HR.**

**Packet Includes:** G-28 - Notice of Entry of Appearance as Attorney (3), I-129 - Petition for a Nonimmigrant Worker (2), I-129 - H Supplement (2), I-129 - Data Collection Sheet (2), Statement of Support of H-1B Petition (2).

Rev. February 20, 2011
**H-1B for Faculty Extension**

**LCA is filed with the USCIS attesting that:**

1. H-1B employee will be paid at least the actual wage or "prevailing wage," whichever is higher.
2. The employment of the H-1B individual will not adversely affect the working conditions of other workers similarly employed.
3. That at the time of filing the LCA there are no layoffs, strikes, lockouts or work stoppages in the H-1B individual's occupation,
4. A copy of the LCA will be posted for 10 business days in two places on the employer's premises.

USCIS issues "receipt of filing" to employer.

About 2-5 months the Approval notice (I-797) is received. (2-5 weeks if it was premium processed). The attorney's office prepares the H-1B approval packet and sends it HR. HR will get in contact with Faculty member/department to pick up packet.

Faculty member updates appropriate records (i.e., I-9 Forms, tax status, immigration database, etc.) with new status to HR, Payroll and OISS.

**TERMINATION OF EMPLOYMENT:**

If a faculty member is working under an H-1B Visa and terminates employment prior to his/her H-1B Visa end date, the university must work with the immigration attorney to revoke the current H-1B effective with the employment termination date.

The following steps should be followed:
1. On the termination form, the department should indicate, by checking the appropriate box on the form, that the terminating employee is a current H-1B Visa holder.
2. Human Resources will contact the immigration attorney's office and notify them of the early end date and the need to revoke the H-1B Visa. The fee (approx. $200) for revoking the H-1B visa will be paid by the department.

**HR adds to Public Access File**

- LCA Cover Pages - included in the front of binder
- Initiated LCA (replaced by Certified LCA when available)
- Wage Rate, which is included in LCA
- Description of Actual Wage System
- Copy of "prevailing wage" information and it's source (provided by immigration attorney's office)
- Notices of Filing LCA (2)
- Summary of benefits offered to U.S. workers and H-1B workers (copy of benefits book included in front of binder)

Once LCA is certified, immigration attorney's office e-mails it to HR; HR prints 4 copies which are signed by Director of Recruitment. 2 copies are sent back to attorney's office. 1 copy is placed in Public Access File and 1 copy is given to faculty member along with Acknowledgment of Receipt of LCA.

Faculty member signs Receipt and returns it to HR as proof that LCA was provided to faculty member. *Must be given to employee no later than 1st work day.*