What is the H-1B Program? Saint Louis University can file a petition 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 attainment of a bachelor's or higher degree for the specific specialization (or its equivalent in experience).

Note: Fees and required documents change periodically, please follow up with Cathy Donahue (donahuec@slu.edu) for the most up-to-date information.

H-1B Checklist of Required Documents. The forms in this packet are required by the Office of International Services to initiate the H-1B filing for new employees or renewals. The information that the department and beneficiary provide to the Office of International Services are the basis for the documents submitted to USCIS. Please verify dates, salary, and job descriptions before submitting the papers. Data specific to the new hire or employee should be completed by him or her, NOT by a departmental representative. Upon receipt of the documents, we will fax a copy of the "Labor Condition Application" for posting. After posting, please return the cover sheet to our office. If this position needs to be expedited, please discuss the Premium Processing procedure with Cathy Donahue.

Complete and return the Departmental Information sheet.

Forward the Employee Information sheet and a copy of the checklist to the employee.

Read the checklist and send the materials to our office as soon as possible.

Have the individual contact the Office of International Services immediately if he/she is travelling outside the U.S. during the next six months.

What documents are needed from the hiring department? The hiring department will need to submit all materials to the Office of International Services 4-6 months prior to the applicant's prospective appointment date at SLU (or expiration of current H for renewals).

1. Fees. All fees can be submitted through a check, drawn from a U.S. bank and payable to "Department of Homeland Security" or through a DPV (Direct Payment Voucher). For purposes of the DPV, the address of the Department of Homeland Security is: Department of Homeland Security, USCIS-California Service Center, P.O. Box 10129, Laguna Niguel, CA 92607. Do not send checks directly to USCIS. Request the check(s) to be sent to the Office of International Services, Des Peres Hall, Room 102.
   • For all new employees or the first H for a current employee, a $500 "fraud detection and prevention fee" is required. This must be paid by SLU. The employee may not be requested to reimburse the department for this fee.
   • If the department requires an urgent decision (15 days or less) a "premium processing" fee of $1225 must be submitted.
   • The department must pay a $325 filing fee.

2. Return the "Department Information" sheet. The form must be signed by the department chair or someone in the department with hiring authority. Information must be accurate. Titles must match those in HR. Do not indicate an employee is full time if he/she has a part time or dual appointment.

3. Submit a departmental letter. The letter must follow the format below and be on departmental letterhead.
   • Addressed "To Whom It May Concern," and dated and signed by the appointing faculty member or hiring staff.
   • In the first paragraph state that the individual "is coming temporarily to the University to perform services in a specialty occupation." Use this phrase exactly.
   • In the next paragraph describe the specialized services to be performed and the degrees, qualifications, and licensures required to perform the job.
   • In the next paragraph describe how the individual's qualifications meet the job requirements above.
   • If the individual is a medical doctor coming to perform services at SLU, state that he/she will teach and/or conduct research at a nonprofit private educational or research institution.
     o If the physician will not have any patient care responsibilities, please state this.
     o If the physician will have some patient care responsibilities, state that any patient care activities by the individual will be incidental to his/her teaching or research.
     o If the physician will have more than incidental patient care, explain that the physician has either graduated from a US medical school or that he/she has completed the requirements specified in either the FLEX, National Boards, or the USMLE results; a copy of the license to practice medicine in Missouri; and a copy of the ECMFG certificate indicating competency in oral and written English.
   • End the letter with the following statement: "The employer will comply with the terms of the Labor Condition Application for the duration of the alien's authorized period of stay. The employer will be liable for the reasonable cost of return transportation of the alien abroad if the alien is dismissed from employment by the employer before the end of the period of authorized admission."
The applicant's prospective appointment date at SLU (or expiration of current H for renewals).

What documents are needed from the employee? The employee will need to submit all materials to the Office of International Services 4-6 months prior to the applicant's prospective appointment date at SLU (or expiration of current H for renewals).

1. Fees. If the individual requires an urgent (within 15 days) decision, he/she may pay the $1225 premium processing fee. If the employee pays this fee, his/her salary must be at least $1225 more than the minimum prevailing wage. This fee must be paid by check, drawn on a US bank, and payable to "Department of Homeland Security"

2. Return the "H-1B Employee Information" sheet. Complete and sign all of the necessary information.

3. Submit copies of I-94 card, front and back. If the individual does not have an I-94 card, submit a legible copy of the I-94 stamp in the passport.

4. Submit copies of all prior visa documents. For all new employees, you will need to submit copies of all prior I-797s (H approval notices for prior employers), DS-2019s (a waiver if you were subject to the 212e home residency requirement), or I-20s (with a copy of any Employment Authorization Documents)

5. If the applicant is transferring an H from another employer to SLU, submit proof that you are still employed by the current H-1B sponsor. The two or three most recent pay stubs are needed to demonstrate to the USCIS that the international employee is employed by the prior institution at the time SLU files its H petition. The employee may wish to wait and submit these items last. A transferring H employee should not resign or leave his/her current employment without discussing this with the Office of International Services first!

6. If the new hire is a physician will be employed in a position with more than incidental patient care and who ATTENDED MEDICAL SCHOOL OUTSIDE THE US, also submit the following: a copy of either the FLEX, National Boards, or the USMLE results; a copy of the license to practice medicine in Missouri; and a copy of the ECMFG certificate indicating competency in oral and written English.

7. Other licenses. If the new hire is in a position that requires any other type of licensure, submit a copy of that license.

8. A copy of the degree certificate, e.g. M.D. or Ph.D. It is possible to submit a copy of the degree certificate as long as the original is available if requested by USCIS. Degree certificates not in English must be accompanied by an original translation, signed by a qualified translator. This also applies to degree certificates written in Latin. If the degree is not from a U.S. college or university, a credit evaluation must be obtained to verify that the foreign degree is equivalent to a U.S. degree.

9. The candidate’s Curriculum Vitae list of publications.

10. Change of status form and fees. The fee for applying for a change of status to H-4 for accompanying family members is $290, also payable to Department of Homeland security. The employee's dependent must complete and return form I-539 (www.uscis.gov/i-539). Also include the appropriate documentation, usually copies of the front and back of the I-94 card for each family member. Follow all instructions on the I-539.

11. Contact the Office of International Services immediately if the applicant is currently in the U.S. and plans to travel outside the U.S. within the next six months.

Department of Labor Requirements for Hiring H-1B Workers. The H-1B visa application involves both the Department of Labor (DOL) and U.S. Citizenship and Immigration Services (USCIS). Employers are required to obtain prior clearance from the DOL before an H-1B visa petition may be filed with the USCIS. A fundamental component in the H-1B visa process is the employer's attestation that it is paying an H-1B worker at least the minimum prevailing wage level for the area of intended employment or the actual wage level paid within the place of employment, whichever is greater.

SLU departments who wish to employ H-1B workers must complete the H-1B Department Information Sheet. This information should be prepared by the hiring department and sent to the Office of International Services (OIS). The OIS will then verify that the hiring department is in compliance with the prevailing and actual wage requirements (see below for a description of these terms). These records will be kept at the OIS with other documents required of employers by the DOL. Should there be an investigation, SLU would need to produce the payroll records of those workers similarly employed in a particular department or laboratory. The penalties for not complying with DOL regulations are severe: fines may be imposed; back pay of wages required; and the employer may be barred from hiring foreign nationals for a year.

The prevailing wage as defined by the DOL is the average rate of wages paid to workers similarly employed in the area of intended employment. The University normally uses the prevailing wage determinations provided by the U.S. Department of Labor, since it is one authoritative source not subject to challenge by the DOL.

The actual wage as defined by the DOL is the wage paid by the employer to all other individuals with similar experience and qualifications as the H-1B worker for the specific employment in question at the place of employment (e.g., the wage paid to all postdoctoral fellows the first year after completion of their degrees working in a particular laboratory in the Microbiology Department, where an H-1B worker has been hired).

Once the OIS has determined that the H-1B worker will be paid at least the actual wage level or the prevailing wage level, whichever is higher, and that SLU is therefore in compliance with DOL regulations, we will continue processing the H-1B application. The terms of the H-1B require that the employer notify USCIS should the employment be terminated prior to the period of authorized employment. The department hiring the H-1B employee must notify the OIS if the employee leaves the university or if the university terminates the employment prior to the date for which the employment was authorized. If the University terminates the employment for any reason, the University must offer the employee return air transportation to his or her home country.

Although the Office of International Services will make every effort to accommodate emergency situations, the normal processing time for petitions with USCIS is approximately three to four months. The cost is $1225 for expedited petitions.
H-1B Department Information

This form should be completed by the department hiring an H-1B employee. Return to the OIS 4-6 months prior to appointment or 4-6 months prior to expiration of current H in the case of renewals.

Information about the Prospective Employee
1. Prospective Employee: ________________________________________________________
2. Department _________________________________________________________________
3. Campus address: _____________________________________________________________
4. Contact person: ___________________________________
5. E-mail:__________________________________ 6. Phone:______________________________
7. Dates of appointment: ____________ to ____________ (a maximum of 3 years)
8. Job Title: ____________________________
9. Brief, non-technical job description: ____________________________________________
10. Address(es) where person will work if different from above: _________________________
11. Is this a full time position? ______ If not, number of hours per week: ________________
12. Expected work schedule: _____________________________________________________
13. Wages: ____________________ per _______________ (hour/week/year)
14. Salary must be guaranteed for the duration of the H-1B.
15. Describe the proposed duties. Specify teaching, patient care, research, training and other duties as applicable.
_____________________________________________________________________________
_____________________________________________________________________________
16. Number of employees who will be supervised by employee: _______________
17. Prospective employee's supervisor: _____________________________________________
18. Title of prospective employee's supervisor: _______________________________________
19. Is travel required to perform the work duties?: ______
20. If yes, please describe the travel requirements.__________________________________
21. Are there any other working conditions that affect the rate of pay? __________________
_____________________________________________________________________________
22. Salary range of individuals currently in your department with the same job title and similar qualifications as the applicant. $__________________ to $_______________________
23. Which of the following factors were considered in determining the applicant's salary:
Degree Earned ___________ Previous Work Experience ___________
Determined by funding source (grant, etc.) __________ Area of Specialization __________
Comparable rate of pay at similar institutions __________ Supervisory responsibilities __________
24. Is the prospective H-1B1 employee covered under the standard benefits package? ___________
25. If the above space does not fully describe the factors used to determine the salary for similarly employed individuals, please use this space to explain your compensation system.
_____________________________________________________________________________

I hereby certify that the salary listed above reflects the wage level paid to all other individuals with similar experience and qualifications working in this department/laboratory. If there is more than one wage paid, I am able to explain the reason(s) for this differential in wage rates. If required to do so I am able to provide documentation which must include the names and payroll records of similarly employed individuals to the Department of Labor to verify these statements.

_____________________________ ______________________________ ______________
Signature of Department Chair  Print Name    Date
(or someone with hiring authority)
H-1B Employee Information

This form should be completed by the H-1B employee. Return to the OIS 4-6 months prior to appointment (or expiration of current H in the case of renewals).

Information about the Employee
1. Name (as it appears on passport): ____________________________________________________ Last/family First/Given Middle
2. Current address: __________________________________________
   __________________________________________
3. Permanent Address (if other than the above): ________________________________________
   ________________________________________
4. US Social Security #: ____________________________ 5. E-mail: ______________________________
6. List any other names used (including maiden name and names from all previous marriages):
   ____________________________________________________________________________________
7. Date of Birth __________________ 8. Province and Country of Birth: _____________________________
9. Country of citizenship: ___________________________________
10. Country of permanent residence (if different from citizenship): ________________________________
11. Date of last arrival in the US: ____________________ 12. I-94 #: ______________________________
13. Current non-immigrant status, if in the US: ______________ Date status expires: ______________
    Date Passport Issued: ____________ Date Passport Expires: ___________
14. Passport number: ____________ 15. Visa History: Please indicate all periods of stay in the US, along with visa type:

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<th>Dates</th>
<th>Visa Type</th>
<th>Purpose</th>
<th>Sponsor Organization</th>
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16. List all family members for whom you will be filing an H-4 petition
   Does each person have a valid passport? ____________

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<th>Family Name</th>
<th>First Name</th>
<th>Relationship to You</th>
<th>Dates</th>
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17. Are you currently outside the US or do you plan to travel outside the US while your application is pending with USCIS? ______

18. If yes, please indicate the US Embassy or Consulate where you will apply for a visa:

________________________________________________________________________________________

19. Address in home country: __________________________________________________________________________

20. Are you currently in the US on an H1B sponsored by another employer? If so, indicate the name and address of the employer and the validity dates of your current H1B:

________________________________________________________________________________________

Do NOT resign your employment before discussing the processing of your SLU H-1B petition with the Office of International Services.

If you answer "Yes" to any of the following questions, please explain on a separate sheet.

20. Are you or any of your dependents in deportation or removal proceedings? ______

21. Have you ever been denied a petition for H-1 status? ______

22. Have you or any of your dependents ever been in the US as a J-1 or J-2? ______

   If yes, are you subject to the 2-year home residence requirement? ______

   If yes, have you fulfilled this requirement by obtaining a waiver or by going home for 2 years? ______

   If no, you are not eligible for H-1B status.

23. Has an I-140 immigrant visa or I-485 application for permanent residence been filed for you? ______

24. Have you been granted H status in the past 7 years? ______

I certify that the information above and documents submitted by me in support of my H-1B petition are true and correct. I understand any misrepresentation of information or document fraud will result in termination of my employment at SLU.

_____________________________ ______________________________ ______________
Signature of prospective employee          Print Name                  Date