General Information

The H-1B, Temporary Worker in a Specialty Occupation status, can be used to employ Stevens’ faculty members as well as selected staff positions. This status is designated for individuals coming temporarily to the U.S. to work in a specialty occupation. A specialty occupation is defined as one that requires "theoretical and practical application of a body of highly specialized knowledge, and attainment of a bachelor's or higher degree, or its equivalent, as a minimum requirement." The H-1B is considered an "employer specific" status. This means that the H-1B holder may only be paid by Stevens in accordance with the terms of the H-1B application.

The H-1B application process is complex, detailed and time-consuming. It is, therefore, important to begin the application process within a reasonable period to avoid an interruption in employment. Normal processing can take approximately six to eight months because of the Department of Labor (DOL) and the United States Citizenship and Immigration Services (USCIS) requirements and procedures. Premium processing, at an additional cost, may be considered under extenuating circumstances to expedite the application process.

The sponsoring department must initiate the H-1B application process, and in conjunction with the scholar, provide all required documentation to the ISSS. In addition, the salary paid to the H-1B must meet the "prevailing wage" as determined by U.S. Department of Labor standards.

An H-1B petition may be approved for an initial maximum period of three years, and extensions of up to an additional three years may be obtained for a total of six years, regardless of employer. Considering the time required to process and the expense associated with an H-1B application, an initial three years request is recommended if the sponsoring department intends to employ the scholar for an extended period.

An H-1B application must be submitted to United States Citizenship and Immigration Services (USCIS) while the applicant is in valid status, particularly if accompanied by a request for a change of status. In this instance, failure to maintain valid nonimmigrant status will result in a denial of change of status.

Application Process

The sponsoring department at Stevens completes and submits the following to the ISSS office:

1. Stevens’ Letter of Appointment
2. H-1B Application Data Form (completed by the scholar/applicant)
3. Prevailing Wage Form
4. Actual Wage Form
5. Deemed Export Control Clearance Form
6. **Letter of Support** - This letter must be detailed and affirm that the beneficiary is being hired in a “specialty occupation” as shown by the job duties and educational requirements. You must also establish that the position requires the theoretical and practical application of a “body of highly specialized knowledge to fully perform the occupation and that the occupation requires completion of a specific course of education culminating in a baccalaureate or higher degree in the specific occupational specialty”. Please be sure to include the degree and area of specialization required for the position. Please refer to the Sample Letter for H-1B Petition on the ISSS website as a guide. Submit 2 original signed letters.

7. Scholar’s supporting documentation

8. Attach all check(s) payable to U.S. Department of Homeland Security. The processing fees are:
   - $325 - I-129 petition
   - $500 fraud prevention and detection fee
   - $290 - I-539 change of status/extension of stay application for dependents
   - $1,225 - Premium Processing fee (optional) may be considered under extenuating circumstances. Premium processing time is 15 days. This fee must be a separate check.

Make checks payable to: U.S. Department of Homeland Security (do not abbreviate name) to the following address:

**If premium processing:**
2400 Avila Road
Laguna Nigel, CA 92677

**If regular processing:**
75 Lower Welden Street
St. Albans, VT 05479-0001

It is recommended that departments send check requests to Accounts Payable with sufficient time to allow for prompt filing. Please be sure to forward checks to the ISSS office. **Do not mail checks directly to U.S. Department of Homeland Security.**

**Scholar/H-1B Applicant Supporting Documents**

Contact your sponsoring department administrator or supervisor 6 to 8 months prior to the expiration of your current status. Provide the department administrator or supervisor with a copy of the following documents for submission to the ISSS office:

1. **H-1B Application Data Form**
2. Highest degree earned or relevant degree supporting the H-B position with official translation, if not in English. If degree is from a non-US institution, submit a credential evaluation
3. The front and back of the I-94 cards for applicant and family members
4. Copy of passport for applicant and family members
5. Copy of all I-20s if F-1 or DS-2019s if J-1
6. Copy of Form I-612 waiver, if subject to the two-year home residency requirement under the J-1 or evidence that you met the two-year requirement abroad
7. Copy of EAD if F-1 on OPT
8. Copy of all Forms I-797 issued by the USCIS, if on H-1B with another employer
9. Verification of employment (4 months of current pays stubs) if working as H-1B, OPT, Academic Training
10. Form I-539, Application to Extend/Change Nonimmigrant Status, for accompanying dependents
    Form to be completed and signed by dependent family members. The form may be found on the USCIS website at http://www.uscis.gov/portal/site/uscis
11. I-539 filing fee - $290 check made out to Department of Homeland Security
12. Marriage certificate
13. Copies of birth certificate for dependents

Approximate Processing Time in Sequential Order

- Prevailing Wage Request (Department of Labor) - approximately 60 days
- Labor Condition Application (Department of Labor) - between 10 to 30 days
- H-1 Posting – 10 days
- H-1B / I-129B filing – 3 months

Please note that these times are subject to change.

Notification

The H-1B sponsor at Stevens must notify the ISSS office when an H-1B holder terminates employment, including resignation or dismissal, prior to the period end date of an approved H-1B. Failure to notify the ISSS office may result in serious consequences to the University. The ISSS office will notify the U.S. Citizenship and Immigration Services of the termination, and request a withdrawal of the H-1B, as required by law.

Travel

Please notify the ISSS office if you have plans to travel outside the U.S. during the H-1B application period, as travel outside the U.S. may impact the outcome of the H-1B application

Submit the complete application to:
Doris Clausen, Director
International Students and Scholars Services
Wesley J. Howe Center, 5th Floor
E-mail: dclausen@stevens.edu
Phone: 201 216.5189

Revised: July 2011