



HUMAN RESOURCES

International Services and International Tax

H-1B PACKET

(Revised: 02/2011)

THIS PACKET CONTAINS THE FOLLOWING FORMS:

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The Department is responsible for completing all ‘Department’ forms and providing the required supporting documents.

The Employee is responsible for completing all ‘Employee’ forms and providing the relevant supporting documents. Answer all questions, even if the answer is ‘N/A’ or ‘None’. Incomplete questionnaires will delay VISIT’s ability to do your filing in a timely fashion.

The entire H-1B packet, when completed and signed by the Dean’s Office, must be forwarded to VISIT. If you have any questions about the Forms or the Checklists, please contact us at visit@vanderbilt.edu.

| SERVICE | USCIS FILING FEE(S) | VISIT PROCESSING FEE | TOTAL FEE(S) |
|--|----------------------|----------------------|--------------|
| H-1B (New), including Fraud Fee for All H-1B New Filings | \$325.00 \$500.00 | \$300.00 | \$1125.00 |
| H-1B Extension | \$325.00 | \$300.00 | \$625.00 |
| USCIS Premium Processing Fee | \$1225.00 | None | \$1225.00 |
| I-539 Fee (H-4 Filing) | \$290.00 | None | \$290.00 |
| VISIT Expedited Service Fee | \$0.00 | \$500.00 | \$500.00 |

Note: Per Human Resources policy, as of September 1, 2005, the hiring department seeking to obtain H-1B status for an international employee must pay all USCIS filing fees required for employment. These fees do not include the cost of the H-4 status for family members, however. The internal memorandum regarding this can be obtained, upon request from VISIT (visit@vanderbilt.edu) or directly from the Immigration Advisor assigned to your filing.

VU DEPARTMENT REQUEST FOR H-1B PETITION - CHECKLIST

PLEASE – NO STAPLES, WE HAVE TO REMOVE THEM AND IT ONLY SLOWS US DOWN!

- ❖ **VISIT CAN FILE AN H-1B PETITION UP TO SIX MONTHS BEFORE THE REQUESTED START DATE. PLAN AHEAD!!**

Please ensure that all of the following documents are included. If the H-1B packet is not complete with all of the required documents attached, it will not be date- stamped and will be returned to the department for proper completion. To avoid delays, please ensure all requested documents are provided.

ONLY **ONE PHOTOCOPY** OF EACH DOCUMENT, UNLESS OTHERWISE INDICATED, IS REQUIRED. PLEASE DO NOT SEND MORE THAN ONE CLEAR PHOTOCOPY.

- VU Department Request for H-1B Petition with all questions answered.
- 1180 for payment of fees
- Complete job description.
- Employment contract or offer letter.
- Prevailing Wage/Actual Wage Determination). **Note**, If the position is listed at “NG” on the VU Pay Grade, or is not part of the Pay Grade, you must complete the Actual Wage Determination.
- VISIT Service Request (Fee Sheet) completed in full and signed
- Employee Form with Employee Checklist & documents
- Employee Family Form with Employee Family Checklist & documents
- Personal checks for Employee or Employee Family filing fees (if self-pay).

VU DEPARTMENT REQUEST FOR H-1B PETITION

PLEASE – NO STAPLES, WE HAVE TO REMOVE THEM AND IT ONLY SLOWS US DOWN!

VISIT strongly recommends that the department read the H-1B information on our website before beginning the H-1B process. H-1B group seminars are available for all Colleges & Schools. If you would like to schedule or attend a seminar or need further assistance please contact VISIT at VISIT@vanderbilt.edu or 343-7467.

PLEASE CHECK ALL THAT APPLY:

New H-1B Request

H-1B Extension Request

Premium Processing Request

| | |
|---|--|
| VU Department: | |
| Department Contact: (name, phone & e-mail) | |
| Employee Name: (Last, First, Middle) | |
| Country of Citizenship: | |
| Country of Birth: | |
| Job Title: | |
| Highest Academic Degree: | |
| Brief, Non-Technical Description of Duties: | |
| Work Site Address & P.O. Box Number: (Full address with city/state/zip code, please) | |
| Annual Salary or Hourly Wage Rate: | |
| Full-Time/Part-Time: | |
| If Part-Time, How Many Hours Per Week? | |
| Desired H-1B Employment Start Date & End Date: (mm/dd/yyyy – mm/dd/yyyy) | |
| Is Foreign Employee Currently in the USA? | <input type="checkbox"/> Yes <input type="checkbox"/> No |



EXPORT CONTROL CERTIFICATION (FOR H-1B OR O-1A PETITIONS)

APPLICANT INFORMATION

| | |
|-----------------------------|--------------------------------|
| Beneficiary's Name: | Country of Citizenship: |
| Visa Type Requested: | Department: |

PROJECT INFORMATION and AUTHORIZATION

Effective February 20, 2011 immigration regulations require the US employer to attest that export compliance regulations have been properly met as they pertain to an international employee working in H-1B or O-1A status. Vanderbilt University must provide this information in the actual H-1B or O-1A filing.

In order to comply with these immigration regulations, the Faculty Sponsor or Department Chair (or their designee) must complete the export compliance license certification below. To complete the certification, *the Faculty Sponsor or Department Chair must determine whether the beneficiary will have access to export controlled technology or technical data which is controlled as:*

- Military technical data (relating to a defense article) under the International Traffic in Arms Regulations (ITAR – Dept. of State).** Defense Article (22 CFR 120.6) – Any item or technical data designated in 22 CFR 121.1 (U.S. Munitions List). More information can be found at <http://www.fas.org/spp/starwars/offdocs/itar/p121.htm>
- Dual use technology (relating to dual use items controlled on the Commerce Control List) under the Export Administration Regulations (EAR – Dept. of Commerce).** Dual Use Items (15 CFR 772.1) – Items that have both commercial and military or proliferation applications. While this term is used informally to describe items that are subject to the EAR, purely commercial items are also subject to the EAR (15 CFR 734.2(a)). More information can be found at http://www.access.gpo.gov/bis/ear/ear_data.html.

For details about Export Control please see www.vanderbilt.edu/exportcompliance. Vanderbilt Export Compliance (VEC) has developed a [Visa Deemed Export Questionnaire](#) to complete prior to signing the Export control Certification below. Please submit only the completed questionnaire to vec@vanderbilt.edu.

Direct link to [Visa Deemed Export Questionnaire](#)

CERTIFICATION STATEMENT

Complete as appropriate; sign and submit to VISIT with H-1B Packet or O-1 Packet. VISIT will confirm completion of the VEC Questionnaire before filing the H-1B or O-1 petition.

- No, a deemed export license is not required from either the US Department of Commerce or the US Department of State to release such technology or technical data to the international employee; or*
- Yes, a deemed export license may be required. By signing below, I certify that an export license may be required to release project technology or technical data to the international employee (beneficiary) and I will prevent access to the controlled technology or technical data by the international employee until and unless I have received the required license or other authorization to release it to this beneficiary.*

I certify that I have reviewed the export control regulations applicable to this I-129 petition (H-1B or O-1 petition) and that, to the best of my knowledge, the information I have provided in connection with this petition is true and correct. I understand that information provided in connection with this petition is subject to the penalties for perjury and/or knowing submission of false statements to the Federal Government including fines up to \$10,000 and imprisonment up to five years, or both.

PRINTED NAME of Faculty Sponsor/Department Chair

SIGNATURE of Faculty Sponsor/Department Chair

DATE

VU DEPARTMENT LABOR CONDITION ATTESTATION

The Immigration Act of 1990 requires the submission of a Labor Condition Application (LCA) to the Department of Labor (DOL) before submitting the H-1B petition to the USCIS. Before VISIT can submit the LCA, the department must certify the following statements and complete the required information.

Employee Name: _____

The School/Department of: _____ certifies that:

1. The salary being paid to the above named employee is at least the **actual wage** being paid to all other individuals with similar experience and qualifications for the specific employment in question OR the **prevailing wage** level for the occupation in the area of employment, whichever is higher.
2. The fringe benefits offered to this employee are equivalent to that offered to other US workers similarly employed.
3. Employing this person will not adversely affect the working conditions of US workers similarly employed.
4. There is no strike, lockout, or work stoppage due to labor dispute in this occupation.
5. The certified LCA will be posted by VISIT at the HR Employment at (<http://hr.vanderbilt.edu/jobs/index.htm>) and at the VISIT webpage (<http://www.vanderbilt.edu/VISIT>) on the day the form is certified by the DOL.
6. We agree to comply fully with the terms of the LCA stated above for the duration of the alien's employment in H-1B status at Vanderbilt University.
7. We fully understand that any willful violation connected with providing inaccurate information in the LCA may incur a severe penalty from the DOL or DHS which will have a long-range impact on the entire University body.
8. As required by the USCIS, we agree to pay the reasonable cost of return transportation to the foreign national's home country if s/he is dismissed or terminated before the end of the authorized period of H-1B employment.

Certified by:

Name

Signature

Date

Direct Supervisor:

Department Chair:

Dean or Associate

Vice Chancellor

PREVAILING WAGE & ACTUAL WAGE DETERMINATIONS

VISIT is responsible for record-keeping in accordance with Department of Homeland Security and Department of Labor regulations. A Labor Certification Application (LCA) must be filed with the Department of Labor for each H-1B petition and a public access file must be maintained based on this LCA filing. VISIT will arrange to have the LCA posted in the departments and in Human Resources. Also required, is a record of the actual wage determination or formal pay scale and the prevailing wage determination. These documents are kept at VISIT so that, should there be a wage-related complaint and subsequent investigation, VISIT will be able to produce documentary evidence of compliance with labor and immigration laws.

- ❖ The Department of Labor's ONLINE WAGE LIBRARY is used to determine the prevailing wage. If interested, departments can access this information at the Foreign Labor Certification Data Center (www.flcdatcenter.com) or contact VISIT.

A. PREVAILING WAGE DETERMINATION

To assist VISIT in obtaining an accurate prevailing wage determination, please provide the following information. Please be sure to provide only the **MINIMUM** requirements to perform the duties of the position. ***Note that the minimum requirements for the position are not the same as the applicant's qualifications as the applicant may have additional experience or qualifications.

Employee ID: _____

VU Job Title: _____

Minimum Education Required
(Degree & Field of Study): _____

Minimum Years of **Experience** Required: _____

Minimum Years of **Training** Needed: _____

Other Special Requirements: _____

Proposed Salary: \$ _____

Complete Description of Job Duties:

VISIT – FEE SHEET (H-1B)

ONLY PUT ON THE FEES THAT WILL BE CHARGED TO THE COST CENTER #. DO NOT INCLUDE FEES PAID BY PERSONAL CHECK

| | |
|---------------------------------------|----------------|
| Employee Name: | _____ |
| VU Department: | _____ |
| VU Dept. Contact Name & Phone Number: | _____ |
| VU Dept. P.O. Box: | _____ |
| Immigration Service Requested | H-1 B Petition |
| VISIT Processing Fee: | \$300.00 |
| VISIT Expedited Service Fee: | \$ |
| Academic Evaluation Fee* | \$ |
| USCIS Filing Fee: | \$325.00 |
| USCIS Anti-Fraud Fee: | \$ |
| USCIS I-539 Fee (Family Dependents): | \$ |
| USCIS Premium Processing Fee: | \$ |
| TOTAL FEES DUE: | _____ |
| COST CENTER #(s) To Be Charged: | _____ |

By signing this form, I agree that I confirm that I have signature authorization for the cost center # listed above. I have offered the named employee the position of employment indicated above effective now or immediately upon employee's receipt of approval of the immigration status requested. I indicate that I support the sponsorship for the individual names above and that I agree to pay for any and all advertising costs indicated to be necessary by HR Recruitment and VISIT, consistent with Dept. of Labor regulations for permanent labor certification applications. I also authorize payment of the amount indicated above. Should employment be terminated or the job duties/title/salary change significantly, I will ensure that VISIT is notified. I also authorize VISIT to request checks on the cost center # listed below. Finally, should outside counsel be involved in this matter, authorization is given for the General Counsel or his/her designee, to approve check requests in payment for outside legal expenses to the cost center #.

Supervisor Name, Signature & Date: _____

Chair Name, Signature & Date: _____

*If the H-1B filing must be completed in less than ten calendar days in order to keep the employee in lawful status, keep the employee on payroll or begin the employee's employment at VU, the Expedited Service Fee is required and will be charged to the Cost Center number.

**Academic evaluation requests will be sent to the Trustforte Corporation by VISIT. Fees differ depending on level of service:

- 3-5 Day Service (\$75.00) Next Day Service (\$125.00) Same Day Service (\$150.00)

EMPLOYEE INFORMATION – H-1B CHECKLIST

PLEASE – NO STAPLES, WE HAVE TO REMOVE THEM AND IT ONLY SLOWS US DOWN!!

Please ensure that all of the following documents are included. If the H-1B packet is not complete with all of the required documents attached, it will not be date- stamped and will be returned to the department for proper completion. To avoid delays, please ensure all requested documents are provided.

ONLY **ONE PHOTOCOPY** OF EACH DOCUMENT, UNLESS OTHERWISE INDICATED, IS REQUIRED. PLEASE DO NOT SEND MORE THAN ONE PHOTOCOPY AND MAKE SURE THAT THE COPY IS CLEAR.

All new H-1B filings and H-1B extension filings must include copies of the following documents:

- Completed Employee Questionnaire with all questions answered
- Curriculum vitae (CV)
- Last diploma received (PhD/Masters/Baccalaureate) and transcripts (if your most recent diploma does not relate directly to your duties at VU, please contact VISIT)
- Certified English translation of diploma and transcripts, if foreign degree and not in English
- Academic credential evaluation, for non-US degree(s) (see below). Foreign physicians just need to provide ECFMG Certificate. Foreign nurses who are eligible for H-1B status must provide CFGNS/VisaScreen Certificate
- Current passport biographical data page
- Current passport page showing passport expiration date
- Current US non-immigrant visa (if physically present in USA)
- Current I-94 card, front and back
- All Forms I-797, showing VISIT approval of previous applications or petitions relating to your status in the U.S.
- Evidence of any immigrant visa petition or labor certification application of which you are a beneficiary
- Evidence of any application to adjust to permanent resident status
- If you ever held J-1 or J-2 status in the past, provide a copy of all DS-2019 or IAP-66 documents
- If you ever held J-1 or J-2 status in the past, provide a copy of J-1 waiver approval (I-612 approval) or J-1 waiver recommendation letter

All new H-1B filings for persons already in H-1B Status Transferring to VU (H-1B Portability), also include:

- Last 6 months of pay statements from your current H-1B employer

If you currently have a J-1 or J-2 visa/status, and this is your first H-1B filing, also include:

- Copy of I-612 approval notice showing §212(e) waiver
- Copy of all IAP-66, DS-2019 documents

If you currently have an F-1 or F-2 visa/status, and this is your first H-1B filing, also include:

- Copy of all I-20 documents
- Copy of EAD (Optional Practical Training - OPT) card

If you are a Medical Resident, Clinical Fellow, or Physician also enclose

- Scores for USMLE Steps 1, 2 and 3
- ECFMG Certificate
- Copy of Medical License (not required form for Housestaff – residents & fellows)
- Residency Completion Certificate (for physicians)

If you are a RN with Advanced Certification or Engaged in Administrative Nursing Duties also enclose

- CGFNS (Commission on Graduate Foreign Nursing Schools) *VisaScreen* (info www.cgfns.org/files/pdf/req/vs-requirements.pdf)
- Evidence that CGFNS examination has been passed (e.g. NCLEX-RN)
- Copy of Tennessee nursing license (if already received)
- Copy of foreign nursing degree and transcripts, with English translation
- Copy of foreign nursing license (if any)
- Copy of advanced nursing certification

Academic Degree Credentialing Companies:

The companies below are provided as guidance only; VISIT does not recommend any particular agency. You may choose any US academic credentialing agency or ask your department to request that VISIT have the credential report done on your behalf. If VISIT requests the evaluation on your behalf, we will work with the Trustforte Corporation only.

Morningside Evaluations (www.mside.com)

Trustforte Corporation (<http://www.trustfortecorp.com/>)

EMPLOYEE QUESTIONNAIRE (H-1B)

Please answer all questions completely. If the answer to a question is NONE or NOT APPLICABLE, please state 'None' or 'N/A'. Do not leave any blanks. Incomplete forms, or forms without all required documents will be returned to you for completion. To avoid delays, please answer every question.

Note: If you are requesting a change of status while in the USA, you cannot leave the US while the H-1B petition is pending. Generally, if you leave the USA before the H-1B petition is approved, you cannot return until the H-1B petition is approved and you are issued an H-1B visa from a US Consulate. Premium Processing may be required. If you are requesting an Extension of H-1B status, you can leave the USA while the application is pending but you may have to obtain an H-1B visa from a US Consulate. Please speak with VISIT prior to traveling.

- If you are traveling outside of the USA please check this box and provide your travel date
- If you need to renew your TN driver's license in less than 30 days, please indicate the expiration date and include a copy of your driver's license.

| | |
|---|--|
| Name: (Last, First, Middle) | |
| Home Address: | |
| All Other Names Used: | |
| E-mail Address: | |
| Date of Birth: | |
| Country of Birth: | |
| Country of Citizenship: | |
| City/Province of Birth: | |
| Social Security No.: | |
| 'A' Number (if any): | |
| Passport Number: | |
| Passport Issue Date: | |
| Passport Expiration Date: | |
| Date of Last Arrival in USA: (mm/dd/yyyy) | |
| Current Visa Status: | |
| Foreign Address: | |
| If you need to get an H-1B visa stamp, indicate US Consulate: | |

EMPLOYEE INFORMATION (H-1B) CONTINUED:

Answer the following questions with a Yes or No. If the answer is Yes, please provide details as requested.

In the past 6 years, have you ever held H-1B, or L-1 status?: Yes No
(If yes, give the dates of H-1B or L-1 status in a mm/dd/yyyy – mm/dd/yyyy format)

Have you ever been denied H-1B status?:

- No
 Yes - provide detail →
-

Please check if you have been the beneficiary of any of the following applications and provide a copy of the USCIS or Department of Labor receipt:

- Permanent Labor Certification Application (e.g. PERM)
 Immigrant Petition for Alien Work (i.e. I-140)
 Immigrant Petition for Alien Relative (i.e. I-130)

Please check if you have filed any of the following applications and provide documentation:

- Application to Adjust to Permanent Resident Status (i.e. I-485)
 Immigrant visa application

Are you currently in exclusion or deportation proceedings?

- No
 Yes - provide detail →
-

Are dependent family members changing to H-4 status or extending H-4 status?

- YES NO

(If yes, family member(s) must review the Employee Family Checklist & Information Form 4 the documents requested)

Employee Signature: _____ Date: _____

EMPLOYEE FAMILY CHECKLIST & INFORMATION (H-4)

COMPLETE ONLY IF THE FAMILY MEMBER(S) IS IN THE UNITED STATES

PLEASE – NO STAPLES, WE HAVE TO REMOVE THEM AND IT ONLY SLOWS US DOWN!!

USCIS Form I-539 must be completed for all H-4 filings if the family member is in the USA. Form I-539 can be found at www.uscis.gov.

Vanderbilt University (VU) does not provide legal representation for the employee's family members and will file the Form I-539 as a courtesy only. VISIT provides the following checklist to assist the employee family in gathering the documents required by USCIS only. All correspondence related to the Form I-539 filing will be sent by USCIS directly to the applicants.

The employee's oldest family member must complete Form I-539. **DO NOT complete a separate I-539 for each family member; only one form needs be completed. If there is more than one family member the Supplemental Form to I-539 must be completed to include those family members.** The employee does not complete the Form I-539 unless it is being completed on behalf of children under the age of 14. The form **MUST** be signed at Part 5 and the employee can sign only on behalf of children under the age of 14. Please read the form instructions carefully. Please ensure that all of the following documents are included with Form 4.

If the Employee Family H-4 Packet is not complete with all of the required documents attached, it will not be date-stamped and will be returned to the employee's family for proper completion. The H-1B petition will be filed without the H-4 filing and the family may have to file the application without further assistance from VU. To avoid this, and to avoid delays, please ensure all requested documents are provided.

The Form I-539 can be found at www.uscis.gov. It will also be provided by e-mail, (in a fillable format) upon request. Please e-mail your request to VISIT@vanderbilt.edu. **The USCIS filing fee is \$290.00 for the entire family.** If the department is not paying this fee, please ensure that you provide a check payable to the 'USCIS' or 'US Citizenship & Immigration Services' (or USCIS) in the amount of \$290.00.

ONLY ONE PHOTOCOPY OF EACH DOCUMENT, UNLESS OTHERWISE INDICATED, IS REQUIRED. PLEASE DO NOT SEND MORE THAN ONE PHOTOCOPY AND MAKE SURE THAT THE COPY IS CLEAR. THANK YOU

- Original, completed I-539 form properly signed.
- Marriage certificate with certified English translation
- Birth certificates of all children, with certified English translation
- Passport biographical data page for each family member
- Passport page showing passport expiration date
- Current US non-immigrant visa for each family member
- I-94 card, front and back, for each family member
- All prior Forms I-797 documenting the approval of applications to change to or extend status (if any)
- Copy of I-612 approval notice showing §212(e) waiver
- Copies of all IAP-66, DS-2019 documents or I-20 documents

REMEMBER, COMPLETE ONLY IF THE FAMILY MEMBER(S) IS IN THE USA;

IF YOUR FAMILY MEMBERS ARE OUT OF THE USA, THEY MUST OBTAIN AN H-4 VISA FROM A US CONSULATE AND THEY DO NOT COMPLETE THE I-539 FORM