



Unit Checklist for New H-1B Petition

1. Submit **Request to File New H-1B Petition** form (attached) to HRM.
Following receipt of the form, HRM will prepare and file the Labor Condition Application (LCA). This is approximately a four week process. While the LCA is being filed and posted, the unit gathers and submits the documents and requests checks in Step 2.
2. Prepare and/or obtain the documents listed below to complete the packet for the H-1B petition.
 - a. **Information Sheet for Completion of I-129** (attached); answer ALL questions.
 - b. Evidence of education – copies of diplomas and transcripts; must be in English or a certified translation in English.
 - c. Resume'/curriculum vitae, including publication list if applicable.
 - d. Copy of the prospective employee's most recent I-94.
 - e. Copy of prospective employee's unexpired passport.
 - f. Copies of the person's last 3 paychecks, if the person is currently employed.
 - g. **Institutional Support Letter** (sample attached) identifying duties and responsibilities prospective employee will perform; education, training, experience, and background which permits the prospective employee to perform these duties; and a statement describing how the position is temporary in nature (i.e., grant funds, annual review, etc.) Check with HRM about annual salary before completing letter.
 - h. Secure two checks through Accounting Services:
 - i. Check for the petition filing fee in the amount of **\$325.00** made payable to the Department of Homeland Security (do not abbreviate).
 - ii. Check for the anti-fraud fee in the amount of **\$500.00** made payable to the Department of Homeland Security (do not abbreviate).
 - i. **Export Control Questionnaire** (attached).
 - j. If prospective employee is currently on an F or J visa, provide a copy of his employment authorization document (i.e., I-20, OPT card, DS-2019).
 - k. If candidate wants to file for H-4 status for dependents, then the documents listed below should be forwarded to HRM.
 - i. Form I-539 – may be printed from the U.S. Citizenship and Immigration Services (USCIS) web site (www.uscis.gov) and completed by the eldest dependent.
 - ii. Copy of both sides of all dependents' I-94s (only if already in the U.S.)
 - iii. Copy of all dependents' unexpired passports.
 - iv. Secure another check in the amount of **\$290.00** made payable to the Department of Homeland Security (do not abbreviate). The dependent check is paid by the prospective candidate, not the AgCenter.
3. Forward all documents to HRM. HRM completes Form I-129 and prepares H-1B petition packet.
4. The unit will be notified when the LCA is approved. The unit will receive a copy of the LCA and will be required to post it on the unit's bulletin board for two full weeks. After two weeks, the unit removes the LCA and sends it to HRM.



Unit Checklist for New H-1B Petition (continued)

5. After the LCA is posted and all the information in Step 2 is submitted, HRM will obtain required signatures on the I-129 and mail the complete H-1B petition packet to USCIS. Approval generally can be expected 4 to 6 months thereafter.
6. **Premium Processing:** USCIS offers premium processing services; petitions are reviewed within 15 days from the date of receipt at USCIS. To request premium processing, contact HRM and submit a separate check for **\$1,225.00** made payable to the Department of Homeland Security (do not abbreviate).

NOTE: Premium processing does not guarantee approval.



Request to File New H-1B Petition

Candidate's Name: _____

Unit: _____

Job Title: _____ Salary: _____

Period of Appointment: _____ Account #: _____

Proposed Source of Funds (check all that apply): _____ State _____ Federal _____ Grant

Description of proposed job duties:

NOTE: Once an employee has H-1B status, prior to any change in the above duties, location of work, or pay (other than routine increases), you must contact HRM to determine whether or not an amendment to the H-1B petition must be filed before actually making the proposed change(s).

Unit Head Attestation:

I hereby request that procedures for an H-1B status petition be initiated for the candidate named above. I understand that by filing this petition, I am agreeing to the conditions listed below and will provide any funds associated with complying with these conditions.

- The actual or prevailing wage rate for the position, whichever is higher, must be paid; required rate to be determined by HRM.
- The actual and prevailing wage rates must be reviewed every three years by HRM, and if necessary, updated. The candidate's salary must be increased to the new prevailing wage rate if it is higher than the candidate's salary at that time.
- Reasonable costs of return transportation of the candidate to their home country must be paid if the candidate is dismissed from employment by the AgCenter before the end of the period of authorized stay.

Unit Head Signature

Date

Vice President/Dean approval required for appointments from appropriated funds:

Vice President/Dean

Date



Sample Institutional Support Letter For New H-1B Petition

<Date>

U.S. Citizenship and Immigration Services
California Service Center
ATTN: CAP EXEMPT H-1B Processing Unit
P.O. Box 10129
Laguna Niguel, CA 92607-1012

RE: Petition for H-1B Status for <Candidate's Name>

This letter is written in support of the petition for H-1B status for <Candidate's Name>. This position will have a job title of <job title> and a salary of <annual salary> per year.

The incumbent in this position will be responsible for <use this paragraph to elaborate on the duties of the candidate and the overall impact or purpose of the research>.

The types of work experience and training of <Candidate's Name> make <him/her> uniquely qualified to perform these duties. <He/She> has work experience with <briefly describe the candidate's overall relevant work experience and how it relates to the job duties>.

<Candidate's Name> will be a regular full-time employee. At all times during employment, the LSU AgCenter will have the right of control over <his/her> work and work product. <His/her> performance will be reviewed and evaluated on a regular basis.

Favorable consideration of this petition is appreciated.

Sincerely,

<Immediate Supervisor or Unit Head>
<Unit>



**Information Sheet for Completion of Form I-129
Petition for Nonimmigrant Worker – H-1B Status**

Family Name: _____ First Name: _____ Middle Initial: _____

Home Address: _____

Date of Birth: _____ Country of Birth: _____ Province of Birth: _____

Social Security Number: _____ Alien # (if applicable): _____

Complete one of the two sections below, as appropriate.

If candidate is in the United States, complete the following:

Date of First Arrival: _____ Date of Last Arrival: _____

Most recent I-94#: _____

Current Nonimmigrant Status: _____ Expiration date: _____

Most recent petition/application receipt #: _____

Will dependents apply for H-4 status? _____ No _____ Yes (contact HRM for additional forms)

If candidate is outside of the United States, complete the following:

Name and Address of Consulate to be notified if petition is approved:

Candidate's Foreign Address:

Answer ALL questions or complete ALL items below.

1. Does the candidate and any dependents have a valid passport?
_____ Yes (attach copies) _____ No (explain below)

2. List the individual's and any dependent family members' prior periods of stay in H classification in the U.S. for the last six years (do not include dates when the candidate and/or dependents were not physically present in the U.S.).



**Information Sheet for Completion of Form I-129
Petition for Nonimmigrant Worker – H-1B Status (continued)**

3. List the candidate's present occupation and summary of prior work experience.

4. Has any person in this petition ever been in J-1 or J-2 status?
 No Yes (provide dates, employer, and SEVIS/EAD # below)

5. Is this candidate currently in F or M visa status?
 No Yes (provide dates and SEVIS/EAD # below)

6. Is any person in this petition in exclusion or deportation proceedings?
 No Yes (provide details below)

7. Has any person in this petition been denied H-1B classification within the last 7 years?
 No Yes (provide details below)

8. Has any person in this petition been in H classification within the last 7 years?
 No Yes (provide details and dates present in the U.S., in H classification)



Export Control Questionnaire

Candidate's Name: _____ Country of
Citizenship: _____

AgCenter Sponsor/PI: _____ Date: _____

The Department of Homeland Security requires employers to state whether an export license is required for the worker if he will have access to export controlled technology or technical data. Effective February 20, 2011, employers are required to certify compliance with the U.S. Department of Commerce's deemed export rules on the I-129 form. Working with foreign national collaborators, institutions, or students may fall under the purview of various federal export control laws. In general, these regulations involve military technology, "dual-use" technologies, as well as nearly any kind of financial transactions with certain embargoes countries or individuals. These impacts are not limited to the physical export of equipment or software; "deemed exports" include dissemination of technical information to foreign persons, whether it occurs within or outside the U.S> This may occur in the context of presentations, emails, personal conversations, site tours, or in training of foreign national research personnel.

Export control regulations prohibit foreign nationals from working with, or receiving information about, specific technologies for reasons of national security or protection of trade. If a visa applicant's work at the AgCenter involves such specified technologies, an export license from the Departments of State, Commerce, or Treasury may be required, unless the work qualifies for particular exemptions. The Department of Homeland Security requires that the AgCenter report on the H-1B application whether or not a license is required.

The questions below must be answered by the person who will be supervising the candidate, or who is otherwise knowledgeable about the candidate's intended work.

1. Licenses from the Department of Commerce may be required for foreign nationals who are working on projects that involve "dual-use" technologies that have potential applications to military/terrorist/criminal purposes in addition to the usual commercial uses. These technologies fall into the broad categories listed below. Does the intended work of the candidate fall into any of these categories?

_____ No _____ Yes _____ Possibly

Electronics	Computers, Software
Lasers and Sensors	Material Processing
Navigation and Avionics	Marine

Nuclear Materials, Equipment and Miscellaneous
Telecommunications and Information Security
Propulsion Systems, Space Vehicles and Related Equipment
Materials, Chemicals, Microorganisms and Toxins



Export Control Questionnaire (continued)

2. Licenses from the Department of State may be required for foreign nationals who are working on projects that involve technologies that have potential military or space applications. These technologies fall into the broad categories listed below. Does the intended work of the candidate fall into any of these categories?

_____ No _____ Yes _____ Possibly

Vessels of War and Special Naval equipment
Aircraft and associated equipment
Protective Personal Equipment
Tanks and Military Vehicles
Auxiliary Military Equipment

Military Electronics
Artillery Projectors
Firearms
Military Training Equipment
Ammunition

Spacecraft systems and associated equipment
Toxicological Agents and equipment and Radiological Equipment
Classified Articles, Technical Data and Defense Services not otherwise enumerated
Fire Control, Range Finder, Optical and Guidance and Control Equipment
Launch Vehicles, Guided Missiles, Rockets, Torpedoes, Bombs, and Mines
Submersible Vessels, Oceanographic and associated equipment
Explosives, Propellants, Incendiary Agents and their constituents
Nuclear Weapons Design and related equipment