



# INTERNATIONAL PROGRAMS

## COLORADO STATE UNIVERSITY

1024 Campus Delivery, Fort Collins, CO 80523-1024 USA • (970) 491-5917 • international.colostate.edu

## REQUEST FOR H-1B Employee Form

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### **General Description of H-1B Status**

The Department of Homeland Security's U.S. Citizenship and Immigration Services (USCIS) defines an H-1B occupation as a "specialty occupation" which requires the theoretical and practical application of a body of highly specialized knowledge, and the attainment of a bachelor's or higher degree in the specific specialty (or its equivalent) as a minimum for entry into the occupation in the United States. At Colorado State University, H-1B workers are typically professional staff or faculty. Departments may consider H-1B status for a foreign national if the foreign national will be employed by the University in a full-time position.

### **H-1B Processing Times**

Inconsistent governmental processing times and unexpected problems can greatly lengthen the time needed to obtain an H-1B approval. 'Normal' processing times can be many months. Departments are advised to initiate the H-1B process well in advance, even for extensions. Please note that ISSS cannot guarantee that an H-1B petition will be approved by a certain date due to the highly variable processing times at both the Department of Labor (DOL) and USCIS.

### **Change of Status, Extension of Status, and Consular Processing options**

Change of status - If the foreign national is inside the United States in another nonimmigrant status, the H-1B petition will request a change of status and an extension of stay. The foreign national is authorized to be employed by CSU only when the petition and the change of status are approved.

Extension of status – If the foreign national is already in H-1B status and the University applies for an extension of H-1B status, the foreign national becomes employable for 240 days while the extension petition is pending if the new petition is filed prior to expiration of the current H-1B. In most cases, the petition will be adjudicated during the 240-day period.

Consular processing - If the foreign national is waiting outside the United States, the University will file the H-1B petition requesting consular processing. When approved, the H-1B approval notice will be sent to the foreign national in order that he/she may apply for an H-1B visa stamp at a U.S. consulate. After receiving the visa, the foreign national may enter the United States in H-1B status.

A foreign national may receive an initial authorized stay in H-1B status of up to three years, extendable for an additional three years. In most cases, an individual can be in H-1B status for a maximum of six years. ISSS will assist in filing an extension of H status upon receipt from the department of written confirmation that the foreign national continues to be employed by CSU.

### **Portability**

While it is true that H-1B petitions are employer-specific, they are also "portable" in that an individual already in H-1B status may transfer to a new employer as soon as the new employer's H-1B petition is received by USCIS. The beneficiary need not wait for USCIS approval. This can facilitate a quicker transition to a new position of employment for certain foreign nationals.

## **Premium Processing**

In certain “rush” cases, hiring departments may opt to pay a Premium Processing fee to expedite USCIS adjudication. By paying the additional fee, USCIS guarantees to act on the H-1B petition within 15 calendar days. Please note that this speeds up processing only at USCIS. It does not affect the time required to receive a prevailing wage determination and to have a Labor Condition Application certified by the Department of Labor, which must happen prior to filing the H-1B petition.

## **Health Insurance**

All employees must have adequate health and accident insurance for themselves and any accompanying dependents. Although this is not a matter directly addressed in the H-1B regulations, no responsible individual can live and work in the US without insurance. Departments or faculty sponsors should inform their employees about this requirement as part of their financial arrangements.

## **Housing**

Hiring departments may assist new H-1B employees with their search for housing. ISSS is not involved in this process.

## **Process Overview**

After completing this H-1B request packet, the H-1B process involves three (and sometimes four) additional steps:

1. Acquiring a prevailing wage determination from the U.S. Department of Labor.
2. Posting notice and filing a Labor Condition Application (LCA) with the U.S. Department of Labor.
3. Filing an H-1B petition with USCIS. A certified LCA must be included with the petition.
4. If the foreign national is currently outside the U.S., he or she will apply for an H-1B visa (an actual visa stamp to be placed in the foreign national’s passport) at a U.S. consulate abroad after the H-1B petition is approved. This visa is required for admission into the U.S. in H-1B status.

The Prevailing Wage Determination and the Labor Condition Application involve the U.S. Department of Labor (DOL). DOL is responsible for ensuring that foreign workers are paid the same wages as American workers in similar positions. If there is a discrepancy between the prevailing wage and the offered wage, ISSS will attempt to work out a solution with the hiring department.

## **Initiating the H-1B Process:**

The department must complete and return the following to ISSS:

- H-1B Fee Agreement
- H-1B Position Information Worksheet
- H-1B Actual Wage Worksheet
- Export Compliance Questionnaire
- A copy of the employee’s position description
- A copy of the employee’s offer letter or reappointment letter indicating the dates of intended employment and salary.
- Administrative fee - Hiring department prepares an IO for payment of the fee described in the H-1B Fee Agreement to International Student and Scholar Services.
- Check payable to “U.S. Department of Homeland Security” to pay the I-129 filing fee. This check can be requested from Accounts Payable by creating a Disbursement Voucher (DV) in Quali. You may attach a copy of the H-1B Fee to your DV as backup documentation.
- Check payable to “U.S. Department of Homeland Security” to pay the anti-fraud fee. Payment of this fee is necessary only if this is a new H-1B (not an extension for someone already at CSU in H-1B status).
- Check payable to “U.S. Department of Homeland Security” to pay the I-907 Premium Processing fee if the department is requesting expedited processing.

The employee must complete the Information Sheet for the Employee and return the signed form along with all required support documentation to ISSS.

**INFORMATION SHEET FOR THE EMPLOYEE** (To be completed by the employee)

Family Name \_\_\_\_\_ Given (first) \_\_\_\_\_ Middle \_\_\_\_\_

All other names (maiden name, name from previous marriage) \_\_\_\_\_

Date of Birth (month/day/year) \_\_\_\_\_ Male \_\_\_\_\_ Female \_\_\_\_\_

Country of Birth \_\_\_\_\_ Province/State/Region of Birth \_\_\_\_\_

Country of Citizenship \_\_\_\_\_ Country of Permanent Residence \_\_\_\_\_

Passport Number \_\_\_\_\_ Date Passport Issued \_\_\_\_\_ Date Passport Expires \_\_\_\_\_

CSU ID Number (if available) \_\_\_\_\_ Driver's Licence Expiration Date (if applicable) \_\_\_\_\_

Phone Number \_\_\_\_\_ Email Address \_\_\_\_\_

Indicate preferred U.S. Consulate (city) for visa issuance. Canadians indicate port of entry. \_\_\_\_\_

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**If already in the US and requesting a change or an extension of status, please complete the following:**

Current US Address (including zip code) \_\_\_\_\_

Most Recent Date of Arrival in US \_\_\_\_\_ Current Nonimmigrant Status \_\_\_\_\_ I-94 Number \_\_\_\_\_

Status Expiration Date \_\_\_\_\_ Is I-94 marked "D/S"? Yes \_\_\_\_\_ No \_\_\_\_\_

If in J-1 or J-2 status, have you or your spouse applied for a waiver? Yes \_\_\_\_\_ No \_\_\_\_\_

If YES, has the Department of State recommended a waiver? Yes \_\_\_\_\_ No \_\_\_\_\_

If YES, do you have the final waiver approval notice from U.S. Citizenship and Immigration Services? Yes \_\_\_\_\_ No \_\_\_\_\_

Are you or any of your dependents in removal (deportation) proceedings? Yes \_\_\_\_\_ No \_\_\_\_\_

Have you ever been in H-1B status before? Yes \_\_\_\_\_ No \_\_\_\_\_

Have you ever been denied H-1B status before? Yes \_\_\_\_\_ No \_\_\_\_\_

Have you begun the process to obtain U.S. permanent residence? Yes \_\_\_\_\_ No \_\_\_\_\_

If YES, was a labor certification application submitted? Yes, currently pending. \_\_\_\_\_ Yes, approved. \_\_\_\_\_ No \_\_\_\_\_

Was an I-140 petition submitted? Yes, currently pending. \_\_\_\_\_ Yes, I-140 approved. \_\_\_\_\_ No \_\_\_\_\_

Do you have a pending I-485 application to adjust status to permanent resident? Yes \_\_\_\_\_ No \_\_\_\_\_

Please indicate ALL international travel plans for the next seven months, including dates of travel:

\_\_\_\_\_  
\_\_\_\_\_

**All H-1B Beneficiaries, please complete the following:**

Mailing address in home country (if applicable) \_\_\_\_\_

Telephone number in home country (if applicable) \_\_\_\_\_

**List current and previous stays in the U.S. and the status held (F-1/J-1/H-1B/etc.).** Prior visits in B1/B2 status may be excluded. You do not need to list every trip abroad while maintaining a particular status. For example, an individual in the U.S. in F-1 status between 08/15/2014 and 05/15/2019 need not list every brief trip outside the U.S. between those dates.

Start Date (MM/DD/YYYY)	End Date (MM/DD/YYYY)	Place and Purpose of Stay	Status Held

(Continue on a separate sheet, if necessary.)

**Family members accompanying you:**

Family (last) Name	Given (first) Name	Age	Relationship to You	Current Immigration Status	Will this person be an H-4 dependent? (Yes or No)

(Continue on a separate sheet, if necessary.)

My signature below confirms the following:

- The information provided on this form is accurate to the best of my knowledge.
- I understand it is my responsibility to maintain my status and the status of all my dependents (if applicable).
- I will maintain a valid passport for myself and all dependents while in H-1B status.
- I will verify my status and I-94 expiration date after all subsequent arrivals into the U.S. and do the same for my dependents.
- I will initiate any necessary extensions of status with ISSS in a timely manner (typically several months in advance).
- I will advise ISSS of any changes in compensation, position, department, location of employment, changes of residential address, or any other circumstances which might affect my status.
- I understand that an application for an extension or change of status for my dependents is my responsibility. ISSS will not be responsible for the accuracy, completeness nor timeliness of any such applications. Questions concerning an application for a change or extension of status for dependents should be directed to legal counsel of my choosing.

**Signature of H-1B Employee** \_\_\_\_\_ **Date** \_\_\_\_\_

# DOCUMENTS REQUIRED FROM THE EMPLOYEE

Congratulations on your offer of employment (or reappointment) at Colorado State University (CSU). The Office of International Student & Scholar Services (ISSS) will work in conjunction with your hiring department to secure H-1B temporary worker classification for you (or to extend your current H-1B status). Please return the form entitled "Information Sheet for the Employee" along with the documents listed below to ISSS.

The H-1B process always involves coordination with multiple government agencies. CSU has no control over processing times or their variance at these government agencies and cannot make any guarantees regarding processing times. International travel during the petition process can create complications. If travel is necessary, please communicate your travel plans to ISSS as soon as possible.

If you are already in the U.S., please be sure to keep your current immigration status valid during the H-1B process. If you are waiting outside the U.S., please do not make any travel plans to come to the U.S. that cannot be changed.

## DOCUMENTS CHECKLIST

*Please provide clear copies or PDF scans of the following.*

- Information Sheet for the Employee
- Copy of your most recent diploma and transcript, with a translation if not in English (a template translator attestation form is available at the end of these instructions.)
  - Note: Your credentials must meet the requirements as set forth in the approved CSU position description. The link between the requirements of the position and your educational background must be clear or USCIS will likely issue a request for additional evidence delaying the adjudication of the case
  - Note: If your degree is from an institution outside the United States, USCIS will require a credential evaluation to show that it is equivalent to a U.S. degree. In order to avoid processing delays, you may contact a credential evaluation company to request an evaluation. If you provide an evaluation report to ISSS, it will be included with the H-1B petition. A list of credential evaluation companies is included within this packet.
- Copy of your curriculum vitae
- Copy of your passport pages showing picture, expiration date, and biographic information
- **If ever in J-1 status**, a copy of *each* Form DS-2019 issued. Copies of J-1 visa stamps are also helpful. If you were subject to the two-year home residency requirement, also include a waiver approval notice from USCIS or the letter recommending the waiver from the US Department of State.
- **If ever in H-1B status**, a copy of all previous H-1B approval notices (Form I-797).
- **If currently in H-1B status or F-1 status with OPT**, please provide copies of pay statements for the last two months.

### **FOREIGN NATIONALS IN THE UNITED STATES, ADD:**

- Copy of your I-94 information (either a white I-94 card stapled in your passport or I-94 information page printed from the [cbp.gov](http://cbp.gov) website). If copying an I-94 card from your passport, please copy both sides of the card.
- Current immigration status documents, as follows:
  - **If presently in F-1 status**, a copy of your most recent Form I-20, and a copy of your employment authorization document (EAD) if on optional practical training (OPT)
  - **If presently in J-1 Status**, a copy of *each* Form DS-2019 issued. Copies of J-1 visa stamps are also helpful. If you were subject to the two-year home residency requirement, also include a waiver approval notice from USCIS or the letter recommending the waiver from the US Department of State.
  - **If presently in H-1B Status**, a copy of *each* Form I-797 approval notice issued. Copies of H-1B visa stamps are also helpful. If currently employed in H-1B status, please include copies of your pay statements for the last three months. You must maintain employment with your current H-1B employer until the CSU H-1B petition start date.
  - **If presently in a dependent status**, (H-4, J-2, F-2), a copy of your spouse's Form I-94 and I-20s, DS-2019s, or I-797s, and any J-2 work authorization cards.

### **FOR POSITIONS REQUIRING STATE LICENSURE, ADD:**

- Copy of the license or other authorization required by the state to practice your profession.

### **FOR INDIVIDUALS ACTIVELY PURSUING U.S. PERMANENT RESIDENCE**

- Copies of receipt and/or approval notices for labor certification, the I-140 Immigrant Petition for Alien Worker, and the I-485 Application to Register Permanent Residence or to Adjust Status for each family member.

### **FOR FAMILY MEMBERS (DEPENDENTS ALREADY IN THE U.S. ONLY), ADD:**

- Form I-539 (Application to Extend/Change Nonimmigrant Status) completed and signed by the dependent(s). Form I-539 and Form I-539A (if applicable) along with instructions are downloadable from the forms section at [www.uscis.gov](http://www.uscis.gov). These forms are for family members currently inside the US who wish to change to or extend H-4 dependent status at the same time your H-1B petition is filed with USCIS. (Please note that USCIS offers an online filing option for this form.) The receipt and approval notices for Form I-539 will be sent to the employee's/dependent's home address as indicated in Part 1 of Form I-539. The US Postal Service will not forward mail from USCIS to an address not provided on the I-539,

regardless of whether a forwarding address is on file at the US Post Office. Thus, it is crucial to provide USCIS with a reliable mailing address on Form I-539. The address provided on Form I-539 must remain accurate until USCIS issues the final approval for the change or extension of status.

**TIPS FOR COMPLETING FORM I-539:**

- Part 1 - The first dependent family member, usually the spouse of the H-1B worker, should enter his or her name in Part 1 of the form, not the name of the H-1B employee. All other dependent family members should be listed on the Supplement-A for Form I-539. Only unmarried children under age 21 may be included as additional dependents.
- Part 2. - Mark (2.) if extending, or (3.a.) if changing status. The effective date of a change of status should be the same date as the start date of the H-1B.
- Part 2. 3.c. – If requesting a change of status, the requested status should be ‘H-4.’
- Part 3.1. - This date should be the same as the requested end date on the H-1B petition.
- Part 3. 3.a. – If you are providing a completed Form I-539 for mailing to USCIS concurrently with the H-1B petition, you may mark “Yes, filed with this Form I-539.”
- Part 4.14. - This item requires a written response from the dependent(s) whether the answer to the question is “yes” or “no.” Additional space is provided on Page 7 of the I-539 to provide your response.
- Part 4.15. - This item requires a written response from the dependent(s) if the answer to the question is “yes” regarding previous time in J-1 or J-2 status. Additional space is provided on Page 7 of the I-539 to provide your response.
- Part 5 – Form I-539 must be signed by the dependent listed in Part 1 unless the dependent is a minor child (under 14 years of age), in which case the H-1B parent may sign.

**Additional documentation required for Form I-539:**

- Provide a copy of the biographic information page from passport and Form I-94 for each dependent family member.
- If currently in H-4 status, provide a copy of all previous H-4 approval notices from USCIS, if any.
- For individuals that have held J-1 or J-2 status, provide copies of all DS-2019 forms and any J-2 work authorization cards, if applicable. You may also provide copies of J-1 or J-2 visa stamps as evidence of time in J status.
- Dependents should include proof of relationship to H-1B employee (marriage license, birth certificate, etc.)
- Include one check or money order for \$370 made payable to "U.S. Department of Homeland Security" to accompany Form I-539. The check may be a personal check. The check must be drawn in U.S. dollars on a U.S. bank and must have the name of the U.S. bank printed on the check (not typed or handwritten). After filing, the applicant should receive a receipt notice in the mail.

**Template for Translator Attestation**

*Please feel free to use this template when drafting a translator attestation for a translated document.*

I, \_\_\_\_\_ (typed or printed name of translator) \_\_\_\_\_, certify that I am fluent (conversant) in English and \_\_\_\_\_ languages, and that the attached document is an accurate translation of the document entitled \_\_\_\_\_.

\_\_\_\_\_  
Signature of translator

\_\_\_\_\_  
Date

\_\_\_\_\_  
Typed or printed name of translator

\_\_\_\_\_  
Address of translator

## **CREDENTIAL EVALUATORS**

Center for Applied Research, Evaluations, & Education, Inc.

[International Evaluation Service Center for Applied Research, Evaluation, and Education, Inc. \(iescaree.com\)](http://iescaree.com)

Educational Credential Evaluators, Inc.

[Foreign Credential Evaluation Reports | ECE](#)

Foundation for International Services, Inc.

[Foundation for International Services, Inc. | Home \(fis-web.com\)](http://fis-web.com)

Educational Perspectives

[EP | Credential Evaluation Services for Students, Institutions and Professionals \(edperspective.org\)](http://edperspective.org)

Educational Records Evaluation Service, Inc.

[Educational Records Evaluation Service \(ERES\): We Evaluate Foreign Academic Credentials](#)

The Trustforte Corporation

[Home \(trustfortecorp.com\)](http://trustfortecorp.com)

Josef Silny & Associates, Inc.

[JS&A - Home \(jsilny.org\)](http://jsilny.org)

Evaluation Service, Inc.

[Evaluation Service, Inc. - Home Page](#)

Foreign Academic Credential Service, Inc.

[FACS USA – Foreign Academic Credentials Service, Inc.](#)

World Education Services, Inc.

[Home - World Education Services \(wes.org\)](http://wes.org)