H-1 IMMIGRATION STATUS

The department needs to provide the following information:

1. Memorandum to Dr. Grace Ansah with the signature of both the Chairman of the Department and the Dean of the School or College or Director. Sample attached.

2. Enclosed questionnaire concerning "actual wage" paid in the department to people in a similar position.

3. Strong letter of support for the faculty or staff member you wish to employ. Sample attached.

4. An approved personnel recommendation form.

5. Effective March 8, 2005, HR 4818, the Fiscal 2005 Omnibus Appropriations Bill, signed into law the Fraud Prevention and Detection bill, which imposes a fee of $500.00 on H-1B petitions. Specifically, the fee will be assessed on an initial petition for H-1 classification, including a change of employer or change of status to H-1B. This fee must be paid by the employer.

The fee for processing this application is $320.00. For an additional $1,000.00, an application for premium processing may be filed. By using the premium processing, an applicant is guaranteed an approval within 15 days. The department or the prospective employee can pay this fee. To facilitate the payment of fees with University funds, please contact the Office of the Controller.

Checks and Money Orders are to be made payable to the Department Homeland Security.

Please complete the memorandum specified in item #1 above and the questionnaire identified in item #2 and return to this office immediately to initiate the petition process. The application process may take up to eight weeks from its date of submission. It is recommended that departments initiate the process six to eight weeks for timely completion of the process. Failure to begin this process in a timely manner will prevent the prospective employee from beginning employment on the date required by your department or receive an extension in a timely manner.
Once we receive the request, we must contact the District of Columbia Department of Employment Services for the Prevailing Wage. It can take up to two weeks to receive a response. This response is necessary to file for the Labor Condition Application.

Additionally, beginning July 1, 2009, the Department of Labor changed the Labor Condition Application (LCA) process. The immediate electronic processing expired on June 30, 2009. Applications for a LCA must now be done manually and sent to the Department of Labor. It will take up to ten (10) days to receive a response. An application for H-1B must allow enough time for processing. Last minute request cannot be honored.

GENERAL H-1B FILING INFORMATION

The University occasionally uses an immigration status called H-1B (Temporary Workers) to hire foreign faculty and staff members. This is a temporary immigration status, which can be granted for three years up to a total of six years. Medical and dental residents may also apply for this status. H-1B status is not related to Permanent Residence status (green card).

Recent changes in immigration regulations have greatly complicated the H-1B petition process. The University will have to comply with the new regulations if we are to continue to use this very useful immigration status. Although this office handles most of the paperwork for H-1B, we are required to obtain and keep on file information for each person we hire under this immigration status. Below is a description of the categories on which we must maintain records.

1. **PREVAILING WAGE.** For each position (instructor, assistant professor, hospital pharmacist, researcher, medical doctors, dentists, etc.) we must determine the prevailing wage in the Washington metropolitan area. If the negotiated wage as the prevailing wage. For most positions, we may use the services of the D.C. Department of Employment Services (D.O.E.S.), which establishes the prevailing wages we can use as our standard. We may use other ways to determine the prevailing wage, such as published wage surveys, your own wage surveys, etc., as long as we can document them.

2. **ACTUAL WAGE.** Within your department or office, you must indicate the actual salaries you are paying to individuals with similar experience and qualifications as the prospective H-1B employee. A questionnaire is attached to help you document this.
3. **OFFERED WAGE.** After determining the prevailing and actual wages, you must agree to pay the **higher** of the two to the prospective H-1B person.

4. **DOCUMENTATION.** We must keep documentation on file indicating the method used to determine the actual wage and the prevailing wage. The University must provide this documentation to the U.S. Department of Labor in case the offered wage is challenged by a University employee. Keeping a copy of the questionnaire mentioned in item (2) above will fulfill this requirement, along with documentation from the D.O.E.S. concerning the prevailing wage or a copy of a negotiated union contract.

5. **RETURN TRANSPORTATION.** You must agree to pay the H-1B employee's return transportation abroad if you should dismiss the person before the expiration date of the H-1B document. While it is unlikely that you would ever have to meet this condition, the new regulations require that we agree to do so.

6. **POSTING NOTICE.** The University must post two notices concerning the salary and position in question in conspicuous locations. We will provide these notices. One notice is usually posted on the office's notice board and the other on the notice board in your department.

7. **NOTICE TO UNION.** If there is a union involved, we do not have to post a notice; though we must notify the union representative that we intend to file an H-1B petition to fill a vacancy with a foreign national.

8. **PAYROLL RECORDS.** The Payroll office must keep a record, for a certain period of time, of all payments to any employee with H-1B immigration status and all other employees with similar qualifications.

If you have current employees with H-1B status, you will have to go through this process in order to renew or extend your employment at the University. We will also have to update the prevailing wage every 24 months and adjust the employee's salary, if necessary.

The Office of International Student Services will guide you through the immigration process so that you may continue to hire employees under H-1B status. You will need to provide the information described above, however, and agree to provide and/or maintain documentation as required.
MEMORANDUM

TO: Grace Ansah, Ph.D., Director
   Office of International Student Services

THROUGH: (Dean of the School/College or Director of HU Hospital or Director of Research Center)

THROUGH: (Chairman of Department or Director of Office)

FROM: (Professor or Person initiating request)

SUBJECT: H-1B IMMIGRATION STATUS

I would appreciate your preparing the necessary H-1B immigration documents for Mr./Ms./Dr. _______________ to be employed by my department. Listed below is the information required to begin the petition (application) process.

1. Proposed position title:

2. Brief description of duties and responsibilities:

3. Period for which employment is sought (Beginning Date to Ending Date):

4. Educational Requirement:

5. Related Experience:

6. Proposed salary:
If it becomes necessary to terminate Mr./Mrs./Dr. _______________'s appointment before the expiration of his/her H-1B status, the Department agrees to pay the reasonable cost of return transportation abroad. (It is now required by law that the University agrees to this condition in order to process H-1B petition. Your signature on this memorandum will constitute your agreement to this condition.)
H-1B QUESTIONNAIRE: 'ACTUAL WAGE' DETERMINATION

Current immigration regulations require Howard University, as the employer, to adhere to various regulatory requirements. These requirements include:

1. Offering the prospective H-1B employee a salary or wage that is the greater of:
   
   (a) the actual wage paid by Howard to all other individuals with similar experience and qualifications for the specific employment in question; or
   
   (b) the prevailing wage for the occupational classification in the Washington metropolitan area.

The University can determine the prevailing wage for the position by contacting the D.C. Department of Employment Services (D.O.E.S.) or using a union contract with a negotiated wage.

D.O.E.S. The office of International Student Services will contact D.O.E.S. when necessary. However, in order to determine the actual wage for the position in question, we need the salary information requested on the enclosed survey.

UNION CONTRACT. If the position in question is covered by a union contract with a negotiated wage (e.g., medical technologist in the Hospital), please complete item 4 on the questionnaire, ignoring items 1, 2, and 3.
CONFIDENTIAL WAGE AND SALARY QUESTIONNAIRE

Department or Office Name: __________________________________________

Position title: _______________________________________________________

If the wage you wish to offer for the position in question is determined by a union contract please answer question 4. only.

1. Please indicate the total number of employees (other than the H-1B applicant) employed with the title in question: ______________________________

2. Total number of so-titled employees who have similar experience and qualifications for the specific employment in question: ___________________________

When making this determination, specific employment in question means the actual set of duties and responsibilities to be performed by the H-1B applicant. Similar experience and qualifications are factors such as experience, education, job responsibility and function, specialized knowledge, etc. If the prospective H-1B employee is the only person meeting this definition, please indicate this.

3. Information about the employees identified in item 2 above:

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<th>NAME</th>
<th>Soc. Security No.</th>
<th>Salary</th>
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4. This position is covered by a union contract or collective bargaining agreement.

THE CONTRACT WAGE IS ________________.
(Date)

United State Citizenship and Immigration Services
St. Albans, VT.

Dear Sir/Madam:

I am writing to support Dr. James Smith, on whose behalf Howard University is submitting an H-1B petition.

Dr. Smith has been working in the Howard University Cancer Center for two years as a post-doctoral researcher and has also taught classes in the Department of Oncology, College of Medicine. He has made a very important contribution to our research program based on his work on the mechanism of metastasis and invasion of cancer cells. His work is highly innovative and has been internationally acclaimed. His manuscripts were recently published in Science (July 2002) and the Proceedings of the National Academy of Science (May 2000), and a third manuscript will be published in a forthcoming issue of Cancer Research.

Dr. Smith is collaborating with Dr. Jennie White of Howard University Cancer Center and Dr. Michael Trip of the National Cancer Institute. This is an example of successful collaborative interaction where individuals with different expertise are needed to investigate the important problem of cancer in our society.

Since Dr. Smith actually developed many of the techniques employed in these studies, the research program would suffer a serious setback if he had to leave the U.S. at this time. We believe that we can complete the animal studies in this project within two years. Therefore, we have asked Dr. Smith to remain with the group until these studies are completed.

Dr. Smith is currently supported by a partial fellowship from the Cancer Research Institute in New York City and supplementary funds from Howard University. Money is therefore available to continue his salary for another two years.

Sincerely,

Director of the Cancer Center/
Chairman of Department of .....