

UCLA GUIDELINES FOR DEPARTMENTS WISHING TO REQUEST H-1B VISA STATUS FOR TEMPORARY WORKERS WITH SPECIALTY OCCUPATIONS

International Students and Scholars
106 Bradley International Hall
Campus 137907

H-1B visa status is for aliens with *specialty occupations coming to the U.S. temporarily to perform services of a professional nature*. The purpose of these guidelines is to help departments determine who qualifies for H-1B status under UCLA sponsorship, to clarify requirements and to outline the procedure. The Office of International Students and Scholars (OISS) assists departments¹ by advising on regulations, preparing and filing the labor condition application (LCA) with the Department of Labor (DOL) and preparing and filing the H-1B petitions with the Immigration and Naturalization Service (INS). The documents must be signed by one of the four designated persons in the Chancellor's office.

The University will support H-1B status for an alien who has been offered a full-time temporary position as a faculty member, researcher, or other professional staff which is critical to the institution's academic or research mission. Examples of **payroll titles which qualify are Lecturer or higher faculty title, Postgraduate Researcher III or higher, Staff Research Associate II or higher, and Programmer/Analyst II or higher**. A job offer of three or more years is preferred. UCLA students are not eligible for UCLA H-1B petition sponsorship.

When there is a question as to meeting this criteria, the chair or director should send OISS a memo indicating the title of the position to be offered; salary; appointment dates; and description of the position, including job requirements and the academic degree/background necessary for the position. The memo should also include a clear statement of the importance of the alien to the institution's academic or research mission.

Under current regulations: the H-1B status is granted for an initial period of three years with a three year extension for a maximum period of six years. UCLA is required to file a Labor Condition Application (LCA) which attests that the alien will be paid the prevailing wage. UCLA must also attest that UCLA will provide working conditions that will not adversely affect the working conditions of U.S. workers; that there is no strike or lockout at the time that the LCA is filed; and that UCLA has either notified the appropriate bargaining representative of filing an LCA or posted a notice of filing at two locations.

The hiring department is required by law to pay the reasonable cost of the alien's return transportation abroad if the alien is dismissed before the end of the period of authorized employment.

Please note that two government agencies must approve the university's request to hire the alien. We therefore estimate a minimum of five months between OISS' receipt of all documents and the securing of approval for UCLA to hire the alien. **The H-1B applicant cannot begin employment until the H-1B petition has been approved by the INS.** H-1B status is employer-specific.

There is another classification, the J-1 exchange visitor, which may be used for professors, research scholars, or specialists. Although the J-1 status carries with it certain restrictions, (i.e., three year maximum duration and a home country residence requirement for some persons), it may be obtained more quickly and easily than an H-1B if the alien is not in the U.S. Please note that the dependents of J-1 may apply for work authorization whereas the dependents of H-1B may not. To determine whether the J-1 classification is appropriate for a specific case, please contact Shideh Hanassab, the J-1 visa counselor, at 825-1681.

In order to request that UCLA petition for an H-1B classification, the chair or director should provide OISS with all the documents listed below.

BIOGRAPHICAL INFORMATION SHEET

The attached sheet, signed by the chair or director, describes the level, salary, funding, benefits and duration of the job offered as well as information about the alien for INS forms. The chair also agrees to pay return fare of the alien if dismissed before the end of the authorized employment. OISS will use this information to determine whether the job offer meets UCLA criteria. If so, OISS will prepare an LCA and a Form I-129 and obtain appropriate University signatures.

¹ **For positions with the School of Medicine, please call Julie Zamoyski, at x57050, in the Dean's Office to initiate this process.**

SUPPORTING DOCUMENTATION

The following supporting documents must be received and reviewed by OISS before an LCA and Form I-129 can be prepared.

1) LETTER FROM THE CHAIR/DIRECTOR

The department chair or unit director should write a letter addressed to:
 Immigration and Naturalization Service
 California Service Center
 P.O. Box 10129
 Laguna Niguel, CA 92607-0129

This letter should include: title of position; salary; appointment dates of up to three years; number of hours of employment per week; statement that the employment is temporary in nature; description of the specialty position, including job requirements and the academic degree necessary for the position; and the academic and other qualifications of the appointee.

2) DEGREE VERIFICATION

A copy of the beneficiary's highest academic degree is required. A xerox copy of the diploma is acceptable; however, applicants should submit a signed statement with it which reads: "Copies of documents submitted are exact copies of unaltered original documents and I understand that I may be required to submit original documents to an immigration or consular official at a later date." A translation certified by the translator is required if the document is in a foreign language.

3) CURRICULUM VITAE

A curriculum vitae of the alien including professional history (education and employment); list of publications; and list of special awards, honors, and professional memberships is required.

FORMS & FILING FEES

In addition to the above, the following forms and fees are needed before the petition can be mailed to INS.

Alien already in the U.S.:	Document(s) required
Holds H-1 status; does not have any dependent(s):	<ul style="list-style-type: none"> - copy of Form I-94 (Arrival-Departure Record) - copy of current and all previous Forms I-797 (H-1B approval notices) - copies of your last 2-3 pay-stubs - \$96.00²
Holds H-1 status; has dependent(s):	<ul style="list-style-type: none"> - copies of Forms I-94 of alien and all dependents - dependent(s) to fill out Form I-539 with Supplement 1 - copy of current and all previous Forms I-797 (H-1B approval notices) - copies of your last 2-3 pay-stubs - \$96 for alien + \$102 for the dependent(s)².
Other visa status; does not have any dependent(s):	<ul style="list-style-type: none"> - copy of Form I-94 - copy of Form I-20ID (if in F-1 status), and 3 copies of the Employment Authorization Document (if on practical training) - copy of all Forms IAP-66 (if in J-1 status), copy of J-1 visa stamp(s), and a copy of the 212(e) waiver approval notice - \$96.00²
Other visa status; has dependent(s):	<ul style="list-style-type: none"> - copies of Forms I-94 of alien and all dependents - dependent(s) to fill out Form I-539 with Supplement 1 - copy of Form I-20ID (if in F-1 status), and 3 copies of the Employment Authorization Document (if on practical training) - copy of all Forms IAP-66 (if in J-1 status), copy of J-1 visa stamp(s), and a copy of the 212(e) waiver approval notice - \$96 for alien + \$102 for the dependent(s)².
Alien outside the U.S.	<ul style="list-style-type: none"> - \$96.00²

² All fees must be paid with Money Order or check payable to Immigration and Naturalization Service.

When all materials are complete, OISS will prepare, obtain authorized signatures and file the LCA with DOL. On receiving the approval from DOL, OISS will prepare and process the H-1B petition and send it by certified mail to the INS.

Questions and comments may be directed to:

Ping Lee, H-1 visa counselor
OISS, 106 Bradley International Hall
Campus 137907
(310) 825-1681