

ROUKEMA CENTER FOR INTERNATIONAL EDUCATION

505 Ramapo Valley Road, ASB 123H, Mahwah, NJ 07430-1680 Phone (201) 684-7567 Fax (201) 684-7989 www.ramapo.edu/international

International Student and Scholar Services (ISSS)

<u>H-1B Petition Instructions to</u> Departments & International Faculty/Staff

Office of International Student and Scholar Services (ISSS) is responsible for the advising and processing of the H-1B visa status for full-time tenure-track faculty and full time permanent staff and managers. The information listed below must be submitted to ISSS well in advance of the date the employee is expected to begin work in H-1B status. Approval of the H-1B visa status must be obtained before the employee can be placed on Ramapo College Payroll unless the employee possesses another status that allows employment while the H-1B petition is pending.

All the information must be submitted to:

Rajesh Adhikari, Director for Int'l Student/Scholars Ramapo College The Roukema Center for International Education 201-684-7567 phone 201-684-7989 fax radhikar@ramapo.edu

Fees (as applicable)

- Form I-129, petition for H-1B worker: \$320 (paid by Ramapo College)
- Form I-539, application for dependents: \$300 (*paid by the applicant*)
- Form I-907, premium processing fee: \$1,000 (*optional*)
- Fraud prevention and detection fee: \$500 (must be paid by Ramapo College)

ALL OF THE ABOVE FEES MUST BE IN THE FORM OF A CHECK MADE PAYABLE TO THE "<u>U.S.</u> <u>DEPARTMENT OF HOMELAND SECURITY</u>," AND MUST BE SUBMITTED TO INT'L SERVICES. SEPARATE CHECKS MUST BE SUBMITTED FOR EACH FEE.

The ISSS will be responsible for preparing and mailing the completed H-1B petition to the United States Citizenship and Immigration Service (USCIS). USCIS is an agency within the US Department of Homeland Security.

Copies of the completed petition will be kept on file in ISSS and a copy of the petition will be given to the Faculty/staff candidate for their own record-keeping purposes.

The faculty/staff candidate may not begin work at Ramapo College until USCIS approves the H-1B status or unless they currently have another employment authorization that will cover their legal employment until the H-1B status is approved.

PART I

HIRING DEPARTMENT INFORMATION AND RESPONSIBILITY

BASIC H-1B VISA CLASSIFICATION INFORMATION:

- This status is used to employ professionals temporarily for periods of up to six years.
- Each H-1B petition may be for a period of time up to three years; however, an employer may not sponsor an international for a period of time that exceeds guaranteed funding. If funding can only be guaranteed for one year at a time, then the international may extend his/her status each year (up to a total of six years).
- The position must require a minimum of a bachelor's degree and the international must possess at least a bachelor's degree or its equivalent in the field in which he/she is seeking employment. Internationals with an equivalency in work experience may be required to provide substantial documentation. The international must possess all of the standard qualifications for the position.
- The H-1B status is employer specific; therefore, the international may only work for the employer who sponsors his/her status. However, the international may have more than one H-1B visa and work for more than one employer as long as each employer has an approved petition on his/her behalf.
- The H-1B visa status recognizes dual intent. This means that the international may apply for permanent residency while in H-1B status; however, he/she is strongly urged to make the IS aware of his/her plans so that we may advise the international properly.
- The international will be given a copy of his/her approved Labor Condition Application when he/she receives all of the H-1B paperwork upon approval. This form shows the international's actual wage (what he/she is actually being paid) and the prevailing wage (what the State of New Jersey has determined to be the average wage for his/her position). If the international is not receiving the actual wage listed on the Labor Condition Application, he/she should contact the Int'l Services immediately.

WHO QUALIFIES FOR AN H-1B VISA?

The position offered must qualify as a "specialty occupation," which is an occupation that requires "theoretical and practical application of a body of highly specialized knowledge to fully perform the occupation," OR A baccalaureate or higher degree (or its equivalent) in a specific academic discipline as the standard minimum requirement for entry into that particular position.

FUNDING INFORMATION:

The H-1B status may be sponsored for up to three years at a time; however, the College may not sponsor a status for a period of time longer than the salary can be guaranteed. According to Federal Regulations, the Employer is obligated to pay "... at least the Actual Wage level paid by the employer 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."

[20 CFR 730]

DEPARTMENT OF LABOR REQUIREMENTS:

The Department must certify that the following conditions have been met:

- The employment of the H-1B nonimmigrant will not adversely affect the working conditions of employees similarly employed in the area.
- On the date that the application to the Department of Labor is signed and submitted, there is not a strike, lockout, or work stoppage in a course of a labor dispute in the occupation in which H-1B non-immigrant will be employed at the place of employment. If such a strike or lockout occurs after this application is submitted, we will notify ETA within 3 days of the occurrence of such a strike or lockout and the application will not be used in support of a petition filing with USCIS for a H-1B nonimmigrant to work in the same occupation at the place of employment until ETA determines the strike or lockout has ceased.
- A copy of the application has been, or will be, provided to each H-1B nonimmigrant employed pursuant to this application, and, as of this date, notice of this application has been provided to workers employed in the occupation in which the H-1B non-immigrant will be employed.
- Where there is collective bargaining agreement covering the occupational classification in which the H-1B nonimmigrant will be employed, the LCA must be given to the authorized bargaining representative and the notice must conform to the following requirements. [20 CFR 655.734 (a) (1) (i)]

International Student and Scholar Services will make sure the following conditions have been met:

Written notice which will include the following:

- Number of H-1B non-immigrants the employer is seeking to employ
- Occupational classification in which the H-1B non-immigrants will be employed
- Wages offered
- Period of employment
- Location(s) at which the H-1B non-immigrants will be employed
- Verbatim Statement: "Complaints alleging misrepresentation of material facts in the labor condition application and /or failure to comply with the terms of the labor condition application may be filed with any office of the Wage and Hour division of the United States Department of Labor."

VIOLATIONS AND PENALTIES UNDER FEDERAL REGULATIONS

FILING AN LCA (LABOR CONDITION APPLICATION) WHICH MISRERESENTS A MATERIAL FACT

- Civil Money Penalty up to \$1,000/violation.
- Notice to USCIS & ETA regarding debarment from H-1B program.
- Any other actions the Department of Labor deems appropriate.
- Up to \$10,000 fine and/or 5 years imprisonment [18 U.S.C. 1000].

FAILURE TO PAY REQUIRED WAGES

- Back wages to H-1B employee.
- Civil Money Penalty up to \$1,000/violation.
- Notice to USCIS & ETA regarding debarment from H-1B program.
- Any other actions the Department of Labor deems appropriate.

FAILURE TO PROVIDE REQUIRED WORKING CONDITIONS

- Civil Money Penalty up to \$1,000/violation.
- Notice to USCIS & ETA regarding debarment from H-1B program.
- Any other actions the Department of Labor deems appropriate.

<u>NOTE</u>: **Willful misrepresentation** of a material fact on the LCA will lead to civil monetary penalties ranging from \$5,000-\$35,000 and possible debarment from the H-1B program for a minimum of 2-3 years.

Other violations such as filing an LCA during a strike/lockout, failure to provide required notice, failure to be specific on the LCA, failure to make available for public examination the LCA and necessary documentation, failure to retain documentation as required, and failure to otherwise comply with LCA regulations may result in:

- Civil Money Penalty up to \$1,000/violation.
- Any other actions the Department of Labor deems appropriate.

IMPORTANT NOTE

It is extremely important that the hiring official does not misrepresent any fact or situational development. It is the responsibility of each hiring official to notify the ISSS if any conditions of employment change at any time so that we may notify the proper government agency. In the event that the Department of Labor audits Ramapo College, the ISSS is not responsible for any misinformation provided by hiring department sources.

REQUIRED DOCUMENTS FROM THE DEPARTMENT

1. DEPARTMENT SPONSORSHIP LETTER

a. New Employment Letter:

A letter confirming the offer of employment to the faculty member/staff. The letter must include full name of candidate, annual salary, exact dates of employment, title of position, detailed proposed duties, minimum qualifications and an explanation regarding how the prospective employee qualifies for the position. This letter should also indicate whether the position is in the AFT Union Local 2274.

(Please refer to the following sample letter which MUST be on Department Letterhead)

Date:

Mr. Don Neufeld Center Director USCIS California Service Center 24000 Avila Road Laguna Niguel, CA 92677

Dear Mr. Neufeld:

This letter is being submitted in support of Ramapo College's H-1B petition for Dr. Joe Doe to serve as a [TITLE] in the School of [DEPARTMENT]

Ramapo College of New Jersey was established in 1969 as a state-supported, co-educational, fouryear College of liberal arts, sciences, and professional studies. Ramapo College offers bachelor's degree in the arts, business, the humanities, the social sciences, and the sciences, as well as in professional studies program such as nursing and social work. Three programs are offered leading to a master's degree: Master of Arts in Liberal Studies, Master of Science in Educational Technology, and a Master's of Science in Nursing. The college focuses on diverse faculty and student body, combined with a small college's attention to students. In order to maintain this level of excellence, it is essential that our staff members be of the highest merit and ability.

Ramapo College's [DEPARTMENT] wishes to temporarily employ Dr. Doe in specialty occupation of [TITLE] for three years as long as he/she continues to meet the obligations of the position. This position is covered by the Local 2274/AFT agreement. The minimum requirement for this professional position is the completion of a Ph.D. in [FIELD]. As a [TITLE], he will be involved in [JOB DESCRIPTION]. This offer, however, does not in any way replace or supersede Ramapo College's hiring policies and procedures.

Dr. Doe is eminently qualified to fill the position of [TITLE]. He studied [INSTITUTIION, RESEARCH TOPIC, WHEN DEGREE WAS GRANTED].

Based upon Dr. Doe's professional credentials, it is our intention to employ Dr. Doe (beginning and ending dates of contract) at an annual salary of [SALARY]. Dr. Doe will be eligible for all benefits available to other similarly situated employees. Should Dr. Doe be dismissed before the end of his authorized period of stay, Ramapo College of NJ will be responsible for the cost of her return transportation abroad.

Thank you for your consideration and attention to this matter.

Sincerely, NAME/TITLE

b. H-1B Extension Letter (Ramapo College Extension ONLY):

Please refer to the following H-1B extension sample letter which MUST be on Department Letterhead

Date:

Mr. Don Neufeld Center Director USCIS California Service Center 24000 Avila Road Laguna Niguel, CA 92677

Dear Mr. Neufeld:

This letter is being submitted in support of Ramapo College's H-1B petition and extension application for Dr. Joe Doe.

Dr. Doe, a [TITLE], has been responsible for [contribution to the department and the continued need for his services].

We wish to extend Dr. Doe's employment beginning January 3, 2007 through December 31, 2008 at an annual salary of [SALARY]. Dr. Doe will be eligible for all benefits available to other similarly situated employees. Should Dr. Doe be dismissed before the end of her authorized period of stay, the [Department] will be responsible for the cost of his return transportation abroad.

Thank you for your consideration and attention to this matter.

Sincerely, NAME TITLE

2. INFORMATION FROM THE DEPARTMENT

EMPLOYEE INFORMATION				
Full Name of Employee:	Date of Birth:			
Phone: Fax:	Email:			
Employee will apply for H-1B status: OUTSIDE THE U.S.	'OR' INSIDE THE U.S			
This is a request for: NEW H-1B EXTENSION	NOTHER			
DEPARTMENT	INFORMATION			
Hiring Official Contact:	Phone:			
Fax: Email:				
Department/School Name and Address:				
Supervisor Name/Title:				
POSITION IN	FORMATION			
Employee's Job Title:	Employee's Exact Salary:			
Is the salary for this position determined by Collective Barg	aining Agreement?YESNO			
If "YES" under which union agreement was the contract neg	gotiated? AFT Local 2274			
	OTHER (specify)			
Fringe Benefits: YES NO				
Location where applicant will work:				
Contract/Proposed Dates of Employment (maximum 3 years	s, initially) FROM TO			
Number of hours per week:				
Job duties to be performed (Please provide a detailed description of position)				
MINIMUM education required for the position: B.A/B.S. M.A. /M.S. Ph.D. Field:				
Number of people applicant will supervise (excluding student workers):				

3. DECLARATION FORM

NAME OF H-1B APPLICANT:

The hiring college/school will comply with the following regulations during the H-1B application process and during the employment of the above-named foreign national under the terms of H-1B status.

<u>NOTE:</u> Every box must be checked in order to indicate that the employer will comply with each statement.

- □ Return airfare to home country will be paid to the Alien (employee) if he/she is dismissed prior to the end date of the H-1B status granted by USCIS.
- □ H-1B nonimmigrants will be paid the actual wage level to those 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.
- □ The employment of H-1B nonimmigrants will not adversely affect the working conditions of workers similarly employed in the area of intended employment.
- □ On the date that this application is signed and submitted, there is not a strike, lockout or work stoppage in the course of a labor dispute in the occupation in which the H-1B nonimmigrants will be employed at the place of employment.
- □ The department will be responsible to notify ISSS of any substantial changes in the H-1B visa holder' employment (terms of employment, place of employment, transfer to another College department, significant changes in duties, salary increases over 25% or more, termination, resignation, etc.).

It is the responsibility of the department to inform ISSS immediately. Federal regulations require that USCIS be notified prior to any changes in employment taking place.

SIGNATURE OF DEPARTMENT HIRING AUTHORITY

"Pursuant to 28 USC 1746, I declare under penalty of perjury that the information provided on this form is true and correct. In addition, I declare that I will comply with the Department of Labor regulations governing this program and that I will make this application, supporting documentation, and other records, files, and documents available to officials of the Department of Labor, upon their request, during any investigation under this application or the Immigration and Nationality Act."

Name & Title of Hiring Authority

Signature

Date

- **4.** A check made out to "US Department of Homeland Security" in the amount of \$320. This is the required H-1B application fee. The check should be delivered to ISSS so it can be included in the application.
- 5. A check made out to US Department of Homeland Security for \$500. This is a required anti fraud fee and is required on all new H-1Bs (not required for extensions).
- 6. Do you wish to file this application according to the Optional Expedited Premium Processing?* If yes, you will be guaranteed a response from CIS within 15 days of receipt. The cost of Premium Processing is \$1000 payable by the College Department or School. If you do not wish to file premium processing, it is important to note regular processing can take between 3-4 months for approval. The candidate may not work without legal employment authorization. In order to file for the premium processing option, please prepare a check made out to US Department of Homeland Security in the amount of \$1000.

The check should be delivered to International Services so it can be included in the application.

* Please consult with ISSS if you choose to file Premium Processing

NOTE: Each of these checks must be separate. Do not condense amounts into one check.

Address for the Check:

US Department of Homeland Security California Service Center 24000 Avila Road, Room 2312 Laguna Niguel, CA 92677

****<u>IMPORTANT NOTE</u>**: To minimize any potential problems with the processing times, it is important that Departments should submit the H-1B Request Packet material to ISSS five (5) months in advance of the requested start date.

PART II

APPLICANT INFORMATION AND RESPONSIBILITY

APPLICANT CHECKLIST FOR H-1B VISA STATUS

For information regarding evaluations of educational credentials from all countries of the world, please consult one of the following web sites: <u>http://www.wes.org_or http://www.aacrao.org/international/individual.cfm</u>, <u>http://www.aice-eval.org</u>, or <u>http://www.naces.org</u>

NEW H-1B INSIDE OF THE UNITED STATES

- Applicant Information Form. (pg 12-14)
- Certification Form. (pg 15)

TWO COPIES OF:

- Diplomas* and English translations.
- Transcripts and English translations.
- I-94 card (front &back).
- Passport ID & visa stamp page.
- CV.

*If your degree was awarded by an educational institution outside of the United States, you MUST submit a professional credential evaluation stating the U.S. equivalent of your degree. SEE BELOW for evaluation services

If Currently in J-1/J-2 Status: <u>2 copies of:</u>

- All IAP-66/DS-2019 Forms.
- Home residency waiver Form I-612 (if applicable).
- Marriage certificate and translation if J-2 status.

If Currently in F-1/F-2 Status: <u>2 copies of:</u>

- All I-20 Forms (including spouse Forms if F-2).
- EAD card (if applicable).
- Marriage certificate and translation if F-2.

APPLICATION FEE: \$320.00 Payable to "U.S. Department of Homeland Security" (PAID by Ramapo College)

Completed by dependents:

- Form I-539. USCIS I-539 Application
- \$300.00 fee. Payable to "U.S. Department of Homeland Security" (PAID by the APPLICANT)
- Proof of dependent relationship to applicant. (birth/marriage certificates)
- Copies of dependent(s)' I-94 card(s) (front &back).
- Passport ID & visa stamp page.

NEW H-1B OUTSIDE OF THE UNITED STATES

- Applicant Information Form. (pg 12-14)
- Certification Form. (pg 14)

TWO COPIES OF:

- Diplomas* and English translations.
- Transcripts and English translations.
- Passport ID.
- CV.
- Any former immigration documents that you obtained from previous stays in the U.S.

*If your degree was awarded by an educational institution outside of the United States, you MUST submit a professional credential evaluation stating the U.S. equivalent of your degree. SEE BELOW for evaluation services

APPLICATION FEE: \$320.00 Payable to "U.S. Department of Homeland Security." (PAID by Ramapo College)

NOTE: Please contact the U.S. Embassy/Consulate where you will be getting the visa and find out what documentation is required at the time of application and how far in advance you must make an appointment, if at all. (Please note that **Canadian** citizens are exempt from visa requirements.)

H-1B EXTENSION/TRANSFER INSIDE/OUTSIDE OF THE U.S.

If already at Ramapo College:

- Applicant Information Form. (pg 12-14)
- Certification Form. (pg 15)
- 2 copies of updated CV.
- 2 copies of most recent I-94 card (front and back).
- Passport ID & visa stamp page.

If in H status somewhere else within the U.S. and seeking to start at Ramapo College:

- Applicant Information Form. (pg 12-14)
- Certification Form. (pg 15) AND

TWO COPIES OF:

- All previous Forms I-797.
- Diplomas* and English translations.
- Transcripts and English translations.
- I-94 card (front &back).
- Passport ID & visa stamp page.
- CV.
- Last 4 Pay stubs from current employer.

*If your degree was awarded by an educational institution outside of the United States, you MUST submit a professional credential evaluation stating the U.S. equivalent of your degree. SEE BELOW for evaluation services.

APPLICATION FEE: \$320.00 Payable to "U.S. Department of Homeland Security." (PAID by Ramapo College)

Completed by dependents:

- Form I-539. USCIS I-539 Application
- All previous Forms I-797.
- \$300.00 fee. Payable to "U.S. Department of Homeland Security" (PAID by the APPLICANT)
- Proof of dependent relationship to applicant.(birth/marriage certificates)
- Copies of dependent(s)' I-94 card(s) (front &back).
- Passport ID & visa stamp page.

APPLICANT INFORMATION

Personal Information

Name: (as in passport ID page):	E		Given Name		M: 1 JI - N/	
	Family Name		Given Name		Middle Name	
All other Names used (including r	naiden name, if applicable):				
Date of Birth: $////////////////////////////////////$	Gender: Male	Female	Marital Status:	Married	Single	
Social Security Number (if availa	ble):	Country	of Birth:			
City of Birth:	Province of Birth:		Country of Citizensh	ip:		
U.S. Home Address (if in the U.S.	.):					
	Street				Apartment	
Telephone:	City Fax:	E	State Email:	Zip		
Foreign Address:						
	Street					
Telephone:	City Fax:]	<i>State/Province</i> Email:	e Zij	p/Postal Code	
Immigration Information Passport Number:	Passport Issue Date:	//	Passport Expirat	ion Date:	_//	
If inside the U.S., please indicate						
I-94 number (white card in your passport):			_ I-94 Expiration Date	e://_ /////_	D/S:	
If you are outside the United Stat consulate or inspection facility you requirements.)						
City			Cour	ntry		
Have you been previously granted	d status as an H-1B nonimr	nigrant in the	past 6 years? Yes	No		
Have you ever been granted a J-1	Exchange Visitor status?	Yes (pleas	se provide copies of y	our visa/DS-2	019) No	
Have you filed an application for	U.S. Permanent Resident S	Status (such as	s, Form I-140, I-485,	I-130)? Yes	No	
(Please provide details about the st knowledge and problems arise, we you.)						

Are you or your dependents in exclusion or deportation hearings? Yes _____ No _____

Academic/Employment History

Have you earned master's	or higher degree fro	om a U.S. institu	tion of higher educatio	on? Yes No	
If Yes, Name of the Institu	tion:				
Address of the Institution:			Cite	Ctart -	7:
	Street		City	State	Zip
Highest Academic Degree	:	Field of Study:			
Present occupation:			Years of experience i	n this field:	

Please list the names of employer, dates, position and visa classification for prior work experience in the U.S.

Employer	Dates of Employmer	nt Position	Visa Classification

Emergency Contact Information

Name:			E	Email:		
Telephon	e:	(res)		(work)		(cell)
Address:	Street				Apartment	
	City		State	Zip		

Dependent's Information for H-4 Visa (if applicable)

1. Name: (as in passport ID page): Family Name	Given Name	Middle Name
Date of Birth: $/////$ Gender: Male	Female Relationship	
Country of Birth:City/Province of Bir	th: Country of Citizenship:	
Passport Number: Passport Issue Date:	/ Passport Expiration Date:	//
	mo day yr mo	day yr
If inside the U.S., please indicate date of last arrival:	Current visa status: Expires on:	
Visa Expiration Date: $/////$ Visa Issue Date: $mo / day / yr$	$mo \frac{/}{day} \frac{/}{yr}$ Place of Visa issuance:	
I-94 number (white card in passport):	I-94 Expiration Date: / /	D/S:
	mo day yr	
2. Name: (as in passport ID page):		
Family Name	Given Name	Middle Name
Date of Birth: / / Gender: Mala	<i>Equala</i> Relationship	
Date of Birth: $////$ Gender: Male		
Country of Dirth.	the Country of Citizenships	
Country of Birth:City/Province of Bir	Country of Citizenship:	
Passport Number: Passport Issue Date:	/ Passport Expiration Date:	//
If inside the U.S., please indicate date of last arrival:	<i>mo day yr mo</i> Current visa status: Expires on:	
Visa Expiration Date: $////////////////////////////////////$	// Place of Visa issuance:	
I-94 number (white card in passport):	I-94 Expiration Date://	D/S:
	mo day yr	
3. Name: (as in passport ID page):		
Family Name	Given Name	Middle Name
Date of Birth:/ Gender: Male_	<i>Female</i> Relationship	
mo day yr		
Country of Birth:City/Province of Bir	rth: Country of Citizenship: _	
Passport Number: Passport Issue Date:	/ Passport Expiration Date:	//
If inside the U.S., please indicate date of last arrival:	mo day yr mo	day yr
In finishe the 0.5., please indicate date of last arrival.	Current visa status Expires on	
Visa Expiration Date: $////$ Visa Issue Date: $/////$ Visa Issue Date:	$\frac{1}{mo} \frac{1}{day} \frac{1}{yr}$ Place of Visa issuance:	
I-94 number (white card in passport):	I-94 Expiration Date: ////////////////////////////////////	D/S:

NOTE: H-4 visa holders are not allowed to be employed under any circumstances but my study full time or part time if they wish.

<u>Certification Form (signed by employee)</u>

"I hereby declare, under penalty of perjury, that 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."

Signature

Printed Name

Date