



H-1 B – Application

OVERVIEW OF H-1B

The H-1B category is for persons who are coming to the U.S. to be temporary workers in a specialty occupation. To be considered eligible for H-1B, the position must require at least a Bachelor's degree. Employment approval is granted through the U.S. Citizenship and Immigration Services and is job specific as well as employer and department specific. The H-1B status may be granted initially for up to a three-year period with a maximum total stay of six years. Workers in this category can fill permanent positions, but must leave the country at the end of their authorized period of stay. A person in H-1B status is considered to have dual-intent with regards to immigration. This means that while in H-1B status, workers may file for a change to another immigration category. H-1B is often the category used while in the process of applying for U.S. permanent residency.

TIMING OF FILING – PLAN MORE THAN 6 MONTHS IN ADVANCE

At the earliest, the Office of International Programs may submit an H-1B petition to US Citizenship and Immigration Services 6 months before the intended beginning effective date of the H-1B. The H-1B application process is very long and requires much documentation from both the department and applicant. It is recommended that departments begin any new H-1B application, extension, or amendment as close to 6 months in advance of the intended start date as possible.

If timing is a critical issue such as with a new professor hired in the summer months who must begin work at the beginning of the fall semester, departments have the option of filing for Premium Processing. Premium Processing guarantees a decision on an H-1B petition within 15 days of the receipt by US Citizenship and Immigration Services of the I-129, H-1B application. The cost of Premium Processing is \$1225 in addition to the regular \$325 application fee and the \$500 anti-fraud fee for new H-1B applications.

HIRING AN INTERNATIONAL WHO IS OUTSIDE OF THE UNITED STATES

If the applicant is outside of the U.S. with no current visa status, the applicant must submit all documents requested in the Enclosure B section of this application to the Office of International Programs.

When the H-1B is approved, the US Citizenship and Immigration Services (formerly INS) will cable the approval to the consular office abroad where the visa will be obtained by the applicant. The original approval notice for the H-1B will be sent to the Office of International Programs.

Prior to the applicant's interview with the consular office, the hiring department will be asked to send the H-1B applicant some information which is kept in the Office of International Programs, including the original approval notice for the H-1B along with a copy of the entire H-1B application packet which was sent to USCIS.

Because this is new H-1B employment, both the filing fee of \$325 and the anti-fraud fee of \$500 are required of the department.



H-1 B – Application

HIRING AN INTERNATIONAL WHO IS IN J-STATUS (J-1 OR J-2)

If the H-1B applicant is currently in the U.S. in J-Visa status, it may be possible to petition for a change from J-Visa status to H-1B. There is one important note when concerning applicants who are in J-Visa status - many J-Visa programs require the individual to complete a two-year home residency requirement [212(e) Rule] in the J-Visa holder's home country. It is sometimes possible for the J-Visa holder to get a waiver of the two-year home residency requirement through the Department of State, but the waiver must be granted before the Office of International Programs can process the H-1B application.

More information about the waiver requirements and processes are on the U.S. Department of State website: http://travel.state.gov/visa/temp/info/info_1296.html . It is important to note that once a waiver of the 212(e) two-year home residency requirement has been approved, the J-Visa holder's DS-2019 cannot be transferred or extended at all.

Because this is new H-1B employment, both the filing fee of \$325 and the anti-fraud fee of \$500 are required of the department.

HIRING AN INTERNATIONAL WHO IS ON F-1 OPTIONAL PRACTICAL TRAINING (OPT)

If the H-1B applicant's current work authorization is based on F-1 Optional Practical Training and the proposed job is in the applicant's major field of study, then employment with the University of Mississippi may begin and continue until the OPT expires. The H application must be approved prior to the expiration of the OPT in order to avoid a lapse of work authorization.

Employment must stop if the H-1B has not been approved and the practical training period expires.

Because this is new H-1B employment, both the filing fee of \$325 and the anti-fraud fee of \$500 are required of the department.

HIRING AN INTERNATIONAL WHO IS CURRENTLY IN H-1B STATUS WITH ANOTHER EMPLOYER

If the H-1B applicant is currently in the U.S. in H-1B status with another employer, it is possible for the applicant to begin working for the University of Mississippi before the I-797, H-1B approval notice is received. According to the U.S. Immigration and Naturalization Act as amended by the American Competitiveness for the 21st Century Act of 2000, [AC21 § 105], [INA § 214 (a) (m)], non-immigrants currently in H-1B status with one employer (other than the University of Mississippi) can begin employment with a new employer as soon as the new employer files the I-129, H-1B petition for new H-1B employment. The new employer and H-1B applicant do not have to wait for the new petition to be approved in order to begin employment. The Office of International Programs will authorize employment to begin as soon as the I-129 receipt notice (the official notice of application receipt from USCIS) arrives.

Unlike an extension of H-1B, hiring an applicant who is currently in H-1B status with another employer is treated as NEW H-1B employment. Thus, both the filing fee of \$325 and the anti-fraud fee of \$500 are required of the department.

It is important to note that any time spent in H-1B status counts toward the 6-year limit for H-1B holders.

If the applicant is currently in H-1B status with another employer, they must also submit the H-1B Portability Attestation in the Enclosure B Section for the Applicant.



H-1 B – Application

AMENDING H-1B STATUS FOR A CURRENT EMPLOYEE OF THE UNIVERSITY OF MISSISSIPPI

When there is a change in the duties or terms and conditions of employment of an H-1B worker, an amended I-129, H-1B application may be needed. According to I.N.S. field memorandum CO 214h-C, an amended H-1B application is necessary if the H-1B worker’s job duties change significantly (e.g. from postdoctoral research to college teaching) or when there is a significant change in salary which would require the filing of a new LCA with the Department of Labor.

Minor changes in the conditions of employment do not require the filing of an amended H-1B petition. Though, minor changes should be noted in any future extension of H-1B status. Minor changes would include a change of job title with no or minimal changes in job duties or an unsubstantial salary increase.

Amended H-1B applications must be filed before the proposed change in status goes into effect. A change of duties or salary will not be approved until the Office of International Programs receives the I-129 receipt notice (the official notice of application receipt from USCIS).

An amended application for an H-1B worker currently employed by the University of Mississippi requires the department to pay the filing fee of \$325 only. Otherwise, the application process for an H-1B amendment is exactly the same as it is for a new H-1B application.

EXTENDING H-1B STATUS FOR A CURRENT EMPLOYEE OF THE UNIVERSITY OF MISSISSIPPI

According to 8 C.F.R. § 274.12 (b) (20), if the H-1B applicant is currently in H-1B status with the University of Mississippi, it is possible for the applicant to continue working for the University of Mississippi for up to 240 days after the expiration of the current H-1B status as long as the H-1B extension was timely filed. Timely filing means that US Citizenship and Immigration Services must receive the I-129, H-1B application before the expiration of the current H-1B. The Office of International Programs will authorize employment to continue as soon as the I-129 receipt notice (the official notice of application receipt from USCIS) arrives before the expiration of the current H-1B.

An extension for an H-1B worker currently employed by the University of Mississippi requires the department to pay the filing fee of \$325 only. Otherwise, the application process for an H-1B extension is exactly the same as it is for a new H-1B application.

If the H-1B extension is not filed before the expiration of the current H-1B status, employment must stop until the H-1B is approved and the I-797 approval notice is received by the Office of International Programs.



H-1 B – Application

H-1B PROCESSING STEPS

THE DEPARTMENT:

- To begin the H-1 process, the department should complete Enclosure A section of this application.
Departments must provide an offer of employment letter. See sample in Enclosure A section. The letter must include statement that the department will pay the return trip cost if the department terminates employment of the H-1B employee before the expiration of H-1B status.
Departments must pay the standard H-1B filing fee of \$325. Departments must pay an additional anti-fraud fee of \$500 for new H-1B applications. Additionally, if Premium Processing is being sought for an expedited service, there is an additional filing fee of \$1225. The fees can processed through UM Procurement Services by submitting a Request for Payment Form along with the filing fee memo to Procurement Services (both the form and memo are included in the Enclosure A section of this packet). The two filing fees need to be separate checks or money orders, and should be made out to "Department of Homeland Security," but the checks should be sent to The Office of International Programs. International Programs must include the checks with the H-1B application.
Departments must supply the Office of International Programs with either an orange departmental mail card for shipping the H-1B Petition to USCIS by Express Mail through the US Postal Service or provide International Programs with a FedEx Account Number for the overnight shipping of the package.

H-1B APPLICANT (INTERNATIONAL EMPLOYEE):

- The international applicant must complete the Enclosure B section of this application.
An applicant who is currently in H-1B status with another employer must also submit the H-1B Portability Attestation in the Enclosure B Section for the Applicant.
H-1B applicants must submit all requested supporting documents:
One or two supporting letters or documents from colleagues or employers describing and attesting to the quality of applicant's work (One letter of support is provided by the department automatically)
Curriculum Vita/ Resume which includes current address, home country address, statement of work history, and list of publications
Copy of all university-level academic degrees, diplomas, and transcripts/mark sheets.
- Diplomas and transcripts/mark sheets do not have to be originals
- On the back of each photocopy, sign a statement that says "This is a true photocopy and originals are available upon request."
- Documents not in English must be translated by someone competent to do so (See attached translation certificate sample)
- Degrees issued by non-U.S. institutions will have to have a foreign credential evaluation processed by International Programs
Copies of 3 most recent pay stubs/ paycheck notifications if currently employed in the US
Copy of Passport Identification Pages (Full-page photocopies ONLY. Do not cut the photocopy to the shape of the passport) **
Copies of current/ most recent Visa Stamp **
Copies of I-94 Card (FRONT AND BACK) **
Copies of all previous I-20's, DS-2019's, IAP-66's, and H-1B or H-4 I-797 Approval Notices**
Copy of Employment Authorization Card (i.e. F-1 OPT Card or J-2 EAD Card) if currently working on Employment Authorization
Proof of I-612 waiver or completion of 212(e) Two-Year Home Residency Requirement if currently or previously on J-Visa**
H-4 Application: If you have dependent family members who are already in the U.S. on another visa type, and you would like to change/extend their status as an H-4 dependent, include the following:
- Form I-539 (available on www.uscis.gov site) and check for \$300 made payable to Department of Homeland Security
- Include the above starred (**) items for your family members



H-1 B – Application

H-1B PROCESSING STEPS (continued)

OFFICE OF INTERNATIONAL PROGRAMS:

- Once the Office of International Programs receives the Enclosure A section from the department as well as the Enclosure B section and documents from the applicant, the Office of International Programs can start processing the H-1B application.
- The Office of International Programs will first process the Prevailing Wage Request.
 - The hiring department is required to pay the H-1B applicant the prevailing or actual wage, whichever is higher, and check this wage every 36 months. The Office of International Programs will assist the hiring department in obtaining the prevailing wage and actual wage.
 - Once the prevailing wage is known, the Office of International Programs will process the Labor Condition Application (LCA) and the department will be requested to post the LCA in two locations at the H-1B applicants intended work site for ten (10) working days. At the end of the ten days, the department must make a formal statement attesting that the posting took place, including the location and dates of posting. The attestation will be kept in a public inspection file, kept in the Office of International Programs.
- The Office of International Programs will also create the I-129, H-1B Application Form.
 - The I-129 must be approved by the Director of Human Resources before it may be submitted to US Citizenship and Immigration Services.
- Once the LCA has been created and the I-129 has been approved by HR, the Office of International Programs will compile and send the H-1B application, including the filing fees and offer of employment from the department and copies of all documents supplied by the applicant.

US CITIZENSHIP AND IMMIGRATION SERVICES:

- Once the USCIS receives the complete H-1B application and filing fees, they will send the Office of International Programs an I-129 Receipt Notice, which is an official notice indicating the date that the application was received and giving the applicant a receipt number. With the receipt number, the status of the application may be tracked on the USCIS website: www.uscis.gov.
- When the H-1B petition is approved, USCIS will send the I-797 approval notice to the Office of International Programs. The applicant, the department, and Human Resources will be notified of the approval. Copies of the I-797 approval notice will be given to the applicant and Human Resources. The original approval notice will be kept in the Office of International Programs.



H-1 B – Enclosure A Form: For the Department

It is very important that you read the following carefully and not sign anything unless you are in total agreement.

REQUIRED WAGE DETERMINATION WORKSHEET AND COMPLIANCE AGREEMENT
REGARDING H-1B TEMPORARY WORKERS

PART 1: POSITION DESCRIPTION – TO BE COMPLETED BY DEPARTMENT CHAIR

PLEASE ENTER INFORMATION ABOUT POSITION REQUIREMENTS, NOT PROSPECTIVE EMPLOYEE'S QUALIFICATIONS

Hiring Department/ Unit: _____

School/ Division: _____

Position Title : _____

Position's minimum degree requirement: _____ Field(s) of study: _____

Position's minimum required experience. Please quantify in number of years: _____

Position's minimum required training other than that which would or could have been obtained during the normal course of the degree program listed above. Please quantify: _____

Special Requirements (Specific skills, licenses/certificates, etc.): _____

Description of job duties: _____

Proposed Salary: _____

Hours/ Range of hours per week: _____ [] Per year or [] Per nine months

There are no additions nor deductions from each pay period, nor overtime. _____ (Check if true)

Benefits: (Check all that apply)

[] Position includes NO additional compensation or benefits

[] Position includes standard University of Mississippi employee benefits

[] Position includes additional compensation (specify) _____

with an estimated dollar value of (per year): _____

Number of employees applicant will supervise (other than students): _____

Dates of intended employment (Total H-1B limit is 6 years – 3 years allowed per petition): From _____ To _____

Work location (Check all that apply)

[] Oxford [] DeSoto [] Tupelo [] Booneville [] Other: _____

Occupational title of person who will be employee's immediate supervisor: _____



H-1 B – Enclosure A Form: For the Department

PART 2: ACTUAL WAGE DETERMINATION – TO BE COMPLETED BY DEPARTMENT CHAIR

Prospective H-1B employee name: _____ : _____ : _____
Family Name (Last) Given Name (First) Middle Name (if any)

U.S. Social Security # (if any): _____

For "actual wages," the Department of Labor refers to the range of wages paid to all workers similarly employed i.e. those with the same job title and basic job duties for which educational requirements are the same. Please list below the University Personnel Number or Social Security Number and actual wages of ALL workers similarly employed in your department. Explain ANY salary differences by describing factors such as experience, unique skills or abilities, quality of the program from which an employee graduated, extraordinary or meritorious contributions, or other variables resulting in a higher salary being paid when applicable.

Salary data as of (Month/Day/Year): _____

Table with 4 columns: UM Personnel Number or Social Security Number, Current Salary, Basis (9 mo/ yr), When salary differs from prospective employee's, please explain why. Rows 1-5.

[] Presently, the department has no one filling a position comparable to the proposed H-1B. Check if true.

(Note: If there is no comparable position to the proposed H-1B, the position may have to be compared to others on a school-wide or division-wide basis. If no comparable position exists within the school or division, the dean's office or equivalent must verify this.)

PART 3: PROSPECTIVE EMPLOYEE CONTACT INFORMATION

Current Mailing Address : _____

E-mail address: _____

Phone Number (with country and city code): _____



H-1 B – Enclosure A Form: For the Department
DEEMED EXPORT CONTROL REQUIREMENT

A new requirement in the H-1B process is to determine whether or not an Export Control license is necessary for the sponsored scholar. OIP can complete the H-1B application once the office receives confirmation from the Chair/Director or Dean that the position does not fall under the purview of the Deemed Export Control (EAR or ITAR), or if an Export Control license is necessary, until clearance is granted by the Office of Research and Sponsored Programs.

Any future changes or extensions of the sponsored H-1B worker’s employment must also be reviewed for compliance. For details about Export Control please see: http://www.research.olemiss.edu/compliance/export.

PART 4: PROSPECTIVE H-1B SCHOLAR AND DEPARTMENT DETAILS
Scholar’s Name:
Faculty Supervisor’s Name:
School/Division: Department:

PART 5: DETERMINATION FOR EXPORT ADMINISTRATION REGULATIONS (EAR)
Is the nature of the professor/researcher’s work confidential/proprietary (i.e. the results of the work/research projects are not intended for teaching, publication, or to be otherwise shared broadly with the interested public and within the scientific community)?
YES NO

PART 6: DETERMINATION OF INTERNATIONAL TRAFFIC IN ARMS REGULATIONS (ITAR)
1. Will the professor/researcher be provided access to any UM-owned technical data or technology that is considered proprietary or confidential to The University of Mississippi?
2. Will the professor/researcher be provided access to any third party-owned technical data or technology that is considered proprietary or confidential to the third party owner? This includes U.S. government furnished technical data with dissemination controls or other restrictive markings, as well as ITAR-controlled software.
3. Will the professor/researcher be provided access to equipment specifically designed or developed for military or space applications? (see U.S. Munitions List under 22 CFR § 121)
YES NO

Printed Name of Chair/Director or Dean:

Signature of Chair/Director or Dean: Date:

If all answers in Sections 2 & 3 are “NO” please submit to OIP with other H-1B application materials.

If the answer to any of the above questions is “YES” please send this form for a secondary review to Dr. Tom Lombardo, pytwl@olemiss.edu. If an export license is not required, this form will be signed by the Director of Research Integrity and Compliance and returned directly to OIP.

After secondary review, it has been determined that a license for Export Control is not required for this scholar.
Director, RIC: Date:



H-1 B – Enclosure A Form: For the Department

PART 4: LEGALLY BINDING EMPLOYER ATTESTATIONS

From US Immigration Service [8 CFR 214.2 (h)] & US Department of Labor [20 CFR Parts 655 and 656]

By signing below, I attest that the above information is true and that the University of Mississippi will comply with the following statements as required by the Immigration Act of 1990 and conforming regulations issued by the US Department of Homeland Security and Department of Labor.

- 1) That the H-1B worker will be paid the actual or prevailing wage, whichever is higher (Actual wage is weighted average of salaries listed above; prevailing wage is set by Department of Labor);
2) That the H-1B worker will also be paid for non-productive time unless contract is for a specified time period common to the industry such as 9 month academic appointments;
3) That the H-1B worker will be offered benefits on the same basis as similarly employed US workers;
4) That the employment of H-1B workers will not adversely affect the working conditions of workers similarly employed in the area of intended employment;
5) That on the date this form is signed and submitted, there is no strike, lockout or work stoppage in the course of a labor dispute in the occupation in which the H-1B worker will be employed at the place of employment;
6) That notice of the H-1B application will be provided to workers employed in the occupation in which the H-1B will be employed as signified by posting the Labor Condition Application in two conspicuous places (The Office of International Programs will provide department with the Labor Certification Application along with posting and removal instructions);
7) That the reasonable cost of return transportation to the H-1B's home country will be covered by the employer in the event employment is terminated prior to the ending date on the H-1B petition submitted to US Citizenship and Immigration Services. (See dates entered in part 1)

Required Signatures:

Department Chair: _____ Date: _____

Dean: _____ Date: _____

LEGAL NOTES AND COMPLIANCE

Any misrepresentation of facts or employer's failure to comply may result in the following (affecting the entire University of Mississippi not just the department):

- Assessment of back pay for the foreign national and/or other employees in the occupational classification
• Maximum of \$1225 fine for each violation
• Imposition of other appropriate administrative remedies
• A suspension of the employer's labor condition applications and a prohibition of filing and approval of labor condition applications or applications for permanent alien employment certification for one year
• A prohibition of the filing of immigrant or nonimmigrant visa petitions with US Immigration and Citizenship Services for at least one year
• Federal criminal penalties for knowing and willful submission of false statements to the Federal Government of \$10,000 and/or imprisonment of up to 5 years

After completion of parts 1-6, return Enclosure A,
the department support letter, and department mail card or FedEx account number to:
Office of International Programs
331 Martindale
University, MS 38677

SAMPLE LETTER FROM DEPARTMENT/ PETITIONER

March 1, 2011

USCIS - California Service Center
ATTN: CAP EXEMPT H-1B Processing Unit
P.O. Box 30040
Laguna Niguel, CA 92607-3004

To Whom It May Concern:

The University of Mississippi wishes to support the H-1B Visa on behalf of Dr. Anne Nurmi, a Finnish national, to serve as Assistant Professor in the School of Engineering, Department of Electrical Engineering.

The Petitioner

The University of Mississippi was established in 1848 and has 2,355 employees and an operating budget of \$245,008,363. The Department of Electrical Engineering has an undergraduate and graduate program which is active in externally funded research projects and industrial consulting.

The Beneficiary

Dr. Nurmi graduated from the University of Iowa in August of 1991 with a Ph.D. in Electrical Engineering. She has specialized in advanced electrodynamics. Her research in this field has resulted in presentations of her research at international conferences in Geneva, 1990 and Chicago, 1991. Documentation of this research is enclosed.

Dr. Nurmi's credentials make her particularly well-suited for the current research project of vehicular antenna systems funded by the National Science Foundation.

Terms of Employment

Dr. Nurmi is currently employed on an F-1 Practical Training Visa as an Assistant Professor of Electrical Engineering. We wish to continue her employment for several more years. She will be compensated at a rate of \$50,000 per year. We understand the temporary scope of the H-1 Visa and have informed Dr. Nurmi that in the event we are unable to continue her employment to its expiration date, we will pay the reasonable costs of Dr. Nurmi's transportation home to Finland.

Sincerely,

Name and Title of Department Chair
H-1 B Application 03/01/2011

The University of Mississippi Request for Payment

To: Procurement Services

From: _____

e-mail _____

Date: _____

Payment to: DEPARTMENT OF HOMELAND SECURITY

USCIS – CALIFORNIA SERVICE CENTER

P.O. BOX 30040

LAGUNA NIGUEL, CA 92607-3004

<u>Cost Center/Internal Order</u>	<u>G/L Code</u>	<u>Amount</u>
_____	55760	\$325
_____	_____	_____
_____	_____	_____

Purpose: FILING FEE FOR H-1B PETITION. CHECK SHOULD BE SENT TO

OFFICE OF INTERNATIONAL PROGRAMS, 331 MARTINDALE,

ATTENTION TO **JAY LEWIS**

Information to be included on check stub:

Reference: (International Employee's Name)

(Maximum of 16 characters)

Text: _____

Signatory Officer: _____ Document Number: _____

NOTE: File separate requests for each filing fee so that separate checks will be processed. Departments must submit a photocopy of Enclosure A forms and support letter with this request when sending to Procurement Services.



The University of Mississippi

Interoffice Memorandum

OFFICE OF INTERNATIONAL PROGRAMS

331 Martindale

University, MS 38677

Phone: (662) 915-7404 Fax: (662) 915-7486

TO: Procurement Services

FROM: Jay Lewis, International Programs Advisor
Office of International Programs

DATE: November 23, 2010

SUBJECT: NEW H-1B Filing Fees

When filing for H-1B status on behalf of a university employee or intended employee, the University of Mississippi must pay the Department of Homeland Security US Citizenship and Immigration Services filing fee(s) for the related paperwork (USCIS form I-129).

There are three possible filing fees associated with an H-1B Petition. As of November 23, 2010, the filing fees are as follows:

1. Standard filing fee for the I-129 (necessary for *all* H-1B Petitions) - **\$325**
2. Anti-fraud fee (for all *new* H-1B Petitions) - **\$500**
3. Premium Processing fee (for expedited processing) - **\$1225.00**

The following guidelines are given by the USCIS for payment preparation:

- All filing fees must be paid with separate checks or money orders.
- The check(s) or money order(s) must be drawn on a bank or other financial institution located in the United States and must be payable in U.S. currency. Do not mail cash.
- Make the check(s) or money order(s) payable to:

**DEPARTMENT OF HOMELAND SECURITY
USCIS – CALIFORNIA SERVICE CENTER
P.O. BOX 30040
LAGUNA NIGUEL, CA 92607-3004**

When the check or money order is ready, it should be returned to the Office of International Programs, NOT the USCIS. A check sent directly to the USCIS will be returned and will cause delays in the application process.



H-1 B – Enclosure B Form: For the Applicant

Please submit all of the following information, even for H-1B extensions:
Be sure to type or print clearly

DO NOT STAPLE ANY DOCUMENTS TOGETHER

H-1B APPLICANT DEMOGRAPHIC INFORMATION

NAME AND RESIDENCE INFORMATION:

Full Name (as it appears in your passport):
Family Name (Surname) Given Name (First) Middle Name (if any)
All other names used :
(Include maiden name and names from all previous marriages)
Place of Birth (required):
City Province/ State Country
Residence Information (required):
Country of Citizenship Country of Permanent Residence
Date of Birth (Month/ Day/ Year): Gender :

CONTACT INFORMATION:

Residential Address Outside of the U.S. :
E-mail address: Phone Number:

UNIVERSITY OF MISSISSIPPI POSITION INFORMATION:

(Please provide contact information for your intended employer at the University of Mississippi)

UM Academic Department: Supervisor's Name:

US VISA HISTORY INFORMATION:

Have you ever been in the United States in any non-immigrant status? YES NO
If YES, please list all time in the US in non-immigrant visa status. If more space is needed, please attach a separate page for your visa history:
1. Immigration Status (e.g. F-1, J-1, H-4): Dates of Stay (Month/ Day/ Year): through
2. Immigration Status (e.g. F-1, J-1, H-4): Dates of Stay (Month/ Day/ Year): through
3. Immigration Status (e.g. F-1, J-1, H-4): Dates of Stay (Month/ Day/ Year): through
Have you ever been in the United States on a J Visa (J-1 or J-2)? YES NO
Are you subject to the 212(e), Two-Year Home Residency Requirement (only possible if currently or previously on J-Visa)? YES or NO.
If subject to 212(e), what is your current status? (Please Check One)
Applied for waiver
Received waiver (Please Include Proof of Waiver)
Completed requirement in home country
None of the above
Have you ever been denied an H-1B? YES NO
Do you have any pending immigrant petitions (Permanent Residency Application)? YES NO



H-1 B – Enclosure B Form: For the Applicant

IMMIGRATION INFORMATION

Passport #: Passport Country:
Passport Issue Date (Month/ Day/ Year): Passport Expiry Date (Month/ Day/ Year):
[Please note that passports must be renewed at least 6 months prior to their expiration date.]
U.S. Social Security Number (If any):
A # (If any. Alien number is listed on EAD Cards, OPT Cards, and on any I-140 or I-485 Notices) :
At which consulate will you apply for your H-1B Visa stamp?
City (outside of the U.S.): Country:

FOR APPLICANTS CURRENTLY IN THE UNITED STATES ONLY

Current Non-Immigrant Visa Status (i.e. F-1, J-1, H-1B) :
Date of Last Arrival (stamped on I-94 Card) (Month/ Day/ Year):
Date Current Visa Status Expires (Month/ Day/ Year):
I-94 # (Eleven Digit Number White Card in Passport):
Are you currently on F-1 Optional Practical Training (OPT)? YES NO
If YES, List dates of OPT: (Month/ Day/ Year): through (Month/ Day/ Year):
Do you have any dependents (spouse or children) who will file for H-4 status with this petition? YES NO If yes, how many?:
Residential Address in the U.S. :
Phone Number: Email Address:

SUPPORTING DOCUMENTATION TO BE SUBMITTED TO INTERNATIONAL PROGRAMS

- One or two supporting letters or documents from colleagues or employers describing and attesting to the quality of applicant's work
Curriculum Vita/ Resume which includes current address, home country address, statement of work history, and list of publications
Copy of all university-level academic degrees, diplomas, and transcripts/mark sheets.
Copies of 3 most recent pay stubs/ paycheck notifications if currently employed in the US
Copy of Passport Identification Pages (Full-page photocopies ONLY. Do not cut the photocopy to the shape of the passport) **
Copies of current/ most recent Visa Stamp **
Copies of I-94 Card (FRONT AND BACK) **
Copies of all previous I-20's, DS-2019's, IAP-66's, and H-1B or H-4 I-797 Approval Notices**
Copy of Employment Authorization Card (i.e. F-1 OPT Card or J-2 EAD Card) if currently working on Employment Authorization
Proof of I-612 waiver or completion of 212(e) Two-Year Home Residency Requirement if currently or previously on J-Visa**
H-4 Application: If you have dependent family members who are already in the U.S. in H-4 status on another visa type, and you would like to change/extend their status as an H-4 dependent, include the following:
- Form I-539 (available on www.uscis.gov site) and check for \$290 made payable to Department of Homeland Security
- Include the above starred (**) items for your family members



**TRANSLATION CERTIFICATION
OF FOREIGN LANGUAGE DOCUMENTS:**

TRANSLATION MUST BE NOTARIZED

DATE: _____

USCIS
California Service Center
ATTN: CAP EXEMPT H-1B Processing Unit
P.O. Box 30040
Laguna Niguel, CA 92607-3004

To Whom It May Concern:

I, _____, hereby certify that I am competent to translate this document from the
_____ Language into English.

I also certify that the attached translation is an accurate translation of the original document.

SIGNATURE: _____

Full Name of Translator: _____

Translator's Job Title: _____

Mailing Address: _____



H-1 B – Portability Attestation

(Only for H-1B Transfers from other employers)

To Whom It May Concern:

I understand that under the U.S. Immigration and Naturalization Act as amended by the American Competitiveness for the 21st Century Act of 2000, [AC21 § 105], [INA § 214 (a) (m)], non-immigrants currently in H-1B status with one employer can begin employment with a new employer as soon as the new employer files the I-129, H-1B petition for new H-1B employment. The new employer and H-1B applicant do not have to wait for the new petition to be approved in order to begin employment. I understand that I am eligible to begin working at the University of Mississippi (UM) provided:

- 1) I have been previously issued an H-1B visa or otherwise provided H-1B non-immigrant status;
- 2) I have been lawfully admitted into the United States as a non-immigrant;
- 3) I have not engaged in employment without authorization since that admission;
- 4) I am currently the beneficiary of a I-129 petition for new H-1B employment which has been filed with the Department of Homeland Security – US Citizenship and Immigration Services before the expiration of my current period of authorized stay
- 5) I recognize that if the new H petition is denied, my “portability” work authorization is automatically terminated.

By signature below, I certify that I have read and understood the conditions set forth in INA § 214 (a)(m), and that I qualify for the “portability” benefit based on my current H-status and the fact that an application for my employment at the University of Mississippi has been timely filed and a USCIS receipt notice for the filing has been received by the Office of International Programs. I also recognize that if the petition to transfer my H-status to the University of Mississippi is denied that my “portability” work authorization is automatically terminated.

SIGNATURE: _____

PRINTED NAME: _____

DATE: _____

<p>Return Portability Attestation to: Office of International Programs University of Mississippi 331 Martindale University, MS 38677 Fax: 662 915-7486</p>
--