



INTERNATIONAL STUDENT & SCHOLAR SERVICES

The University of Alabama at Birmingham

H-1B NEW HIRE PACKET – NON-CLINICAL

H-1B Employee Name: _____

Please complete this packet to begin the process of hiring an employee who requires H-1B employment authorization. Email the complete packet and additional required documents to Ashley Rainey, arainey1@uab.edu, or Zoe Guy, zoeguy@uab.edu. Hard copy originals are not required.

Packet:

- LCA Form
- Export Control Screening Form
- Check Request Memo (for ISSS to request UAB check(s) in Oracle)

Additional required documents:

- Signed offer letter, LOI, contract, or postdoc appointment letter (as applicable)

Once we receive the LCA form below, we will review and send you H-1B posting notices.

A **general**, absolute best-case timeline for the entire H-1B process, **depending on how quickly and accurately the necessary information is provided by both the department and the employee**, is:

- 7-10 business days for the LCA portion of the process (*i.e.*, while the Department of Labor certifies the wage, which is an electronic process that cannot be expedited)
- 10 business days to finalize the H-1B forms and obtain necessary signatures
- 15 calendar days for USCIS to adjudicate (meaning approve, deny, or send a Request for Evidence) the H-1B petition if premium processing is requested
- 2.5-4 months for adjudication by USCIS if premium processing is not requested (NOTE: If the employee is currently in H-1B status with another employer and is “porting” that H-1B status to UAB, the employee can begin working with us as soon as USCIS receives the petition (we do not need to wait for an approval notice) and can work for up to 240 days while the extension petition is pending)
- 7-10 business days to receive the hard copy Approval Notice from the USCIS California Service Center (unless a return UPS/FedEx envelope is included *and* USCIS actually uses it)

Again, the above timeline is valid only to the extent we receive all information in a timely and complete manner. Depending on volume, it can easily take six weeks to two months to prepare the entire filing. We will collect any documents needed from the employee separately via email.

You and the H-1B employee will receive an automated email from our system on the day the H-1B petition is filed. Please let us know if you have any questions!



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INFORMATION REQUIRED TO FILE A LABOR CONDITION APPLICATION (“LCA”) WITH THE DEPARTMENT OF LABOR PRIOR TO FILING AN H-1B PETITION **(NON-CLINICAL)**

Do **not** forward to the employee for completion. The employee’s supervisor and/or a department administrator with actual knowledge of the job duties must complete this form. Thank you!

➔ Basics

Job title in Oracle: _____ Salary: \$ _____

Supervisor: _____

Sponsoring Department/Division: _____

Desired dates of employment: _____ to _____ (3 years maximum per petition)
MM/DD/YYYY MM/DD/YYYY

➔ Physical Location(s) and Schedule

Please provide every address where the employee can be found working on a daily basis. Do NOT list the department’s administrative office address. Do include the employee’s office address if they will have office space in addition to a lab location. We need **all** address(es) where, if a Department of Labor or US Citizenship and Immigration Services Fraud Detection and National Security Unit (USCIS FDNS) representative arrived unannounced on campus, he/she could possibly find the employee working. Please list **all** locations where the employee will work. We must know **all** such addresses to protect both the University and the employee in the event of a **site visit from a federal agency**. UAB and other employers nationwide routinely have such visits.

Street number & name

Room/lab/hospital/clinic

Schedule

Street number & name

Room/lab/hospital/clinic

Schedule

Street number & name

Room/lab/hospital/clinic

Schedule

If more space is needed, please include the additional address(es) in the body of your email when you return this pdf.

➔ Duties

Please describe the employee’s daily **duties/tasks/projects**, including a percentage effort for each task **in detail** below, or provide the duties and research project information in a Word document along with this pdf. We use this fillable pdf and Word documents to expedite transferring information into the H-1B support letter we draft, so ability to cut-and-paste is highly valued.

Duty 1: _____

Percentage of time spent on Duty 1: _____%

Duty 2: _____

Percentage of time spent on Duty 2: _____%

Duty 3: _____

Percentage of time spent on Duty 3: _____%

Duty 4: _____

Percentage of time spent on Duty 4: _____%

Is the employee working on or supporting any particular research projects which we could read about on the UAB website? If so, list the names or provide the websites of the specific project(s) below (Please provide the summary and the aims/goals of the research project/s in a word doc):

➔ Qualifications

What **specific** degree field(s) prepare someone for this job? We must be able to tell US Citizenship and Immigration Services a few related fields. *E.g.*, “biomedical engineering, molecular biology, or a related field.”

What specific **skills** (e.g., certain programming language, certificate in a particular area of research, etc.) *beyond education* are required to do this job? _____

How many other employees will this person supervise (*i.e.*, how many people will they have the authority to **hire, discipline, and fire**)? _____ Do **not** include general oversight of undergraduate/graduate students.

Indicate which level of each of the following factors the position itself requires. Do not base your answers on the prospective H-1B employee's particular level of knowledge or responsibilities.

FACTOR

LEVEL

- | | |
|-------------------|---|
| 1. Knowledge | <input type="checkbox"/> Basic understanding of occupation
<input type="checkbox"/> Advanced skills and diversified knowledge |
| 2. Complexity | <input type="checkbox"/> Requires worker to perform routine or moderately complex tasks
<input type="checkbox"/> Requires judgement and independent evaluation |
| 3. Supervision | <input type="checkbox"/> Worker receives specific instructions
<input type="checkbox"/> Worker receives only technical guidance |
| 4. Review of Work | <input type="checkbox"/> Work is closely monitored & reviewed for accuracy
<input type="checkbox"/> Work is reviewed for sound judgment and effectiveness |

REQUIRED SIGNATURES AND CONTACT INFORMATION
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Direct Supervisor or PI Signature: _____ Date: _____

Direct Supervisor or PI Printed Name (please print neatly): _____

Department administration contact information for questions pertaining to this H-1B petition and to be copied on automatic email reminders:

Name and Email Address(type or print neatly): _____

Departmental UPS or FedEx account (*not* GL string or corporate card number) for shipping H-1B petition* to USCIS: UPS Account _____ or FedEx account _____

*If time is of the essence (*e.g.*, if employee is currently outside the US waiting for a visa appointment or is in the US but changing status from F or J to H-1B), we will also include a return UPS/FedEx envelope to minimize delay receiving the USCIS approval notice. Otherwise, the employee's start date will be delayed an additional 7-10 business days to account for US Mail delivery from USCIS.

Department administrator: please email the complete packet and additional required documents to Ashley Rainey, arainey1@uab.edu, or Zoe Guy, zoe_guy@uab.edu. Thank you!



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INFORMATION NEEDED FOR H-1B EXPORT CONTROL SCREENING

Under federal Export Administration Regulations (EAR) and International Traffic in Arms Regulations (ITAR), US employers must seek and receive a license before releasing controlled technology or technical data to non-immigrant workers employed in H-1B status. Even if such information is released to the H-1B employee within the US, the regulations consider the release a “deemed export” as if the information had actually been sent to the H-1B employee’s home country.

In essence, the [EAR](#) pertains to the production, development, or use of “dual use” items found on the [Commerce Control List](#), while the [ITAR](#) pertains to technical data directly related to defense articles found on the [US Munitions List](#).

As part of the USCIS forms to file an H-1B petition, UAB is required to attest and certify that it has reviewed the EAR and ITAR and determined whether or not controlled technology or technical data will be a deemed export in this situation and has applied for a license, if necessary.

For additional background and help determining whether export control regulations will apply to your international hire, please refer to the University Compliance Office’s [Export Control Decision Tree](#).

Job Title/Position Offered: _____

Employee surname/family name: _____

Employee first/given name(s): _____

1. To what research technology and academic facilities, including computer servers and laboratories, will the employee have access? [Include information about access to potentially controlled and sensitive equipment, software, personnel, etc.]

2. Will the employee be involved with any projects that (select all that apply):

Are proprietary or involve proprietary information? Yes ☐ No ☐

Require the employee to obtain a certain security clearance? Yes ☐ No ☐

Involve research overseen by the Office of Sponsored Programs? Yes ☐ No ☐

If yes, have any of the projects been issued a Technology Control Plan (TCP)? Yes ☐ No ☐

If yes, please attach a copy of the TCP to this form.

Have publication or access and dissemination restrictions imposed by the sponsor, including but not limited to confidential disclosure, proprietary information agreements, and/or material transfer agreements? Yes ☐ No ☐

Are departmentally-funded? Yes ☐ No ☐

Require foreign national approval by the sponsor? Yes ☐ No ☐

If you answered "yes" to any of the above, please explain. List and describe all projects. [Use additional space as needed.]

With respect to technology or technical data UAB will release or otherwise provide to the international employee, I certify that I have reviewed the Export Administration Regulations (EAR) and the International Traffic in Arms Regulations (ITAR) and, to the best of my knowledge, have determined that at the time of filing the H-1B petition, a license is not required from either the US Department of Commerce or the US Department of State to release such technology or technical data to the international employee.

Supervisor/PI Name: _____ Supervisor/PI Signature: _____

Supervisor/PI Title: _____ Date: _____

Department administrator: please email the complete packet and additional required documents to Ashley Rainey, arainey1@uab.edu, or Zoe Guy, zoeguy@uab.edu. Please do not send the form without signatures. Thank you!



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INSTRUCTIONS AND JUSTIFICATION FOR H-1B IMMIGRATION CHECK REQUEST

Three different fees can be required to file an H-1B petition on behalf of a UAB employee.

A \$460 processing fee is required *every time* UAB files a petition for H-1B employment—whether for initial employment, change of employer, or extension of status. The department **must** pay this fee.

An additional \$500 fraud prevention and detection fee is required when UAB files either: a) an *initial* petition to hire an H-1B non-immigrant worker, or b) a petition allowing an H-1B non-immigrant worker to *change* employers and join UAB. The department **must** pay this fee.

For an additional \$2,500 the department can request Premium Processing. USCIS will make a determination (approval, denial, or Request for Evidence) on the petition within 15 calendar days. **Except in the School of Medicine**, either the department **or** the employee can pay the Premium Processing fee—it is up to each department/unit to decide who will pay. **All School of Medicine petitions must include a check for Premium**

*DEAR AP: WE HAVE ENTERED AN ISSS CALL EXTENSION IN ORACLE SO THAT THE CHECK(S) ARE NOT MAILED. ISSS WILL SEND A RUNNER TO PICK UP THESE CHECKS FROM AP AND BRING THEM TO THE ISSS OFFICE IN STERNE LIBRARY SO THAT ISSS CAN MAIL THE CHECK(S) TOGETHER WITH OTHER IMMIGRATION DOCUMENTS. **PLEASE DO NOT MAIL THE CHECK(S) DIRECTLY TO USCIS FROM AP. ISSS WILL PICK THEM UP. THANKS!***

Processing paid for by the employer.

Common for reasons for choosing to premium process an initial H-1B petition include: a) employee coming from abroad for the first time, b) change of immigration status necessitating hard copy approval notice prior to UAB start date, c) employee's upcoming international travel plans, d) employee's need to renew driver license.

Department Administrators: Please provide the Oracle account string you wish ISSS to use to request a USCIS filing fee check drawn on a UAB account: _____

You are responsible for requesting any check(s) needing to be drawn on an HSF account, as ISSS does not have access to the HSF accounting system.

- ☐ This is a new hire. We need a check for **\$960**.
- ☐ This employee has been working for UAB in another immigration status and needs to change that status to H-1B, so in effect is a "new hire" for USCIS purposes. We need a check for **\$960**.
- ☐ We need an additional premium processing check for **\$2,500**. **[MUST include if in SOM]**

H-1B Beneficiary (employee) name: _____

If you have any questions, please contact International Student & Scholar Services at iss@uab.edu.



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EXPECTATIONS AND ISSS SERVICES: WORK AUTHORIZATION AND PERMANENT RESIDENCE (DEPARTMENTS)

UAB's Office of International Student and Scholar Services (ISSS) is responsible for helping UAB, HSF, Valley Foundation, and Southern Research secure United States Citizenship & Immigration Services (USCIS) work authorization for international employees. Institutional immigration compliance is an active, three-way partnership requiring the engagement of ISSS, department administrators, and international employees themselves. Departments and international employees are expected to take an active role in the immigration process and follow checklists, packet information, and other instructions designed to maximize efficiency during the process. ISSS can assist only in certain areas and is not a Human Resources unit. Please review the below in anticipation of beginning a work authorization process for an international hire (*i.e.*, someone who is *not* a US citizen or permanent resident).

ISSS Responsibilities

- Collect from departments and international employees all information necessary to draft and file the following specific types of non-immigrant work authorization petitions with USCIS: H-1B, O-1, E-3, and TN
- Provide automated reminders and notifications when petitions have been approved, including instructions that the department and the international employee must follow for next steps to complete the onboarding and I-9 processes
- Send automated reminders and notifications when employees' work authorization can be renewed
- Provide annual trainings and Lunch 'n' Learns for administrators on immigration-related topics
- Collaborate with outside counsel during the transition from J-1 to H-1B status required for incoming clinical faculty who are currently completing their final year of medical training
- Provide templates and schedule for PERM recruitment among the department, Recruitment Services, and Faculty Affairs as needed depending on the position
- Distribute the weekly *Globetrotter* e-newsletter
- Publish extensive information about common processes and procedures on [our website](#)
- Determine the timing and category of potential permanent residence sponsorship in consultation with department administration

Department Responsibilities

- Provide complete, accurate, and timely information on ISSS new hire and extension packets for international hires, including accurate work locations and schedules, accurate job descriptions/duties, and accurate representation of the minimum degree level, training, and work experience required to be hired into the position
- Post and return H-1B posting notices (LCA notices) to ISSS after 10 business days

- Timely request USCIS fee checks that need to be drawn on an HSF, Valley, or Southern Research account (i.e., a non-UAB state funds account)
- Ensure that PERM recruitment ads are placed in appropriate media in conjunction with Recruitment Services and the Faculty Affairs office
- Facilitate signature processes and letterhead printing of immigration-related letters of support
- Update Oracle when an international employee changes immigration status or receives an extension of stay so that the Guardian system sends appropriate I-9 reminders
- Read the weekly *Globetrotter* e-newsletter for important updates related to federal immigration policy and ISSS procedures
- Review and refer to [ISSS website](#) for FAQs and common processes available 24/7
- Forward any permanent residence-related requests from outside attorneys to ISSS for review before signing or returning any letters or USCIS forms
- Notifying ISSS of a salary change greater than 10%, a change in physical work location, or significant change in title or job duties for any H-1B employee

Additional Resources for Questions Outside the Scope of ISSS

ISSS does not operate as a “one-stop shop” for everything that might involve an international employee. Our mandate extends to advising departments only about the steps and documentation necessary to file a successful petition for work authorization with USCIS. Departments and international employees are expected to take an active role in the immigration process and follow checklists, packet information, and other instructions designed to maximize efficiency during the process. ISSS staff are not personal attorneys and cannot assist with matters other than those directly related to processes connected with work authorization for UAB, HSF, Valley, and Southern Research. Please direct additional inquiries to the following:

- Employee recruitment/onboarding: departmental HR
- Employee discipline/termination: departmental HR
- Documents provided by an international employee who has a “work card” (EAD) and does not need USCIS work authorization sponsorship in the H-1B, O-1, E-3, or TN category: <https://www.uab.edu/global/employees-scholars/information-for-departments/hiring-international-employees-with-work-authorization-independent-of-uab-hsf>
- Volunteer/unpaid appointments: <https://www.uab.edu/global/employees-scholars/information-for-departments/volunteer-appointments>
- Permanent residence processes that do NOT require employer sponsorship: <https://www.uab.edu/global/employees-scholars/international-faculty-staff/permanent-residence> (see the last section re: “Permanent Residence Paths Requiring Outside Attorney”)

All new international employees in the H-1B, O-1, E-3, and TN categories, or who are seeking employer-sponsored permanent residence, will receive a similar document outlining their personal responsibilities with regard to the work authorization and permanent residence processes.