

An H-1B temporary worker is defined as a person who will perform services in a specialty occupation defined by the U.S. Department of Homeland Security as one which requires the theoretical and practical application of a body of highly specialized knowledge to fully perform the occupation and requires the completion of a specific course of education culminating in a baccalaureate degree or higher in a specific occupational specialty. **The H-1B petition is employer and employment specific.** U.S. Department of Labor regulations require that an individual sponsored for an H-1B visa status receive payment as earnings on the UT Health Science Center at San Antonio's payroll and hence be issued a W-2 form at the end of the year. Individuals sponsored on H-1B visas cannot be paid stipends in lieu of or in addition to salary. It is very important that you read the following directions closely and not sign anything unless you are in total agreement. Any misrepresentation of facts or employer's failure to comply may result in serious fines and/or penalties.

Departments or visitors seeking H-1B sponsorship are encouraged to consult with the Office of International Services (OIS) as early as possible.

### Eligibility

The following steps must be taken before the OIS may file an H-1B visa petition to the U.S. Citizenship and Immigration Services (USCIS).

1. Determine if the foreign national legally qualifies for the H-1B non-immigrant visa according to immigration regulations.
2. Obtain appropriate administrative approval from the sponsoring department to support the H-1B Visa Petition.
3. Obtain a Prevailing Wage Determination from the Office of Foreign Labor Certification (OFLC) National Prevailing Wage and Helpdesk Center (NPWNC) of the U.S. Department of Labor in Washington, D.C.
4. Apply for and obtain approval in the form of a Labor Condition Certification (LCA) from the U.S. Department of Labor (DOL).

### Application Process

The hiring department needs to gather the required documentation according to the [H-1B Visa Petition Checklist](#) found on the OIS website. A complete packet with all required documents should be submitted to OIS with the checklist as a cover in a sealed envelope. Upon review of a complete case, the advisor assigned to the case will communicate to the hiring department if the packet is complete or if there is additional documentation needed based on the information provided by the department and the applicant.

***It is the responsibility of the hiring department to ensure appropriate institutional approval and clearance for processing the appointment prior to submitting the final visa request to OIS. The hiring department is also responsible of collecting the documents from the applicant to submit a complete packet to OIS.***

When all required documents are submitted, OIS will submit the Prevailing Wage request to the appropriate agency. Upon receipt of the prevailing wage survey, if there are no salary discrepancies, OIS will send a posting to the hiring department to be posted in two conspicuous places at the work locations listed on the notice for 10 consecutive working days.

OIS will then submit the LCA to the DOL. After the LCA is approved, the OIS will submit the H-1B visa petition to USCIS.

OIS will notify the department and visitor when the H-1B visa petition is submitted to USCIS. Any correspondence received by OIS from USCIS regarding the H-1B petition (e.g. I-797 Receipt Notice, I-797 Approval Notice, Request for Additional Evidence) will be shared with the department and visitor if and when received.

Because OIS has no control over processing times with the U.S. Department of Labor and the USCIS, to avoid having to pay the Premium Processing fee to the USCIS (see below for a description), departments should allow 8 months from the time they submit a complete H-1B visa request packet to the OIS to the requested start date for the H-1B petition. (The earliest that the USCIS will accept the H-1B petition for processing is 6 months before the requested start date.)

## Processing Fees

The base government processing fee for all H-1B visa requests is \$460.

The hiring department also has to submit an Inter-Departmental Transfer (IDT) to OIS for \$750. This fee is paid for all H-1B cases including: new, extensions, portable (transfers), and amendments. Please note that the department will incur this fee when OIS submits a prevailing wage request to the DOL. The fee is non-refundable even if the application is withdrawn by the department before it is sent to USCIS for approval.

The department is also responsible for paying the shipping fees associated with the H-1B visa application. The OIS will mail out the application to the USCIS processing center; the cost ranges between \$7 - \$9. If needed, the OIS will also mail out any approval documents to the H-1B applicant anywhere in the U.S. or abroad. The cost may range between \$10 - \$50.

### Additional fees that the department may need to pay:

- Government fraud detection fee for \$500: this fee must be paid for all new H-1B visa employees to the UT Health Science Center at San Antonio.
- Premium processing fee for \$1,225: this is an optional fee for faster processing. Typically, USCIS takes 6 to 9 months to process an H-1B visa request. With premium processing, USCIS guarantees a response within 15 days.

All forms required to process an H-1B visa request can be found via the OIS website at: [www.uthscsa.edu/ois](http://www.uthscsa.edu/ois). If you have any additional questions about the process or documentation required, please contact the OIS to speak with an advisor.