

H-1B Visa Requests: *Starting Point*

UCF Hiring Departments may consider the H-1B (Temporary Work) Visa when seeking to hire Foreign Nationals for temporary employment in specialty occupations.

The H-1B Visa is valid up to (3) years with the option to extend an additional (3) years for a total of (6) years.

Departmental Requirements:

- » Access to Fragomen's IHP Website - The Hiring Department's designated administrator may request IHP access by emailing ISC at isc@ucf.edu.
- » List of Fees to be paid to Fragomen for H-1B processing -- Applicable fees are listed below
- » ISC's H-1B Visa Request Packet – The packet provides detailed instructions for H-1B Visa sponsorship
- » ISC's H-1B Visa Intake Checklist for Hiring Department
- » ISC's H-1B Visa Requisition Instructions

Eligibility:

The H-1B nonimmigrant status may be granted to a non-U.S. resident who has been offered a professional-level position in the U.S. To qualify for H-1B visa sponsorship by UCF, the position must require at least a Bachelor's Degree, and the individual must possess at least a Bachelor's Degree in a field related to the position. The offered salary must meet the Department of Labor's (DOL) Prevailing Wage.

In order for a person to obtain H-1B status, UCF must file a petition with the U.S. Citizenship and Immigration Services (USCIS). ISC and UCF's immigration attorneys (Fragomen) file all official H-1B requests on behalf of UCF. Official and formal requests are submitted by the Hiring Department through Fragomen's IHP online portal. It is very important for the Hiring Department's administration to understand the U.S. laws and regulations related to the H-1B status before submitting an H-1B Request. Please review ISC's H-1B Request Packet

Timeframe:

In general processing times for H-1B petitions vary from (3.5) to (8) months. Much of the processing time is beyond the control of ISC; however, Premium Processing and Rush Processing may be needed for start-dates less than (4) months away. If H-1B status is being requested for an individual outside of the U.S., processing times are significantly longer, and departments should be mindful of this when planning for employee start dates.

Filing Fees:

Requisition instructions for processing fees can be obtained by submitting a request to ISC via email.

H-1B Processing Fees

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| I-129 Petition | \$325 |
| <i>(Applicable to all cases)</i> | |
| Antifraud Fee | \$500 |
| <i>(Not applicable for extensions)</i> | |
| Premium Processing Fee | \$1225 |
| <i>(Optional)</i> | |
| Rush Fee | \$800 |
| <i>(Optional)</i> | |

H-1B Process Phases

Step 1 Preliminary Phase

- » The Hiring Department identifies a qualified candidate for H-1B sponsorship; the candidate may be a new **or** current employee.
- » An offer of employment must be established by the Hiring Department.

Step 2 Intake Phase

- » The Hiring Department's designated administrator must complete the H-1B questionnaire through Fragomen's IHP website: <https://ucf.fdbi.com/>
- The IHP attachments must be completed before submitting questionnaire:
 - (1) The Actual Wage Form
 - (2) Wage Memo
 - (3) Offer Letter
 - (4) Export Control Questionnaire.
 - (5) H-1B Declaration Form
- » For A&P Positions, submit an Official Position Description, signed by Human Resources, a Class Specification, and a Compensation Analysis.
- » Fragomen will subsequently grant IHP access to the H-1B candidate via email; the candidate must complete the employee IHP questionnaire.
- » The Hiring Department must submit the required filing fees to Fragomen; see applicable fees below.

Step 3 DOL Phase (2-3 Months)

- » Fragomen submits Prevailing Wage Determination to Department of Labor (DOL). This can take up to (2.5) months.
- » Upon determination, the Hiring Department must agree to the DOL's wage requirement.
- » Next, the Labor Condition Application (LCA) must be posted for (2) weeks while it's pending the DOL's approval.

Step 4 USCIS Phase (4-5 Months Regular Processing)

- » Fragomen submits I-129 Petition to U.S. Citizenship & Immigration Services (USCIS) for approval.
- » USCIS responds with Receipt Notice.
- » Then, USCIS should respond with an Approval notice. (Approvals not guaranteed)
- » H-1B must complete hiring paperwork with ISC upon USCIS approval or in some cases upon receipt of petition.

Step 5 Post Approval Phase

- » Hiring Department is required to inform ISC of any changes to H-1B work status per the H-1B Declaration form signed by the department.
- » ISC maintains Public Access File on H-1B's behalf for audit purposes.
- » ISC runs monthly reports to identify any H-1B employment changes.