Hiring Foreign Nationals

On January 3, 2006, the University at Albany’s Office of the University Counsel (Counsel’s Office) assumed responsibility for assisting current and prospective State-funded faculty and professional staff in preparing the necessary Department of Labor and U.S. Citizenship and Immigration Services (USCIS) documents who seek H-1B1 (Specialty Occupation) or Permanent Resident status on the basis of employment. Our office’s goal is to facilitate UAlbany's faculty and foreign national scholar's ability to concentrate on their substantive interest in teaching, research, and service by ensuring compliance with all federal laws, rules, and regulations permitting the employment of foreign nationals. Part of Counsel’s Office’s mission is to provide strategic, consultative, and administrative support to all academic/administrative units as well as individual faculty members directly or indirectly involved in collaborating with, hiring, or sponsorship of international scholars.

Introduction

Since September 11, 2001, immigration questions have become of much more significant concern within the University. This narrative provides general advice concerning employment and student immigration issues. Given the breadth and depth of immigration laws, regulations and process, this presentation is a summary of the major issues only. For specific questions, issues and situations for employees, please contact Pamela Moniz, Paralegal, or Janet Thayer, Associate Counsel, in Counsel’s Office. For student issues, please contact Margaret Reich, International Student Services.

Background

The Homeland Security Act of 2002 created the Department of Homeland Security, which, among other things, replaces the Immigration and Naturalization Service, the INS. With the abolishment of the INS, several new agencies were created, and the duties of the INS were divided amongst the three (3) new agencies.

The US Citizenship and Immigration Service (USCIS) has the authority to issue visas to arriving foreign nationals (aliens) and to admit them to the country. The US Immigration and Customs Enforcement (ICE) is now primarily responsible for deporting and removing foreign nationals from the US. The control of the US border is now under the control of the US Customs and Border Protection (CBP).

Definitions: Passport vs. Visa vs. Work Permit

From our perspective, we are concerned with three official government issued documents.

1. Passport: a formal document issued by the person’s home country which allows him/her to exit and enter the home country.
2. Visa: an endorsement on a person’s passport (sometimes a separate document inserted into the passport) which denotes that the person’s papers have been examined and they are allowed to lawfully enter the country.

Oftentimes the visa has to be applied for prior to knocking on the country’s door for entry.

3. Work Permit: the work permit allows a person to work lawfully in the country; the work permit is often called a “visa” although this is legally a misnomer. We refer to the work permit as a “status” the individual holds while in the US.

Additional terms:

A “non-immigration petition” refers to a work permit, and an “immigration petition” refers to an application for permanent residency or a “green card.”

In the employment of a foreign national at the University, we have to verify:

(1) a person has a current passport from his/her home country,

(2) the appropriate work permit or status (HIB, F1 OPT, J1, TN, the most common work permits), and

(3) the person obtains the visa at the border.

Please note: if the University obtains the work permit, that is no guarantee that the person will obtain a passport from the home country or an entry visa (I-94) at the US Border. At every stage, the person is re-evaluated for the particular document s/he is seeking.

And while we are on the subject of “guarantees,” if a person has a current passport, a valid work permit, and a valid I-94 visa, and the person leaves the US to travel, for whatever reason, the University cannot guarantee that the person will be allowed to leave his/her home country. The University cannot guarantee that the person will be allowed re-entry into the US. This is due to factors outside of our control: epidemics, wars, travel lists of suspected terrorism, et al, and the discretion of Border Patrol, home country security et al. The person travels as his/her own risk, and we DO NOT get involved AT ALL with travel, except for providing copies of documents.

SUNY Policy on Hiring Foreign Nationals and Obtaining Necessary Work Permits


Non-immigration Petitions (permission to work in the US)

Per the SUNY policy regarding non-immigration petitions, under the heading of “Temporary Work Authorization”, the policy states the following:
A. The University, through its campuses, will provide employment sponsorship and related financial support for standard processing, government filing fees and certain costs associated with obtaining temporary work authorization or status and necessary extensions or amendments for certain employees. Positions for which such sponsorship will be provided include:

- Teaching faculty
- Researchers
- Physicians with full-time academic appointments
- Nurses, Health Professionals i.e. Physical Therapists, etc. who meet state educational and licensure requirements

B. Sponsorship and support will not be provided for positions that do not require the minimum of a bachelor’s degree.

C. Exceptions to this policy will be made on a case-by-case basis, based on a clear University business need, only by the campus’s chief business or academic officer.

D. The University does not cover travel costs or application fees to obtain visa stamps unless hiring department head approval is obtained prior to traveling. The employee should usually coordinate personal travel with obtaining a visa stamp at a U.S. Consulate abroad.

Translation? For certain positions, namely faculty, the University at Albany will sponsor a work permit petition by compiling the documents from the department, search committee and foreign national employee to obtain labor certification, and generate a work permit petition, file the application and petition, and pay for the costs of these filings. Currently, the petition is $320, with an anti-fraud security fee of $500. The process time is 90-150 days. Expedited service (premium processing) of 15 days costs $1,000 for a total of $1820.

Under federal law, the employee may pay the $320 if the employer pays prevailing wages. The $500 antifraud fee must be paid by the employer. However, SUNY policy requires the campus to pay these fees. Applications for dependents are at the expense of the employee (typically $300 per application).

The Interview Process

*Title VII of the Civil Rights Act of 1964*

Prohibits discrimination because of a person’s race, color, national origin, religion or sex

---it is unlawful to deny an individual an employment opportunity due to birthplace, ancestry, culture or linguistic characteristics common to a specific ethnic group.
**Immigration Reform and Control Act**

Unfair immigration-related employment practice to discriminate against any individual (other than an unauthorized alien) because of the individual’s national origin, or in the case of “protected individuals,” citizenship status.

Who is a protected individual?

1. a US citizen
2. a foreign national who is lawfully admitted into the US on permanent residency status
3. a foreign national admitted as a refugee
4. a foreign national admitted as a asylee

It is not an unfair immigration-related employment practice for a person or other entity to hire, recruit, or refer an individual who is a citizen or national of the US over another individual who is a foreign national if the two individuals are equally qualified.

What does “equally qualified” mean? Subjective of course!

**Interview Questions**

DO NOT ASK:

1. Are you a US Citizen?
2. What is your native language or mother tongue?
3. What is your nationality? What is the nationality of your parents?
4. That is an unusual name. What is its origin?

DO ASK:

1. Are you legally authorized to work in the US?
2. Will you require a work permit/visa sponsorship for employment at the University?

***ask the question of each applicant
***do not make assumptions on the name or on past work/educational history

**After the Job Offer**

Appointment Letter: When the University hires a faculty member, it issues an Appointment Letter outlining certain key pieces, including the job title, the salary and the term of employment. The letter is generated by the Office of Human Resources Management upon receiving the HRM forms for the employee. Once the letter is signed by the President and the employee, a copy must be forwarded to Counsel’s Office to be included in the application petition. In addition, the
Accounting Office requires a copy of the appointment letter be attached to the purchase requisitions requesting the checks for payment of the application fees.

**This letter is not to be confused with “offer” letters the departments may send to the employee to obtain their commitment in accepting the position.**

If your department has offered a position to a person who answered “yes” to the question of whether he/she will require a work permit sponsorship for employment, *contact Counsel’s Office prior to the drafting of the appointment letter.*

First, the appointment letter MUST contain language which states that the offer is contingent upon the person obtaining appropriate authorization to work in the US, and second, we need to ask about “gaps” between the person’s current status and the commencement of employment.

Let me explain: Typically, an academic appointment commences on September 1st. If a person is a student graduating with a PhD, and his student visa expires May 31, there is a gap in lawful status for June, July and August. If he is returning to his home country or traveling outside the US until September 1, there is no issue for the appointment letter. However, if he plans to stay in the US, he and the hiring department have to decide: does he try to obtain a B visa (visitor) or does he try to obtain an extension of the status or does the department, at its expense, provide him with a temporary summer appointment for those three months at a reasonable wage with deliverables (and the hiring department defines the deliverables)?

If a “standard” appointment letter (versus a specific letter adjusted to the individual’s case) is generated, and then we discover a gap, the gap has to be addressed and the appointment letter has to be redone accordingly. This results in duplication and delays.

**The I-9 Employment Eligibility Verification Process**

The Immigration Reform and Control Act requires verification of work authorization before every prospective employee can begin work. The I-9 is the form is handled by the Office for Human Resources Management (HR). It must be completed with documentation prior to the person commencing work. Without it, the person cannot work lawfully in the US, no matter the person’s citizenship, et al.

**Typical Categories of Work Permits**

The typical categories of work permits that we use for our employees are H-1B, O-1, J-1, F-1/OPT, and TN.

**The H-1B Work Permit or Status**

The H-1B is issued to non-citizens in "specialty occupations," those requiring a bachelor's degree or higher. The campus—the “petitioner”—applies for the work authorization and the prospective employee is named as the "beneficiary." The work authorization or status then authorizes the employee to work only for that one employer.
The following steps are required to obtain an H-1B:

a. The campus must gain approval by the Department of Labor of a Labor Condition Application (LCA), by attesting that the hire of a non-citizen will not adversely affect the wages and working conditions of citizens, and that the working conditions of the non-citizen are not exploitive.

b. The campus must gain approval by the USCIS of the visa petition, supported by the approved LCA.

c. The entry visa must be issued by a US consulate.

Under standard processing, USCIS may take from 90 – 150 days to review an H-1B application petition. USCIS also offers "premium processing" to expedite the application, providing a fifteen (15) day response for $1,000.

The H-1B may be approved for up to a maximum initial three year period. Extensions of that stay may be obtained for a total maximum period of six years. In computing whether a non-citizen has held an H-1B for the maximum period of six years, the USCIS looks at all employers of the non-citizen under which s/he held an H-1B, not just the current employer. An employee holding an H-1B may be employed in a permanent position as long as s/he departs the United States at the end of the authorized stay.

H-1B holders may seek permanent residence status concurrently with petitioning for or holding the H-1B status.

Please note: if the employee-beneficiary is in the US, processing is easy and done in the 15 days. If the employee-beneficiary is outside the US, the processing has to be done at the US Consulate in the home country. Consulate processing requires a personal interview, and that may take several weeks or several months.

The O-1 Status

The O-1 is used for individuals of "extraordinary ability." This is defined as a person who is at the very top of his/her profession. To qualify for the O-1, the individual must demonstrate sustained national or international acclaim and recognition for achievements in the field of expertise, through a record of publications and awards.

A campus must file a petition with the USCIS that includes a statement from an appropriate peer group or labor organization with expertise in the specific field regarding the work to be done and the person's qualifications. Following the approval of the petition, the O is issued by a U.S. consulate. A person holding an O-1 may apply for permanent resident status.

Please note: Due to the extensive legal requirements of obtaining O-1 status, Counsel’s Office refers these employees to outside retained counsel.
The J-1 Status

The J-1 applies to foreign students, research scholars, professors, physicians, and other individuals who have received training in various fields who enter the United States in an approved Exchange-Visitor Program. The purpose of the J-1 Exchange Visitor Program is to provide non-citizens with opportunities to participate in educational and cultural programs in the United States and to return home to share their experiences.

Campuses can become sponsors of an exchange program by submitting an application to the Department of State, Bureau of Cultural Affairs. Application is limited to eight types of programs which include students, short term scholars, business trainees, teachers, professors, research scholars, specialists, and other visitors. Every exchange program must have: (1) participation of at least five exchange visitors in the program per calendar year; and (2) a duration of at least three weeks.

The program sponsor issues a Certificate of Eligibility (DS-2019 form) that is taken by the prospective exchange visitor to a U.S. consulate to apply for issuance of the J-1. Students are admitted for one year on the J-1. College and university professors and research scholars are usually admitted for up to three years.

Because the J-1 is available for non-citizens coming temporarily to a campus to participate in research or teaching activities, it is not appropriate for an individual who wishes to enter the United States permanently. It also prohibits the holder from being hired into any tenure track position and from applying for permanent resident status.

A two year foreign residence requirement is imposed on most J-1 holders, which requires that at the end of the authorized stay, the exchange visitor must return to his/her home country for a period of at least two years before being eligible to apply for permanent residence status or any other status. Waivers of this requirement are granted in limited situations (e.g., return to home country would create an undue hardship on the non-citizen and/or his/her family).

The F-1 OPT Status

F-1 holders are students, who can be employed during pursuit of, or after completing, an educational program. While pursuing a full course of study, F-1 holders may hold two types of employment without authorization from the USCIS:

a. Employment that will not displace a U.S. resident; or

b. Employment pursuant to the terms of a scholarship, fellowship, assistantship or postdoctoral appointment.

Neither employment may exceed 20 hours per week (except during holidays and recesses) without prior authorization from the USCIS.
After completing an educational program, a student in F-1 status may engage in "practical training," the purpose of which is to provide the student with work experience in his/her field of study. This training is permissible:

a. when the student is in a bachelor's, master's or doctoral program and has completed all course requirements for the degree (excluding a thesis or its equivalent); or

b. when the student has completed his/her course of study.

A student is eligible for practical training for a total period of twelve months, which must be completed within fourteen months of the completion of study. The student must have held the F-1 for at least nine months. Permission to engage in practical training is obtained from the foreign student advisor on campus.

**Student and Exchange Visitor Information System (SEVIS)**

USCIS requires campuses that enroll international students and J-1 visa holders to be certified. Campuses must also use the new USCIS's internet-based system, Student and Exchange Visitor Information System (SEVIS), to track, monitor, and report information about international students.

Following are the key aspects governing the campus certification process required by the USCIS:

1. To enroll international students or host exchange visitors, each campus must apply for certification and approval by the USCIS. This is accomplished by submitting an electronic form to the USCIS and paying the required filing fees. Historically, public schools were exempt from this filing fee, but SUNY campuses must not pay the filing fee.

2. Each campus must be reviewed again every two years thereafter. A new fee must be paid with every recertification.

3. The USCIS will conduct on-site visits as a part of the certification process. These site visits may include a tour of the campus, interviews with campus officials, and a review of selected school records demonstrating campus compliance with applicable regulations.

After August 1, 2003, all F-1 and J-1 holders must be entered into the SEVIS system and SEVIS must be used to issue I-20 and DS-2019 forms, and to monitor, track and report information to the USCIS for all non-immigrant students. At the present time, SEVIS must be used to issue I-20 forms (for F-1 students) and DS-2019 forms (for J-1 holders), and also to report "reportable actions" (e.g., extension of status, practical training, employment authorization or new non-immigrant status for any current non-immigrant student.)
The TN Status

The TN classification was developed as part of the North America Free Trade Agreement to facilitate the entry of Canadian and Mexican professionals to the United States, including research assistants, vocational counselors and university teachers. The TN applies to persons: (1) working for a U.S. employer in a designated professional category; or (2) working for a Canadian or Mexican company doing business in the United States.

Canadians are not required to petition the USCIS for prior approval to obtain a TN. They can be obtained at the port of entry by providing proof of the requisite educational credentials, a letter of offer from a U.S. employer or an employment letter from a Canadian or Mexican company doing business in the U.S. and proof of Canadian citizenship. Mexicans must petition the USCIS for prior approval.

The TN holder is permitted to stay for one year¹ in the United States and may renew annually for additional one year periods without limitation. The holder of a TN must not have the intent upon entering the United States to immigrate. The USCIS may therefore question a TN holder who has obtained a number of successive extensions as to his/her intent.

Filing for permanent residence status would indicate a lack of nonimmigrant intent and thus may invalidate the TN.

Permanent Residency

The University, through its campuses, will support labor certification and/or immigrant petition processing (including the costs thereof) on behalf of employees who hold a “permanent” position. Permanent positions include tenured or tenure-track teaching or research positions and other positions which, although not tenure-track or tenured, are intended to continue for a minimum period of three years, dependent upon employee performance and availability of funding. Temporary positions, such as temporary post-doctoral research appointments do not qualify as “permanent” for this purpose. Although the University may consider a position “permanent” for immigration processing purposes, this does not change the University’s standard terms of employment as expressed in state statutes, regulations, collective bargaining agreements and the Policies of the Board of Trustees.

An employee who is a teaching faculty member may begin discussions with his or her academic department regarding sponsorship for permanent residency status, i.e., a green card, immediately upon commencing employment with the University. Other employees may begin discussions after six months of employment with the University. The department has full discretion to delay starting this process based on either the employee's performance or other factors such as funding issues. Any hiring or renewal decision or commitment must be made in conformity with usual campus procedures with approval by appropriate administrators.

¹ USCIS posted a fact sheet on their website dated August 10, 2007 listing proposed reforms. Number 20 plans to extend the TN visa duration to three (3) years. As of the date of this writing, this proposal has not yet been implemented. Accessed on October 26, 2007 at http://www.dhs.gov/xnews/releases/pr_1186757867585.shtm.
If possible, permanent residency cases for teaching faculty, who were hired through competitive recruitment, will be processed under the “special handling” labor certification category. Departments should note that an application to initiate this process must be filed with the New York State workforce agency within 18 months of the date the faculty member was selected at the end of the search.

Another option is to file in the “outstanding professor/researcher” category once the faculty member qualifies. Generally, junior faculty with recent Ph.D.s must wait until they have three (3) years of qualifying experience.

Employees should expect variance in government processing delays and plan accordingly with respect to travel and their job duties. The University cannot guarantee that a case will be filed in any specific category or by any specific time or that the DHS or DOS will approve a particular application or petition or issue a visa. In the event of difficulties in such a matter, the University’s immigration specialist counsel should be consulted. No contact should be initiated with any political figure, such as members of Congress, seeking assistance on behalf of the University without first consulting with the office of university counsel. The employee may seek assistance on her or his own behalf.

The University and the employee will share the cost of obtaining permanent residency status as follows:

1. With hiring department and/or campus approval and availability of department/campus funds, the University may elect, on a case-by-case basis, to cover legal and government filing fees for the following applications and/or petitions:
   - an employment-based immigrant petition; and
   - the I-485 Adjustment of Status (AOS) or consular processing for an immigrant visa for the employee and the employee’s dependents.
   - The federal government now requires the employer to pay all costs of the labor certification (including the cost of required advertisements).

2. The employee will be fully responsible for the costs related to:
   - all medical examinations, photographs, fingerprints, vaccinations, obtaining biographic documents and translations for the employee and the employee’s dependents;
   - the costs for obtaining employment or travel authorization for the employee’s dependents; and
   - travel costs to obtain a nonimmigrant or immigrant visa at a U.S. Consulate abroad.

The University will not pay for non-employment-related sponsorships, such as in the case of marriage-based petitions.
Related Issues and Documents

Following is a brief description of some related general immigration guidelines that have been adopted to efficiently and effectively serve the University’s business relating to immigration issues:

1. Departments should notify our office and/or the campus human resources office, as appropriate, prior to extending an offer to a foreign national candidate for purposes of discussing the appropriate language to be included in the Appointment Letter and for obtaining an employment-based immigration status on behalf of the foreign national candidate;

2. Departments should notify our office and/or the campus human resources office, as appropriate, if a material change (e.g., a significant change in the daily responsibilities of the employee, rank, compensation or department or termination of employment) in employment occurs involving a foreign national employee;

3. Immigration law requires that if a foreign national in H-1B status should involuntarily terminate employment with the University prior to the end of the validity of the H-1B petition, the University will be liable for reasonable costs of return transportation to the last place of foreign residence before the end of the period of authorized stay for the foreign national and that appropriate government agencies (US DOL and USCIS) must be notified of such a termination (appropriate University termination procedures should be followed); and

4. All external costs incurred relating to immigration matters paid by the University/campus are charged back to the appropriate department budget.

Below and attached is a list of documents\(^2\) that will be sent to a department once Counsel’s Office has been contacted. These documents list specific requirements that are the responsibility of the department and the foreign national to provide to Counsel’s Office in compiling the necessary documentation and information for the preparation of the H-1B application to USCIS.

H-1B Application Documents Required From Hiring Department
H-1B Fee Sheet
Return Transportation Letter – to be completed by Department

Documents to be sent to the prospective employee (petitioner) for completion:

H-1B Questionnaire
H-1B Employee Checklist of Documents
Certification by Translator

\(^2\) Subject to change as necessary. Current as of February 2008.
H-1B Application Documents Required from Hiring Department

The Hiring Department will designate a liaison to work directly with Counsel’s Office in compiling the necessary documents to be submitted with the employee’s (beneficiary’s) H-1B application petition. The following items are set forth in order of importance:

1. Appointment Letter describing terms of employment, title, and salary signed by President and prospective employee.

2. Checks in the appropriate amounts as specified by Counsel’s Office. Please note that requisitions for checks must be accompanied by a copy of the Appointment Letter and H-1B Fee Sheet.

3. Letter from the department acknowledging liability for return travel costs if the alien is dismissed before the end of the period of authorized employment.

4. Job posting/vacancy announcement including salary level and description of duties for the position.

5. All documents listed on the H-1B Employee Checklist of Documents under the appropriate status category for the employee.
**H1B Fee Sheet**

The Hiring Department must submit this sheet and a signed copy of the Appointment Letter with the check requisition requests. The Department is also responsible for delivering the checks to Pamela Moniz, University Counsel’s Office, in University Hall (UNH) Room 104, to be submitted with the H-1B application petition.

The fees for the H-1B application are as follows:

- $320 for the I-129 application (effective July 30, 2007)
- $500 for the anti-fraud fee (also referred to as “security fee”)
- $1,000 for the **premium processing**, if department wants/needs 15 day response (v. 90 – 150 days regular processing).

*Please note: Separate checks on separate purchase requisitions are required for each fee. You must attach a copy of the Appointment Letter to each of your requisitions.*

Pursuant to federal law and/or University policy, all fees must be paid by the Department.

**NOTE:** Effective January 30, 2008, filing address for H-1B exempt petitioners (i.e. UAlbany) will be sent to a specialized unit at the USCIS California Service Center. The address is:

U.S. Citizenship and Immigration Services  
California Service Center  
ATTN: CAP EXEMPT H-1B Processing Unit  
P.O. Box 30040  
Laguna Niguel, CA 92607-3004

For USCIS purposes, the FEI # is 43-2000174

*****Since the University is the employer, all checks must be drawn on University accounts*****
Certification by Translator

I, ________________________, certify that I am fluent/conversant in the English and languages, and that the attached document is an accurate translation of the document, also attached, entitled ____________________.

Dated: ___________________________ By: ________________________________

Title: ______________________________

Address: __________________________
University at Albany
Immigration and Visa Services

H-1B QUESTIONNAIRE

Date:
Family Name:
Given Name:
Address:
Phone #:
Email:

Country of Birth:  Province of Birth:  Country of Citizenship:
Date of Birth: (month/date/year)

Sex  □ Male  □ Female  Country lived in before coming to USA:

Have you been in U.S. before?  □ Yes  □ No  If yes, when:
In what immigration status (visa) and the dates (duration) of each status:

Have you ever worked in the USA?:  □ Yes  □ No  (If yes, explain on next page or a separate sheet of paper, if necessary)

Social Security Number (if applicable):

Have you ever been deported from USA?:  If so, when:

Do you have a current passport?  □ Yes  □ No  Date Passport Issued:  Date Passport Expires:

If H-1B currently, how long have you had this status?:

Current immigration status:  When does your I-94 expire?:

When does your immigration status expire?:

If under Practical Training when did you commence it?:

If you have an EAD (Employment Authorization Document) when does it expire?:

Have you ever applied for an extension of your nonimmigrant visa?:  □ Yes  □ No

What type of visa:

Date of last entry in the U.S. as shown on your I-94:

Are you married?:  □ Yes  □ No  If yes, when and where:

Name of Spouse:

Child:
Date of Birth: (mm/dd/yy)

Place of Birth:

Child:
Date of Birth: (mm/dd/yy)

Place of Birth:

Child:
Date of Birth: (mm/dd/yy)

Place of Birth:

Where are your spouse/children currently residing?
What degree(s) have you obtained?
Field of study exactly as stated on diploma(s) or transcript(s):
Country where degree(s) was/were obtained:
Sponsoring Faculty Department:
Contact person in the Department (name, telephone and, email):
Address of Department where you will work:
Term of your appointment:
Title of position: Annual gross salary:
Official job description of proposed duties:

Location of U.S. consulate to be notified of approval of petition if you are outside the U.S.:

(Use this area to provide other information you need to supply or did not have room for in the above spaces)
EMPLOYEE’S (BENEFICIARY’S)
CHECKLIST OF DOCUMENTS FOR H-1B PETITIONS

Please check that each document requested within your category is submitted.

A. FOR J-1’s CHANGING STATUS TO H-1B
   □ Photocopy of your passport
   □ Photocopy of your current I-94 (both sides)
   □ Photocopies of your dependents passports and I-94’s (both sides)
   □ Photocopies of marriage license and translations
   □ Photocopies of all DS-2019/IAP-66 forms and evidence of not being subject to the 2 year home residency requirement
   □ Waiver, if subject to the 2 year home residency requirement
   □ Job Offer Letter
   □ Photocopies of highest diplomas earned
     ○ Translation(s) if not in English
     ○ Evaluation of foreign diploma
   □ Curriculum Vitae, including list of publications

B. FOR F-1’s CHANGING STATUS TO H-1B
   □ Photocopy of your passport
   □ Photocopy of your current I-94 (both sides)
   □ Photocopies of your dependents passports and I-94’s (both sides)
   □ Photocopies of marriage license and translations
   □ Photocopy of I-20 form
   □ Photocopy EAC card if on optional practical training
   □ Job Offer Letter
   □ Photocopies of highest diplomas earned
     ○ Translation(s) if not in English
     ○ Evaluation of foreign diploma
   □ Curriculum Vitae, including list of publications

C. EXTENSIONS OF H-1B’s
   □ Photocopy of your passport
   □ Photocopies of previous H-1B approval notices (Form I-797)
   □ Photocopy of your current I-94 (both sides)
   □ Letter from the Department requesting extension of stay
   □ Photocopies of your dependents passports and I-94’s (both sides)
   □ Photocopies of highest diplomas earned
     ○ Translation(s) if not in English
     ○ Evaluation of foreign diploma
D. NEW H-1B PETITIONS OUTSIDE THE UNITED STATES

- Photocopy of your passport
- Job Offer Letter
- Photocopies of highest diplomas earned
  - Translation(s) if not in English
  - Evaluation of foreign diploma
- Curriculum Vitae, including list of publications

E. H-1B HOLDERS SEEKING EMPLOYMENT AT UALBANY

- Photocopy of your passport
- Photocopies of previous H-1B approval notices (Form I-797)
- Photocopy of your current I-94 (both sides)
- Photocopies of your dependents passports and I-94’s (both sides)
- Job Offer Letter
- Copies of W-2 forms and check stubs
- Photocopies of highest diplomas earned
  - Translation(s) if not in English
  - Evaluation of foreign diploma
- Curriculum Vitae, including list of publications

F. FOR H-4 CHANGING STATUS TO H-1B

- Photocopy of your passport
- Photocopy of your current I-94 (both sides)
- Photocopies of your dependents passports and I-94’s (both sides)
- Photocopies of marriage license and translations
- Photocopies of all previous immigration documents, including evidence of maintaining a valid nonimmigrant status, as an H-4 nonimmigrant such as:
  - Spouse’s I-797A
  - Spouse’s recent pay statements
  - Spouse’s most recent Form W-2 or 1099
  - Letter from employer of Spouse
- Job Offer Letter
- Photocopies of highest diplomas earned
  - Translation(s) if not in English
  - Evaluation of foreign diploma
  - Transcripts emphasizing classes taken that qualify beneficiary for position being offered
- Curriculum Vitae, including list of publications
Return Transportation Letter

[To be prepared on Department Letterhead]

[Date]

RE:

[applicant/employee]

To Whom It May Concern:

As Chair (or appropriate title) of the Department of (name), I certify that the department will be liable for the reasonable costs of return transportation for (employee’s name) abroad if (employee’s name) is dismissed from employment by the department before the end of the period of authorized stay.

Sincerely,

[Name]
[Title]