

H-1B

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This information is for Arkansas State University hiring departments that are interested in hiring a foreign national. This information is also for current foreign national employees at A-State. This information does not constitute legal advice.

H-1B, or Temporary Worker, nonimmigrant status may be granted to a non-U.S. resident who has been offered a professional-level position in the United States. For A-State H-1B sponsorship, the position must require at least a bachelor's degree, and the individual must possess at least a bachelor's degree. Experience cannot be substituted for either requirement.

In order for a person to obtain H-1B status, the prospective employer must file a petition with the U.S. Department of Homeland Security/ U.S. Citizenship and Immigration Services (USCIS) [formerly INS]. The Immigration Specialist for Faculty and Staff files all official H-1B requests for Arkansas State University after receiving a formal request from the hiring department. **It is very important for the Department Head to understand the U.S. laws and regulations related to an H-1B status before submitting an H-1B Request to the Immigration Specialist for Employment.**

A hiring department can initiate the H-1B process by completing a [H-1B Information Sheet](#) and submitting this to the [Immigration Specialist for Faculty and Staff](#). The department should further refer to the information and forms regarding the H-1B petition process found on this website and contact the Immigration Specialist with questions.

Processing times for H-1B petitions vary, from three months to up to one year; please note that much of the processing time is beyond the control of the Immigration Specialist. If H-1B status is being requested for an individual outside of the United States, processing times are significantly longer, and departments should be mindful of this when planning for employee start dates.

It is the responsibility of the hiring department to notify the Immigration Specialist, in a timely manner, of the request for H-1B status for a new employee or for an extension of status for an existing employee. Hiring departments and foreign national employees will also be expected to timely provide the Immigration Specialist with requested documentation necessary for the petition process.

H-1B Fee Information

Any costs associated with the filing of H-4 dependent petitions must be paid by the beneficiary; the University has no obligation for these fees.

H-1B Initiation by Department and Foreign Employee

The following form must be submitted by the sponsoring department to the Immigration Specialist to initiate the H1B process.

- [H-1B Information Sheet](#)
 - Required Documents for H-1B Application (listed below)
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Required Documents for H-1B Application:

From Prospective H-1B Employee:

1. Both sides of I-94 card
2. Biographic and Visa pages from passport
3. Copy of all I-20's and DS-2019's
4. Copy of all EAD cards
5. Copy of all I-797's (if applicable)
6. Curriculum Vitae (resume) with publication list
7. Copy of highest academic degree and previous degrees and transcripts. If the transcript and the diploma are from outside the US, a credential evaluation must be submitted. (ASU can obtain at the expense of the sponsoring department)
8. Proof of '2 year home residency requirement completed' (only applicable if J-1 status and subject to 2 year home residency requirement). USCIS waiver is acceptable.
9. Copy of the most recent pay stub of current employer (if employed).

From Sponsoring Department:

1. H-1B Information Sheet
2. Optional Premium Processing fee of \$2500 (optional fee for faster processing)

From Dependents (if applicable):

1. Form I-539 prepared and signed by the spouse for a change of status or extension of status to coincide with the petition dates for the H-1B beneficiary.
 2. Form I-539 fee
 3. Copy of both sides of the dependents' I-94 card
 4. Copy of dependents' biographic and visa page in passport
 5. Copy of marriage certificate (if dependent is a spouse)
 6. Copy of birth certificates (if dependent is a child)
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Change in H-1B Beneficiary Job Duties, Work Location, or Resignation/Termination of Employee

The Employing Department is responsible for notifying the Immigration Specialist for Employment if the H-1B beneficiary's job duties change, if the location of employment has changed, or if the H-1B beneficiary resigns or is terminated from his/her position. A change in job duties, job location, resignation, or termination of the H-1B beneficiary creates certain legal obligations on the part of the University to amend/revise/revoke documentation that was filed pertaining to the H-1B beneficiary's status.

Return Transportation of Alien

If the employee is dismissed before the end of the authorized period of H-1B employment, the sponsoring department will be responsible for paying the reasonable costs of return transportation to the employee's home country. This is required by USCIS regulations to ensure that the non-resident international will not be stranded in the U.S. without being able to return to his/her home country.

A-State International Travel Policies for H-1B Employees

Foreign national employees currently maintaining H-1B status must check in with the Immigration Specialist for Employment at least two weeks prior to engaging in international travel. The purpose of this policy is to ensure that employees have all of the proper documentation to return to the U.S. and to ensure that employees are aware of the potential risks of international travel.

Travel Warning: it is likely that a foreign national employee will encounter significant wait times when applying for a re-entry visa to the U.S. at the embassy/consulate abroad. If this situation arises, there is nothing that Arkansas State University can do to assist the employee, aside from providing the employee with paperwork documenting his/her current non-immigrant status. Wait times are a direct result of increased U.S. security measures and are unavoidable. Please consider that such wait times may impact your employment in that you may be delayed in resuming your job duties.

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