Department Application Instructions

Before you begin the application steps below please review the following:

Processing Time

Review H-1B processing time [1] via regular processing vs. via premium processing in details.

General Considerations

- Consult with your OISS adviser [2] to determine whether or not H-1B is the best visa for the scholar/employee and/or the presented appointment/position. Please review information about eligibility [3] and associated fees [4].
- H-1B may be granted for a period of up to three years and can be extended to a maximum of six years (regardless of the number of employers). OISS recommends departments to support the H-1B petition for a full three years at the time; however, the departments must understand the return airfare obligation rule below.
- It is critical departments understand they are responsible for return transportation costs for any H-1B employee who is terminated prior to the approved H-1B end date and who chooses to return to their home country. This includes not renewing one-year increment appointment/position types.

Application Procedure for H-1B

- For the current H-1B employees sponsored by Yale who need an H-1B extension or amendment: Please contact your OISS adviser [2] for further instructions on what to do with the employee’s record in OISS Connect. Do NOT create a “New Sponsorship Request” via OISS Connect.
- For all other H-1B requests: submit a “New Sponsorship Request” [5] via OISS Connect.

Complete the following and submit directly by email to your OISS adviser [6] as soon as possible (see information about processing time [1]).

- The H-1B Support letter (click for instructions) [7]
- Actual Wage Form [8]

Per Department of Labor regulations, this form is to document how the H-1B employee/beneficiary’s actual wage is determined by discussing the conditions of other similarly employed workers in the work unit. Examples of “similarly employed workers in the work unit” are: (1) All Postdoc Associates in the same lab/on the same grant of the PI, (2) All Associate Professors in the section/unit. If your department does not have such sub work units (labs, sections, units, etc.), you may count all appointees with the same title who have the same years of service: e.g. PGY 3 Postdoc Associates, Year 1 Associate Research Scientist, etc. If you have questions, contact your OISS adviser [9].

- Prevailing Wage Form [10]

Per Department of Labor regulations, this form is to document terms and conditions of the offered position, e.g. required job duties, degree level and field requirements, prior professional experience requirement, etc. to hold the position, essentially as they would be reflected in a position announcement. This form is NOT to outline the H-1B employee/beneficiary’s credentials.

IMPORTANT- H-1B worksite(s) must list all physical street address(es) where the scholar/employee will conduct
their position duties (e.g. teaching, research, clinical work, etc.). It is not the sponsoring department's main administrative office address (if it is not the physical worksite). Wrong worksite(s) will result in a requirement to submit another petition to USCIS.

- **Multiple Worksite Information Form** [11] *(this form is required if the employee is assigned to work at more than one work location):

- **Deemed Export Control Form** [12]

- Most recent offer letter (or equivalent) for the position that H-1B sponsorship is requested, e.g., appointment/reappointment letter, promotion letter, etc.

### Fees and Courier Label

You must also complete the following and submit to an OISS adviser [9]:

- **Application Fees Form** [13]
- A courier label in order to send the application to immigration services (address can be found on the Application Fees Form [13]) - *Note: Filing H-1B petitions with USCIS is a time sensitive matter. Based on proximity to store locations and drop-off boxes, OISS keeps mailing supplies only for FedEx and UPS to achieve quicker and more efficient delivery results.*

Contact the scholar/employee and ask them to begin work on the “H-1B Scholar Application” materials. These materials can be found on the Scholar Application Instructions page [14].

### After You Submit to OISS

OISS will send you a Notice of Filing Labor Condition Application with the employment information already filled in. Please follow the instructions in the email regarding the posting notice and make any corrections as requested. The OISS will then prepare the rest of the H-1B application (with all the materials provided by the department and individual). Upon receiving approval from the Department of Labor, OISS will file the H-1B petition with the U.S. Citizenship and Immigration Services (USCIS).

When OISS receives the approval notice from the USCIS, the OISS adviser will contact the department and the beneficiary. If the beneficiary is overseas, OISS will send the approval notice to the beneficiary who must then apply for an H-1B visa stamp to use to enter the U.S. The department is responsible for sending the approval notice to the beneficiary, via courier service. The beneficiary must complete or update the I-9 Form which can be done at any of the Yale I-9 centers. OISS is one of these centers.

### Links

[1] https://oiss.yale.edu/immigration/h-1b-temporary-worker/department-overview/h-1b-processing-time
[2] https://oiss.yale.edu/about/contact-oiss
[3] https://oiss.yale.edu/immigration/h-1b-temporary-worker/understanding-h-1b-status
[6] https://oiss.yale.edu/about/oiss-staff
[8] https://yale.box.com/s/vhfjc0kw96bxgm47b6pj1aak37affihk