



## Office of Diversity and International Affairs (ODIA)

### H-1B Visa

The H-1B classification is for Tennessee State University (TSU) to sponsor a faculty member in a “specialty occupation”. A “specialty occupation” means an occupation that requires the theoretical and practical application of a body of highly specialized knowledge.

The person for whom TSU is filing the H-1B petition must be able to prove s/he meets all the minimum hiring requirements of the position, including the degree(s) in the appropriate field, license, etc., and must prove with an equivalency evaluation that any foreign degree is equivalent to the required U.S. degree.

The H-1B Visa is generally granted for three (3) years and can be extended for a total length of six years. It requires an approved Labor Condition Application (LCA) from the Department of Labor (DOL), an approved Petition for a Nonimmigrant Worker (I-129) from Department of Homeland Security (DHS), and the payment of various fees (\$325 I-129 Base Fee + \$500 Anti-Fraud Fee + \$1,225 Premium Processing Fee) to DHS. By federal regulations, the department must pay the full costs associated with filing for the H-1B status for the employee. These fees will range from \$825 to \$2,050. These fees may not be passed on to the employee in any way (even if the employee is willing to absorb the cost), as doing so effectively lowers the wage promised to the employee.

The H-1B filing process requires a minimum of 22 business days for approval and posting of the LCA prior to the filing of the Petition for a Nonimmigrant Worker (I-129). ODIA recommends starting dates for a new faculty member of 120 days after the return of the executed Notice of Appointment and Agreement of Employment for Faculty.

H-1B hires will be considered on a case by case basis. The ODIA office will start the H-1B process after all of the following conditions have been met. **Sponsoring Department must submit a Transfer Voucher to pay the processing fee of \$500.00 for each H1B Petition for Nonimmigrant Worker (I-129). The Transfer Voucher must be submitted with the H-1B Nonimmigrant Workers Application.**

1. The hiring manager has contacted Mark Brinkley 615-963-7660 to discuss the department selection process, H-1B eligibility for the potential employee, H-1B fees, and H-1B start date considerations
2. The department has completed the H-1B Nonimmigrant Workers Application form and returned the executed document to the ODIA office.
3. Vice President for Academic Affairs and TSU President’s approval for H-1B hires.

The H-1B process requires timely submission of applications and petitions to avoid expiration of the current authorization to work in the United States. Please notify the ODIA office (Mark Brinkley @ X7660) for assistance when it has been determined the selected candidate will need H-1B assistance.



### H-1B Nonimmigrant Workers Application

Name\_\_\_\_\_

Email\_\_\_\_\_

Cell Phone #\_\_\_\_\_

Job Title\_\_\_\_\_

Job Description\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Proposed Annual Salary \_\_\_\_\_

Employment Start Date-mm/dd/yyyy \_\_\_\_\_

Employment End Date-mm/dd/yyyy\_\_\_\_\_

College/Department \_\_\_\_\_

Previous Institution \_\_\_\_\_

Country of Origin\_\_\_\_\_

Expiration date of current work authorization-mm/dd/yyyy\_\_\_\_\_

Alien Registration Number/USCIS#\_\_\_\_\_

Form I-94 Admission #\_\_\_\_\_

Passport # and Country of Issue\_\_\_\_\_

Was this person the best candidate selected for the job? Yes\_\_\_\_ No\_\_\_\_

Any dependant (s) needing H-4 visa (s)? Yes\_\_\_\_ No\_\_\_\_

If yes, list names and relationship to H-1B - (H-1B pays I-539 filing fees \$290 + \$85)

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Will the department pay H-1B filing fees? Yes\_\_\_\_ No\_\_\_\_

If yes, what fee(s): \$325 I-129 Base Fee + \$500 Anti-Fraud Fee + \$1225 Premium Processing Fee.

University Faculty Sponsor \_\_\_\_\_

Faculty Sponsor's Address \_\_\_\_\_

Faculty Sponsor's Email \_\_\_\_\_

Faculty Sponsor's office & cell # \_\_\_\_\_

**Attach CV or Resume to form**

Recommended by: \_\_\_\_\_  
Department Head Date

Recommended by: \_\_\_\_\_  
Dean Date

Approved: \_\_\_\_\_  
VP-AA or designee Date

Approved: \_\_\_\_\_  
TSU President or designee Date

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*To be completed by the Office of Diversity and International Affairs*

Department request H-1B assistance on: \_\_\_\_\_

H-1B application received from College on: \_\_\_\_\_

Transfer Voucher submitted with Application. \_\_\_\_\_

Labor Condition Application (LCA) submitted on: \_\_\_\_\_

Labor Condition Application (LCA) posted on: \_\_\_\_\_

I-129 Petition completed and mailed on: \_\_\_\_\_

I-797 Notice of Action received on: \_\_\_\_\_

Review Completed by: \_\_\_\_\_  
ODIA Staff Date