

Wichita State University H-1B Request Form

Steps to apply for an H-1B

Step 1: H-1B applicant completes Part A.

Step 2: Sponsoring department completes Parts B and C and forwards the H-1B Request Form and full position description by email to WSU Human Resources (HR) (employment@wichita.edu) to review the position description and to complete Part D.

Step 3: HR completes Part D and returns the H-1B Request Form and position description, with any recommended changes, to the sponsoring department to review.

Step 4: The sponsoring department must submit the H-1B Request Form and all supporting documentation (including finalized position description, CV or resume, etc.) to the following offices for review and signature:

- Department Chair/Director
- Dean or Vice President
- Office of Export Controls and Compliance
- Office of General Counsel
- Office of the Provost

Step 5: Upon approval by all parties from Step 4, the Office of the Provost sends all paperwork to HR (employment@wichita.edu).

Step 6: HR forwards all paperwork to Office of General Counsel and WSU's outside counsel for immigration. Outside counsel will reach out directly to the sponsoring department regarding the H-1B request. If there are any changes to the position description, it is sent back to HR (employment@wichita.edu) for further review.

Step 7: Once all paperwork has been finalized, outside counsel submits the H-1B application to U.S. Citizenship and Immigration Services (USCIS).

Step 8: USCIS reviews the H-1B application. Unless Premium Processing was paid, the review may take several months to complete.

Step 9: Outside counsel emails HR (employment@wichita.edu), Office of the Provost, and the sponsoring department of the outcome of the H-1B application.

Step 10: The sponsoring department must ensure that all hiring processes are complete in coordination with HR, as needed. The hiring process is separate from the H-1B application process.

Part A: To be Completed by H-1B Applicant

Last Name:	First Name:	Middle Name:
Current Address:		
City:	State:	Zip Code:
Telephone:	WSU Campus Phone:	
Campus Box:	Email:	
Country of Birth:		
Countries of Citizenship:		

This request form is being completed for:

A **first-time applicant** for H-1B employment authorization. Requested Start Date:

A **new position** for an existing H-1B employee at WSU. Requested Start Date:

An **extension** for an H-1B employment at WSU.

A **new position** for someone already in H-1B status who is changing employers to WSU.

Requested Start Date:

Part B: To be Completed by Sponsoring Department

1. Proposed Job Title of H-1B position:

Department Name:

Org Number:

Please provide a brief description of job duties below. **IMPORTANT:** Attach a full position description, which includes the duties, required education, and experience.

2. H-1B Applicant's Annual Salary or proposed annual salary (if new): \$

Will this position supervise employees (faculty/staff and/or students)? Yes No

Will this position require travel? Yes No

If yes, provide a detailed description of the amount and type of travel, and the reasons for it:

3. Is this position anticipated to work at other WSU locations that are different from the main campus address (1845 Fairmount St, Wichita, KS 67260)? Yes (If Yes, continue to questions below) No (If No, move to question 4)
If yes, provide addresses of any alternate or additional locations:

Provide an itinerary of where/when the H-1B applicant will be performing the duties (i.e., a proposed schedule of the specific months, days, etc. that the employee will be performing the work at each site):

Are these alternate/additional locations owned by WSU? Yes No

4. Will the H-1B applicant be instructing educational courses found in WSU's Schedule of Courses?
Yes No

5. Will the H-1B applicant be working on any research projects or in a WSU lab or research/testing facility?
Yes No

If yes, please provide a detailed description of the duties, proposed or actual, and provide the project number assigned by the Office of Research (attach a separate sheet, if needed):

6. Are you requesting three (3) years for the H-1B work authorization? Yes No

If no, please indicate the time period for the work authorization:

Note: It is generally recommended to request work authorization of three (3) years, unless a shorter period of employment is expected. Each extension requires new fees, so it is usually more cost effective to file for three (3) years; however, if the employer requests three (3) years and the employer terminates the H-1B employment, the employer must offer the reasonable cost of transportation home.

7. Will the H-1B applicant have access to any technical data/technology, proprietary, or confidential information, whether owned by WSU and/or derived from a third party, including, but not limited to, corporate sponsors, that cannot be shared? Access includes, but is not limited to: verbal discussions, training, shared drives, websites including supplier networks, laboratories and equipment, and any written documentation such as test plans?

Yes No

8. What specialized knowledge, skills, or work experience does this proposed employee have that 1) warrants the cost, time, and resources to sponsor this individual for an H-1B visa, and 2) cannot be found in a pool of U.S. workers with similar educational backgrounds?

EXPORT COMPLIANCE ACKNOWLEDGEMENTS FOR FOREIGN NATIONAL APPLICANT'S SUPERVISOR

- A. **Without prior approval** from the Office of Export Controls & Compliance, the applicant may only have access to data, information, projects, and research that meets the definition of Fundamental Research (definition below). This means that the applicant cannot have access to any technical data, information, or technology considered proprietary or confidential information, whether owned by WSU and/or derived from a third party, including, but not limited to, corporate sponsors, that cannot be shared or freely published. Moreover, the applicant cannot have access to any work, information, or technology currently marked as export-controlled or under an active TCP. Access includes, but is not limited to: verbal discussions, training, shared drives, websites including supplier networks, laboratories and equipment, and any written documentation such as test plans.

The definition of "Fundamental Research" as provided 15 CFR § 734.8:
"...basic and applied research... where the resulting information is ordinarily published and shared broadly in the research community, as distinguished from proprietary research and from industrial development, design, production, and product utilization, the results of which ordinarily are restricted for proprietary or national security reasons."

- B. If you would like the applicant to have access to proprietary or confidential data, information, or technology (as described above), or any export-controlled information or data or information covered on a TCP, at any point in the future, this must first be approved by the Office of Export Controls & Compliance (exportcontrols@wichita.edu) prior to their having access. This approval may require a technology review of the information the applicant will have access to, as well as a signed personal acknowledgment form by the applicant, the supervisor, or both. If the applicant is currently working on export-controlled projects without approval from the Office of Export Controls & Compliance, it must be stopped immediately until a review and approval has been completed.
- C. As the applicant's supervisor, it is my responsibility to ensure compliance with (A) and (B). It is my responsibility to reach out to the Office of Export Controls & Compliance (exportcontrols@wichita.edu) if there are any questions or concerns on these terms and/or export controls and how it pertains to the applicant's involvement in research at WSU. It is my responsibility to seek approval through the Office of Export Controls & Compliance (exportcontrols@wichita.edu) prior to allowing the applicant any access (as described above) to proprietary or confidential data, information, or technology (as described above), or any export-controlled information or data or information covered on a TCP. Pursuant to the Arms Export Control Act (Title 22, U.S.C., Sec 2751, et seq.) and the Export Administration Act of 1979 (Title 50, U.S.C., App. 2401 et seq.), violations are subject to severe criminal penalties.

The above (A-C) are acknowledged, regarding applicant _____.

Supervisor of: _____ Date _____

Export Control & Compliance Officer, James Elliott Date _____

If you have any comments or questions about this form, please reach out to Jim Elliott, Export Control & Compliance Officer, at james.elliott@wichita.edu or (316) 978-6489

Part C: Departmental Agreement

By seeking to sponsor an employee on an H-1B visa, the sponsoring department understands and agrees to the following (**the Department Director or Chair must initial next to each number**):

Initials

_____ 9. I understand that the sponsoring department is responsible for paying all fees for H-1B processing. **The sponsoring department is strongly encouraged to budget for the required and optional/additional/dependent fees for each H-1B employee.** Fees are included below, and may be subject to change:

Required Fees

- USCIS Fee - \$460
- Fraud Prevention and Detection Fee (new H-1B petitions only)- \$500
- Attorney/Legal Fee - \$1,950 (\$1,750 for faculty with teaching duties)

Optional Fees

Premium Processing - \$2,805 Yes, I want Premium Processing. No, I do not want Premium Processing.

Note: General processing time for H-1B applications may take several months to complete. Premium processing ensures adjudication by USCIS within 15 calendar days. Fees associated with premium processing are the responsibility of the department, unless it is requested by the H-1B employee for reasons other than work authorization (ex. travel, driver's license issues, etc.).

Additional Possible Fees

- Legal fee to convert to Premium Processing - \$65
- Courier Fee (if employee resides outside of the U.S.) - \$175
- Legal fee to Process a Request for Evidence (RFE) - Up to \$1,000

Dependent Fees

Note: The sponsoring department is NOT required to pay for dependent fees but may do so if desired.

Yes, the sponsoring department will pay for the cost of any dependents

No, the sponsoring department will not pay for the cost of any dependents

- Filing Fee - \$470
- Attorney/Legal Fee - \$395
- Filing Fee for Dependents who Want to Work - \$520
Note: H-4 Employment Authorization is only available to the spouses of those H-1B employees with an approved I-140 (Immigrant Petition for Alien Workers).
- Attorney/Legal Fee for Dependents who want to Work - \$450

_____ 10. I understand that these fees are **not** refundable.

_____ 11. I understand that there is **no guarantee** that the H-1B petition will be approved by USCIS.

_____ 12. I understand that the H-1B petition may not be submitted to the USCIS more than six months before the employment start date.

_____ 13. I understand that the sponsoring department must pay the employee the prevailing wage or the actual wage (the wage paid to workers with similar education and experience performing similar duties), whichever is higher. This wage is determined by the Department of Labor as part of the Labor Certification.

_____ 14. I understand that WSU uses an outside counsel for all H-1B processing. Outside counsel will work directly with the sponsoring department and HR while the H-1B petition is being prepared for filing.

_____ 15. I understand that the H-1B employee must be paid continuously, without any periods in which the employee is not paid while employed.

Example: Bob works as a Research Engineer. The sponsoring department had an unexpected decrease in workload, and does not have work for him to do. To save money, the sponsoring department makes a business decision to furlough employees. However, Bob is on an H-1B visa so he must continue to be paid.

- _____ 16. I understand that if the sponsoring department needs to terminate an H-1B employee before the H-1B expiration date, the sponsoring department must notify HR **before** taking any employment action.
- _____ 17. I understand that if the H-1B employee is involuntarily separated and/or leaves employment before the expiration of the H-1B visa, the sponsoring department must pay the reasonable cost of return transportation.
- _____ 18. I understand that if the H-1B employee resigns or is terminated, the sponsoring department must **immediately** notify HR.
- _____ 19. I understand that if the sponsoring department would like to make substantial changes to this H-1B position (e.g. duties, location, salary, etc.) after employment begins, the sponsoring department must notify HR **before** making the change.
- _____ 20. I understand that I am required to complete the Export Control Certification form and that I must immediately notify the Office of Export Controls and Compliance in the event any of the information provided in this application changes.
- _____ 21. I understand that sponsoring an H-1B employee may have long-term budgetary consequences. [Click here for details.](#)

NEXT: Return this form and all supporting documentation to HR (employment@wichita.edu) to complete Part D.

Part D: To be Completed by Human Resources

Is there a Formal Salary Range for the position? Yes No

If yes, what is the salary range?

Is there more than one person with the same job title and duties? Yes No

If yes, please answer the following:

- A. What is the lowest annual base salary paid to an employee in the job?
What is the highest annual base salary paid to an employee in the job?
- B. The Department of Labor may review “actual wages” to verify that the H-1B worker is not paid LESS than the wage level paid to other individuals with similar experience and qualifications. To assure that the H-1B worker is making the required “actual wage,” please provide details below:

U.S. workers receive higher salaries because of the following:

- More Education
- More Experience
- More specialized qualifications or knowledge
- More complex job responsibilities

Other:

If required to do so, I am able to provide documentation that any higher paid US workers have different salaries based on education, experience, qualifications, job responsibilities and function, or specialized knowledge.

Yes No

C. Will the H-1B employee be offered the same benefits as the employer offers to US workers? Yes No

Comments:

Official Job Title of H-1B position: _____

HUMAN RESOURCES DATE _____

NEXT: Return this form and all supporting documentation to the sponsoring department for review and to obtain required signatures in Part E

Part E: Authorization Signatures

This form must be signed by all parties below and be submitted with all supporting documentation including the applicant's resume (or CV) and position description.

DEPARTMENT CHAIR or DIRECTOR DATE _____

NEXT: Send this form and all supporting documentation to the Dean or Vice President for signature.

DEAN OR VICE PRESIDENT DATE _____

NEXT: Send this form and all supporting documentation to the [Office of Export Controls and Compliance](#).

OFFICE OF EXPORT CONTROLS AND COMPLIANCE DATE _____

NEXT: Send this form and all supporting documentation to the Office of General Counsel

OFFICE OF GENERAL COUNSEL DATE _____

NEXT: Send this form and all supporting documentation to the Office of the Provost

OFFICE OF THE PROVOST DATE _____

Note: Office of the Provost must review and sign Appendix A (below)

NEXT: Once all approvals are complete, send this form and all supporting documentation to HR (employment@wichita.edu).

Appendix A

Dual Representation Consent

Bordeau Immigration Law, LLC represents both the employer and the foreign national employee, as is customary for immigration practitioners. For H-1B cases, the employer is the petitioner on the case and the foreign national is the beneficiary, and it is in the interest of both parties that the case be filed in accordance with applicable regulations so that the H-1B can be granted. While rare, conflicts of interest can arise. The most common example is where either the employer or the employee decides to terminate the employment relationship. If the employee quits or is terminated prior to the permanent residency approval, the employer must notify the USCIS that the H-1B beneficiary is no longer employed. In the event of a layoff or involuntary termination during the validity period of the H-1B, the employer must offer the H-1B beneficiary the reasonable transportation costs abroad if the H-1B beneficiary wishes to return home. Our office does not provide advice on the actual employment relationship to either the employee or the employer; rather we provide information to both parties on the immigration consequences resulting from a possible change in the employment relationship and the corresponding legal obligations. Other possible conflicts include problems with the prevailing wage obligation. The H-1B case requires the employer to pay the prevailing wage or the actual wage, (whichever is higher), for the occupation as determined by the Department of Labor. Our office submits the current wage offer to the Department of Labor, and requests use of whatever wage survey we have available or can obtain that is the closest match to the wage rate negotiated by the employer and the employee.

By signing this Dual Representation Consent, the employer expressly consents to joint representation on this H-1B and any future H-1B cases and agrees that Bordeaux Immigration Law, LLC will provide the employee with information about the immigration consequences that may result from possible changes in the employment relationship as part of the dual representation process. Similarly, Bordeaux Immigration Law, LLC will obtain consent from the employee to provide information to the employer about the immigration consequences that may result from possible changes in the employment relationship.

Applicant

Date

WSU Office of the Provost

Date