

## Division of International Affairs

### Steps for Completing the MSU H-1B Visa Process

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#### I. Information outlining the steps required to start the H-1B process

1. The Chairperson of the sponsoring department sends to the appropriate Dean, a formal request for the university to petition the Department of Homeland Security (DHS) on behalf of the prospective international faculty. The onus is on the Chairperson, by way of a memorandum, to satisfy the Dean (and by extension the Provost) that the individual has the requisite outstanding academic credentials, experience, and scholarly potential. This implies the Chairperson has followed the correct Office of Human Resources – MEMS process and has used the application for the recruitment and selection process of the international candidate.
2. The Chairperson should contact the Division of International Affairs (DIA) **before making the final offer** and requesting HR to give the signed **“Employment Letter” (Offer Letter/Appointment Letter) by the President**. This step is very crucial to make sure the DIA can alert the department Chairperson whether the candidate has the required immigration status and documentation to sign a contract with Morgan State University. Once the DIA official confirms the immigration status of the candidate, they will inform the department Chairperson and HR to prepare the official Offer Letter / Appointment Letter.
3. The respective Division of International Affairs (DIA) contact person handling the H-1B visa process must receive a written preliminary approval from the Provost, along with the **signed “Employment Letter” (Offer Letter/Appointment Letter) by the President**, and all required documentation and check(s) before the processing of the H-1B petition will commence. *The H-1B process will not commence until all documents below are received (see Appendix A for a list of required documents). Don't forget to cc [yacob.astatke@morgan.edu](mailto:yacob.astatke@morgan.edu) when you submit your request.*
4. Once all the documents are received including the “Appointment Letter” from the President indicating a proposed salary, **Labor Certification Application (LCA)** will be submitted to the Department of Labor (DOL). This is the first step in the H-1B application process. The LCA process and approval usually ***takes a minimum of 7-10 business days assuming that all***

**necessary documents have been submitted.** If the LCA is not approved, the H1B application cannot be filed on behalf of the candidate (or beneficiary).

NOTE: If the department Chairperson has followed the correct OHR MEMS process for the recruitment and selection of the candidates the documentation for the LCA should be available. DIA will not file any H1B applications if the department has not followed the proper OHR MEMS process to recruit the candidate.

5. While waiting for the “Certification” through LCA, a “Worksheet Form” will be sent to the “beneficiary” upon which receipt of the “Worksheet” information will be used to fill out Form I-129. Once LCA approval (“Certified”) is received, **ALL** supporting documents including a copy of the LCA approval will be sent by FedEx to USCIS with a Memo.
6. If Premium Processing is requested, the Form I-907 will be completed and submitted with the H-1B pack – (Form I-129, LCA approval, Form I-907 and all supporting documents). The **DIA requires at least 3- 5 business days to complete the H-1B petition on behalf of the beneficiary.**
7. The response from **USCIS can take between 30 to 90 days for regular processing and 15 business days for “premium/expedited processing.** The response can be classified into two categories:
  - Category A - Decision of approval → H1B visa is ready to be issued.
  - Category B - Request for Evidence (RFE) → USCIS requires additional information before they approve or reject the H1B visa request.

**II. Associated Fees when filing for H1B Petition**

The necessary filing fee(s) should be attached to the application. Some associated fees should be paid by the petitioner (Hiring Department/Morgan State University), others can be paid by the candidate. Go to the following website for current filing fees, and click on “Immigration Forms”:

<http://www.uscis.gov/portal/site/uscis> .

| H-1B Petition                                                             | Fee     | Payee                                                                                                                  |
|---------------------------------------------------------------------------|---------|------------------------------------------------------------------------------------------------------------------------|
| Form I-129<br>H-1B petition or application fee                            | \$460   | Payable by the Sponsoring Department                                                                                   |
| Fraud Fee                                                                 | \$500   | Payable by the Sponsoring Department                                                                                   |
| Form I-907 ( <i>optional</i> )<br>Expedited Services                      | \$2,805 | Payable by the Candidate<br>NOTE: Dean and Provost Approval are required if Sponsoring Department wants to pay for it. |
| NOTE: Make all checks payable to : <b>Department of Homeland Security</b> |         |                                                                                                                        |

**III. Optional Practical Training (OPT) and when to apply for an H-1B visa**

Important Note: Departments can hire any international student that has graduated and has been approved for Optional Practical Training (OPT) without the need to apply for an H1B visa. Recent graduates only

have to present a valid Employment Authorization Document (EAD) with a valid start and end date to the Office of Human Resources in order to be employed at Morgan. The **OPT EAD is always valid for up to one year**, with a potential **renewal for an additional 2 years for STEM majors only**. Additionally, if the Departments are interested in extending the offer to the international student on OPT, they can start the H1B process before the end of the OPT EAD date by first obtaining the approval of the dean and the provost. Once this approval has been received from the dean and the provost, the Department may then contact the Division of International Affairs to begin the H-1B process outlined above.

## **APPENDIX A- Required Documents for Filing H1B Visa Application**

The required documents below for H-1B processing can be sent by email through scan *OR* print and deliver all documents directly to DIA:

- i. Printed and signed H-1B worksheet.
- ii. Copy of appointment memo/letter signed by the President indicating proposed salary and faculty rank.
- iii. Two paragraphs regarding the proposed duties at MSU, and professional background (see sample paragraphs in Appendix B)
- iv. Curriculum vitae/resume (must be updated current document).
- v. Copies of doctoral and undergraduate degree.
- vi. Transcripts of degrees.
- o Please ensure that translations are provided, if necessary. In case translation of documents is required, the following attestation must be printed and signed on each individual translation:  
    “I certify that I am competent to translate from (transcript language) into English and that this is a true English translation of the attached document in the (transcript language).”  
    It is important to include the typed name and signature of the translator and date.

### **Required Additional Documents if the Beneficiary is already in the United States**

- i. Photocopy of all Form I-797(s),
- ii. Form I-20s (if beneficiary is doing an Optional Practical Training or OPT)
- iii. Form DS-2019s, (if beneficiary is going to transfer the H-1B visa to MSU)
- iv. Employment Authorization Documents (EAD card) indicating authorized, uninterrupted work or stay in the United States.
- v. Copies of last three (3) pay stubs if employed by a U.S. employer.
- vi. Copy of the last Form I-94 arrival/departure record issued at a U.S. Port of Entry. Can be downloaded [here](https://i94.cbp.dhs.gov/194/#/home) on the Form I-94 website for Travel Records for U.S. Visitors or visit <https://i94.cbp.dhs.gov/194/#/home> .
- vii. Copy of latest H-1B visa stamp (if applicable).
- viii. Copy of I-797 Approval Notice for all waivers of 212(e) if the beneficiary was in J-1 status.
- ix. Completed Form I-539 by the beneficiary for H-4 dependents and filing fee. The petitioner is not authorized to sign Form I-539 on a dependent’s behalf. The form can be downloaded or filed online at <https://www.uscis.gov/i539online> .
- x. Completed I-539 can be submitted with the H-1B application and all requested evidentiary documents.

## **APPENDIX B - Sample Paragraphs Describing Position and Professional Background**

Write two paragraphs using the below examples for reference. The first sentence in the paragraph entitled “Description of Proposed Duties” should contain the prime objective of your position (e.g. teach undergraduate and graduate classes in English and/or conduct research). Please try to make the paragraph describing your research or publishing projects understandable to a lay reader, as the information is intended for adjudicators who may not be experts in your field.

- **Professional Background and Summary of Prior Work Experience:**

Dr./Mr./Ms. (Last Name) received a B.S. degree from the Technical University of Civil Engineering in 1993, and a M.S. degree in Civil Engineering from the University of Iowa in 1996. He received a Ph.D. degree in Hydrometeorology and Water Resources from the same university in 1999. Since January of 2000, Dr./Mr./Ms. (Last Name) has been working as a Visiting Research Associate with the National Water Authority, Baltimore, Maryland.

- **Description of Proposed Duties:**

Dr./Mr./Ms. (Last Name) will conduct research in politics at the Physics Research Center, UMSU. Her/his research will focus on culling data from satellite observations to estimate precipitation. Specifically, he will analyze data from the Tropical Rainfall Measuring Mission (TRMM) project. The TRMM satellite features a unique combination of instruments consisting of a precipitation radar and a radiometer. Radiometers are inexpensive instruments with an established history deployed in space to globally monitor hydrologic resources. The space-borne precipitation radar is a cutting-edge technology with a short history and data record. From the practical point of view, it is desirable to derive methodologies to estimate precipitation from the more readily available radiometer data. Dr. X will be involved in the development of such a methodology.

Note: If you are a teaching faculty member, be sure to include your specific teaching responsibilities.