

# H-1B Visas

## H-1B Visa: Specialty Occupations

An H-1B is a temporary employment visa classification. In order to qualify, the person must have at least the equivalent of a bachelor's degree and the position must require at least the equivalent of a bachelor's degree. In addition, the employer must agree to pay the prevailing wage for the position or the actual wage, whichever is higher. Actual wage means that the person cannot be paid any less than anyone else in the Department with the same title, same/similar job duties, with the same education and experience.

There are several fees associated with H-1B sponsorship that are required to be paid by the sponsoring Department including the Filing fee of \$460.00 and the Fraud fee of \$500.00. Both must be paid by separate checks and made payable to the Department of Homeland Security. These fees are due prior to the submission of the petition packet to USCIS.

UAMS, as an Institution of Higher Education, is exempt from the H-1B cap.

If you are interested in sponsoring someone for an H-1B, please contact Immigration Services at 501-686-8132.

## Duration of H-1B Sponsorship:

A person may obtain H-1B status for a total of 6 years, given in 3 year maximum increments. If the person has a labor certification pending for 1 year, or an approved I-140, the person's H-1B status can be extended beyond the 6 year limit on an annual basis, until their permanent residency applications have been adjudicated.

## H-1B FEES

Please note, based on 20CFR655.731, the employer must pay for all filing fees incurred for H-1B sponsorship. Fees must be paid by separate checks payable to "Department of Homeland Security". See the [Immigration Check Request Form](#) for more information on required fees.

- **I-129 Filing Fee: \$460 – Applies to all H1B Petitions**
- **Fraud Prevention and Detection Fee: \$500** – Does not apply to petitions to extend or amend an alien's stay. This fee only applies to new H-1B petitions or individuals who are transferring their H-1B to UAMS from another employer.
- **Premium Processing Fee: \$2,500** – Optional.  
**Premium Processing Service:** Guarantees a 15-business day response from USCIS for certain employment-based petitions or application. The response may be an approval, a request for evidence (RFE) or a denial. If an RFE is given, once UAMS provides a response to the RFE, the 15-business day processing clock restarts.

# H-1B Eligibility

## Position Eligibility

Under USCIS regulations, a “specialty occupation” is:

“ . . . an occupation that requires theoretical and practical application of a body of specialized knowledge; and attainment of a bachelor’s or higher degree in the specific specialty (or its equivalent) as a minimum for entry into the occupation in the United States.”

**The position must meet one or more of the following criteria to qualify as a specialty occupation:**

- Bachelor’s or higher degree or its equivalent is normally the minimum entry requirement for the position;
- The degree requirement for the job is common to the industry or the job is so complex or unique that it can be performed only by an individual with a degree;
- The employer normally requires a degree or its equivalent for the position;
- The nature of the specific duties is so specialized and complex that the knowledge required to perform the duties is usually associated with the attainment of a bachelor’s or higher degree.

H-1B status is an employer-sponsored non-immigrant status for employment in occupations that require specialized knowledge. H-1B status is typically used for the following types of positions:

- Post-doctoral research associates
- Tenure-track faculty appointments
- Professional/Professional faculty appointments
- Visiting professors and lecturers

Note: Some UAMS departments may offer H-1B sponsorship for medical residents / post-doctoral fellows; contact your Resident Coordinator or Fellowship Coordinator for information about sponsorship policies.

## Beneficiary Eligibility

In order to qualify in the H-1B visa category, the beneficiary must have earned a bachelor’s degree or equivalent in a specific specialty (e.g., Biology, Computer Engineering, Mathematics etc.), and the position for which the beneficiary’s services are sought must require at least a bachelor’s degree in specialized fields.

Additionally, practicing clinicians who are International Medical Graduates must hold an ECFMG Certificate, a valid license to practice medicine, and Steps 1, 2 (CK & CS) and 3 of the USMLE.

**The beneficiary must meet one or more of the following criteria:**

- Have completed a U.S. bachelor's or higher degree required by the specific specialty occupation from an accredited college or university;
- Hold a foreign degree that is the equivalent to a U.S. bachelor's or higher degree in the specialty occupation;
- Hold an unrestricted state license, registration, or certification which authorizes you to fully practice the specialty occupation and be engaged in that specialty in the state of intended employment;
- Have education, training, or progressively responsible experience in the specialty that is equivalent to the completion of such a degree, and have recognition of expertise in the specialty through progressively responsible positions directly related to the specialty.

## **Dependents**

Spouses and children of H-1B workers will be classified as H-4 "dependents." Holders of H-4 status are not entitled to work in the United States.

# **H-1B Immigration Process**

Hiring officials must complete the steps below for all:

- Initial H-1B requests for new employees outside of the U.S.;
- H-1B amendments and extensions for current employees;
  - *All material changes, including but not limited to employee's position, duties, wages and/or title, should be discussed with Immigration Services prior to changes being made.*  
Amended petition. The petitioner shall file an amended or new petition, with fee, with the Service Center where the original petition was filed to reflect any material changes in the terms and conditions of employment or training or the alien's eligibility as specified in the original approved petition. In the case of an H-1B petition, this requirement includes a new labor condition application.
- H-1B requests for new employees transferring from another employer; or
- H-1B for new or existing employees currently in the U.S. under a different immigration status.

The UAMS Immigration Office works with the hiring department to secure H1B status for its employees. Due to fluctuations in processing times, unanticipated backlogs and USCIS requests for additional evidence, ***it is recommendable to start the process 6 months in advance of the start date (standard processing) or 2 months in advance of the start date (premium processing).*** H1B status can be granted in 3 year increments for a total of 6 years.

## STEP ONE: OPEN CASE

Immigration Tracker Portal: <https://uams.casemgmtsys.com/>

[Immigration Tracker Quick Reference Guide for HR/Departments](#)

To obtain access to the Immigration Tracker Portal, email [AskImmigration@uams.edu](mailto:AskImmigration@uams.edu). You will receive a “Welcome to Tracker IMS” email from [Support@trackercorp.com](mailto:Support@trackercorp.com) with your access link.

Once you have created your account, please do the following:

1. Hover over the “Add” button, and click “Process.”
2. Under the “New Service Request” section, choose **H-1B** from the Process dropdown list.
  - a. If you are creating an H-1B request for a NEW EMPLOYEE, leave the Individual selection as “- New -” and click the “UAMS Intake – Add New Process/Employee” link.
  - b. If you are creating an H-1B request for an EXISTING EMPLOYEE, select the employee’s name in the Individual dropdown list. If you do not see your existing employee’s name under Individual, notify the Immigration Services office.
3. Click the “UAMS Intake – Add New Process/Employee” link and complete the form. **Please make sure that a correct email address is entered when filling out the intake form.**

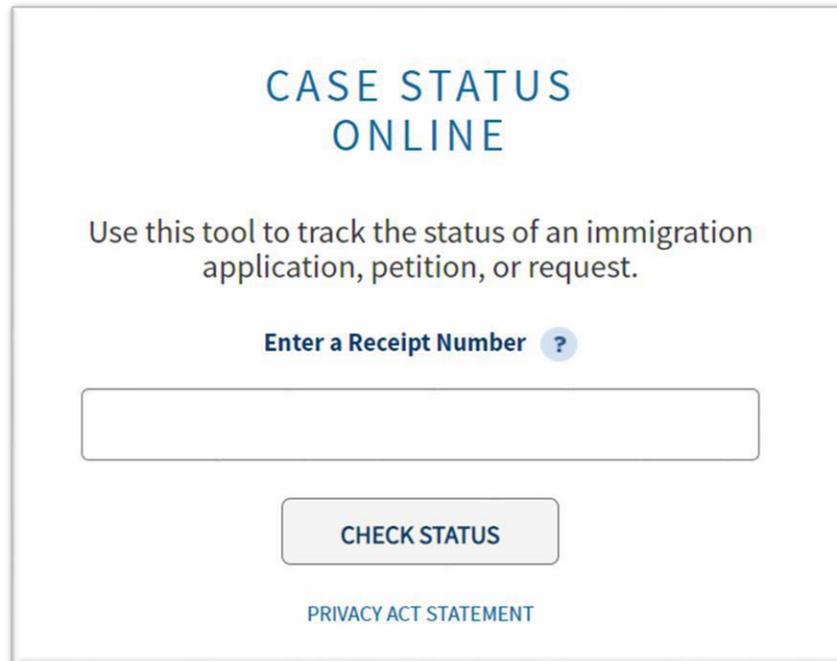
## STEP TWO: REQUEST CHECKS

1. Print and Complete the [Immigration Check Request Form](#) and submit this document with your check request(s). **We will email you to notify you of the checks that are required for your H-1B process.**
2. Request separate checks for each applicable fee, made payable to “*Department of Homeland Security*”, Vendor #32747: California Service Center.
3. Include the foreign national employee’s first and last name in the REFERENCE section of the SAP transaction.
4. The SAP Non-Purchase Order Payments transaction must be used. Instructions on the [SAP Non-PO Payment method here](#). If you have questions, contact Suzanne Leslie, UAMS Director of Procurement Services; Mail Slot 542; (501) 686-6134; (501) 686-8130 fax
5. Once you have requested the checks, please bring them to Immigration Services in HR at UAMS, Shorey Building – 8th floor, Room S8/20 B & C.

## Checking the status of the petition:

Hiring departments and beneficiaries may view the case status online at their convenience utilizing the receipt number provided.

Visit <https://egov.uscis.gov/casestatus/landing.do> for current processing times.



The image shows a screenshot of the USCIS Case Status Online landing page. At the top, the text "CASE STATUS ONLINE" is displayed in blue. Below this, a message reads: "Use this tool to track the status of an immigration application, petition, or request." Underneath the message is a prompt: "Enter a Receipt Number" followed by a question mark icon. Below the prompt is a large, empty rectangular input field. At the bottom of the form is a button labeled "CHECK STATUS". Below the button is a link for "PRIVACY ACT STATEMENT".

## H-1B Filing Fee FAQs

### H1B Fee Frequently Asked Questions:

1. **Can the beneficiary (employee/candidate) pay the fees associated with the H-1B sponsorship?** No. The department must pay all business expenses/filing fees associated with H-1B processing.
2. **What are the benefits of Premium Process Service?** Premium Processing Service provides faster processing for certain employment-based petitions and applications. Specifically, **USCIS guarantees 15 business day processing** to those petitioners or applicants who choose to use this service or USCIS will refund the Premium Processing Service fee. If the fee is refunded, the relating case will continue to receive expedited processing. USCIS will issue and serve on the petitioner or applicant an approval notice, a denial notice, a notice of intent to deny, a request for evidence or open an investigation for fraud or misrepresentation within the 15 business day period. If the petition or application requires the submission of additional evidence

or a response to a notice of intent to deny, a new 15 business day period will begin upon receipt by USCIS of a complete response to the request for evidence or notice of intent to deny.

3. **If premium processing is utilized, who is responsible for payment?** The department may pay for premium processing if/when it is related to employment or business needs. In other words, if an extension benefits the department or any operation or function of the program, the employer may pay. If premium processing is requested solely for personal reasons and not necessitated by any need or function associated with employment, the beneficiary is allowed to pay the \$2,500 premium processing fee.
4. **Is premium processing required for H1B extensions?** Not typically. If the extension is received by USCIS prior to the expiration date of the current H1B, the employee may continue the previously approved employment for 240 days while the petition is pending.
5. **Does the department need to submit any additional documentation to Immigration Services in order to request premium processing?** No. If employer elects to use premium processing, the check, made payable to "Department of Homeland Security", should be submitted along with the filing fees.