H-1B Sponsorship: Important Updates for Departments when initiating and extending H-1B visa sponsorship
Presentation Agenda

1. ISSO location, drop-in hours and staff updates
2. H-1B processing timeline and enhancements to streamline process
3. H-1B fees:
   - Gov’t fees, FedEx charges,
   - ISSO late fee for case submissions received within 60-days of case start date
4. Q&A
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We’ve Moved!

Armstrong Hall, 545 West 112th Street, 4th Floor  
In-person by appointment (strongly preferred)  
Document drop-off & pick-up M-F 10am-4pm  
Visit our “Contact Us” page for your ISSO advisor
H-1B vs. J-1: Differences to Consider

J-1 sponsorship has many advantages:

- allows changes in funding source
- allows payment for outside lectures/consultations
- allows J-2 spouse to apply for employment authorization
- involves faster sponsorship process with no filing fees
- maximizes employee’s time as non-immigrant
- may be beneficial regarding income tax
- does not require specific degree field for the job

H-1B may be required in certain cases:

“Dual Intent”

- Employee must be in H-1B status if pursuing Permanent Residency through CU or self-sponsorship
- Must be used for tenure-track positions

New option for changes in visa status to J-1:
Premium Processing Available for a change visa status to J-1
- $1,750 (30-days, Biometric step req’d)
- $370 I-539 fee, plus $220 SEVIS Fee
H-1B Current Fees (as of Sept. 2023)

**H-1B Government Fees**
- $460 I-129 petition fee
- $500 Fraud Prevention & Detection Fee  
  ○ only if a new CU H-1B petition
- $370 I-539 for H-4 change of status/extension  
  ○ only if there are H-4 dependents  
  ○ can be paid by scholar or department
- $2,500 Premium Processing fee for USCIS to take action on the case in 15 days

**ISSO Recommendations:**
- Refer to ISSO’s web instruction when ordering checks from A/P
- Order checks right away, as this step often delays the process
- Checks can be picked up any day, not restricted to certain days/hours
- Never send ISSO checks without the employee’s name as a reference in the same envelope
FedEx Charges

As of Nov. 1st, the hiring unit’s 9-digit FedEx account number in the SSP will be used to ship H-1B petitions and RFE responses to USCIS.

Upon approval, if the department requests ISSO to FedEx the H-1B approval (I-797), the department must also authorize the use of this FedEx account.
New H-1B Sponsorship Fees (as of Nov. 1st)

H-1B Late Fee: Effective Nov. 1st

ISSO will charge $500 H-1B “Late Fee” to the department via chart string unless all H-1B documentation (incl. checks) are received at least 60 days in advance of the requested H-1B start date.

This fee is almost entirely avoidable for new hires. Entirely avoidable for extensions and changes of visa status.

Late case initiations pose serious problems:

⇒ Delay in employment start date or an interruption in employment/salary/benefits
⇒ ISSO must “drop everything and triage”; other timely filed cases with ISSO become impacted
⇒ It leaves each step in the process with intense time pressure, which is unrealistic given the many H-1B steps in sponsorship
⇒ Employee’s international travel plans are impacted; ISSO has limited ability to accommodate existing or anticipated travel plans due to urgent need to file
H-1B Sponsorship: Fee Policy Comparisons

Important comparison regarding ISSO’s fee policy: (as of 9/2023)

- Stanford: $375 per H-1B petition
- UC Berkeley: $2,200 + $250 late fee
- UPenn: $1,670 + $750 late fee
- Rutgers: $2,000 initial + $750 extension + $300 late fee
- UT Austin: $2000 initial + $1500 extension
- Virginia Tech: $700 per H-1B petition
- Univ. Georgia: $948 per H-1B petition
- Univ. Minnesota: $1,900 initial + $1,500 extension
- SUNY Buffalo: $1750 per H-1B petition
H-1B Processing Timeline

Direct all immigration-related questions to ISSO – Use ISSO as your go-to resource

Don’t assume on your own – Don’t compare H-1B cases – Don’t rely on employee

Submit complete H-1B sponsorship/extension requests 3-6 months in advance

Many factors impact the timing of H-1B filing:

• J-1 waiver – 212e issues
• Employee’s international travel plans
• Incomplete documentation / checks
• Department of Labor step & related wage issues

For tenure-track faculty, initiate PR sponsorship as soon as offer has been accepted
H-1B Sponsorship: ISSO Processing

ISSO does the following once H-1B packet has been delivered:

- 360-Review of job duties, degree field, current visa status, travel plans
- Department of Labor (DOL) Certification
  - very often a two-week process step to comply with DOL wage requirements
- FedEx petition to USCIS
  - Premium Processing 15-day ‘clock’ for action on case begins upon entry into USCIS database
  - H-4 documentation is included as a courtesy, but USCIS considers it separate from H-1B petition
  - USCIS may respond with a Request for Evidence (RFE) which will delay overall processing
- USCIS sends I-797 Approval Notices to ISSO in hard copy by USPS mail; cannot predict receipt date
- I-797 Approval: Pickup at ISSO or sent FedEx (using dept’s account) as per department guidance
- I-797 PDF copy can be sent to department
Prevailing Wage and Actual Wage Calculation Forms Must:

Include all worksites including remote location, i.e., home address

Specify minimum degree/experience required:
- Not the preferred requirements
- Not employee’s highest degree or experience level
- Consistent with Faculty Handbook

The initial upload in the application in the Scholar Sponsorship Portal (SSP) starts the “ISSO 360 review”

Effective Nov. 1st: the Employee Data Sheet must be included in the initial upload.

This helps ISSO better strategize H-1B filing and advise by getting more details to us earlier in the process.

The “late fee” is connected to ISSO’s receipt of complete set of documents, not case initiation.

This fee cannot be charged to the employee nor can reimbursement be requested from the employee.
H-1B Sponsorship: Gather Documents

ISSO provides a Cover Sheet with an itemized list of required H-1B documents. These include:

- Diploma in the original language and a final transcript, if latter is available
  - Certified translation, if diploma not in English
  - Degree evaluation, if degree not earned in U.S.
- Passport, documentation of current visa status, including 3 pay statements if employed
- H-1B Sponsor Letter from department, which MUST state (as per our sample letter):
  - the degree level and degree field required for the position
  - the degree level and degree field of the H-1B employee
  - the particulars of this case
  - ISSO is available to review the support letter in draft prior to finalizing
H-1B Documents

USCIS sends I-797 Approval Notices to ISSO in hard copy by USPS mail.

ISSO sends the I-797 Approval to employee with PDF copy to department.
### Department Responsibilities

Notify ISSO in advance of substantial changes in employment during H-1B, including:

<table>
<thead>
<tr>
<th>A new or additional work location</th>
<th>Any leave (prior to approval)</th>
<th>Change in title</th>
</tr>
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<tbody>
<tr>
<td>Change in duties</td>
<td>Change in amount or source of funding (other than standard increases)</td>
<td>Resignation or termination</td>
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H-1B Sponsorship: Final Reminders

Send complete H-1B packet – Including checks – at least 60 days in advance
- Incremental, piecemeal documentation causes delays

H-1B status has a 6-year limit – very limited exceptions
- Reach out regarding PR sponsorship for tenure-track position once offer is accepted; do not wait until start date
- Reach out regarding PR for full-time research officers by 3rd year of H-1B
- O-1 is not a certain next step after H-1B. Explore options earlier rather than later.
Current Concerns

Effect of a Government Shutdown (specific, detailed guidance would be issued at that time)

- ISSO News on our website and ISSO advisers are your source for guidance
- In general:
  - USCIS is fee-based, no interruptions expected
  - Department of Labor: likely be impacted (H-1B, E-3, and certain PR cases)
  - Dept. of State: Visa issuance at embassies/consulates likely be impacted
  - Customs and Border Protection: entry to U.S. likely not impacted, but port-of-entry benefits (e.g., TN processing) may be impacted

Effect of a Strike (specific, detailed guidance would be issued at that time)

Note: Columbia may not submit a LCA for any unionized employee once a strike has been announced.

This is another reason to review your cases and submit H-1B applications early.