

## H-1B Visa Fact Sheet

The H-1B is used to employ professionals temporarily in a “specialty occupation” for a maximum period of up to six years. “Specialty occupation” is defined as an occupation that “requires the theoretical and practical application of a body of highly specialized knowledge to perform the occupation and requires the completion of a specific course of study culminating in a baccalaureate degree or higher in a specific occupational specialty.”

- Maximum amount of time allowable in H-1B status is six (6) years, offered in increments as long as three (3) years at a time.
  - Requires filing of a new petition to transfer visa to new employer or an amended petition when material changes are made to the original job for which employee was sponsored initially. This includes substantial changes in job duties, work location, significant salary reduction and/or change in work schedule from part-time to full-time (or vice versa).
  - Revocation of H-1B is necessary to limit payment obligations if employee leaves employment at ISU prior to his/her H-1B end date, whether it is voluntary or involuntary.
  - Employer must pay “reasonable return transportation” if H-1B worker is terminated involuntarily prior to his/her end date.
  - For corporate employers there is a quota limit on the number of H-1B visas granted within a year; universities are exempt from the quota.
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### H-1B Program Requires

- Employer sponsorship for a specific position,
  - Prevailing wage determination,
  - Attestation to Department of Labor (through proof of good faith recruitment),
  - Maintenance of a Public Access File,
  - And is subject to audit from the DOL
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### Cost/Fees (for Universities)

- Employer must pay anti-fraud fee of \$500.00.
  - H-1B application fee of \$460.00 (paid by employer, or faculty member)
  - Estimated costs are about \$2,050.00 which includes the anti-fraud fee.
  - Premium processing is available for \$1,225.00. Starting April 3, 2017, USCIS will temporarily suspend premium processing for all [H-1B petitions](#). This suspension may last up to 6 months.
  - Total estimated processing time is 2-5 months. With premium processing estimated time is 2 to 5 weeks.
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### Agency Involvement

- DOL—governs wage, recruiting and compliance.
- National Prevailing Workforce Commission (NPWC)—determines prevailing wage for the area of employment.
- USCIS—adjudicates temporary employment based petitions, collects data and issues immigration benefits.
- US Embassies—issues entry and travel visas.
- US Customs and Border Protection (CBP)—determine status legibility at the US port of entry.