International Scholar Services Procedures
H-1B Temporary Non-immigrant Workers in Specialty Occupations
Revised 2009

The H-1B classification is appropriate for professional employment positions that require a minimum of a bachelor's degree or higher in a specific field. At UCD, these positions include, but are not limited to:

- Postdoctoral Fellows (in some cases)*
- Assistant, Associate, or Full Professors, research or regular series
- Visiting Assistant, Associate, and Full Professors
- Lecturers/Instructors
- Professional Research Assistants; Research Associates
- Other Professional Exempt Staff where a specific degree is minimum requirement
- Clinical residents and fellows, only if GME grants waiver of ECFMG J

*H1B status is not appropriate for Pre-doctoral Trainees (PeopleSoft Code 3204) or Student Stipend (Code 3205), since they are not treated by the University as employees and H-1B workers must be employed by the University. It is usually not appropriate to use H-1B status for Postdoctoral Fellows; J-1 visas are usually more appropriate.

Steps to obtaining H-1B status:

1) If necessary, Department consults with ISS staff to determine if H1B status is the best option for both the department and the employee.
2) Department prepares Departmental Request Memo, Actual Wage Form, H1B Questionnaire, Payment Voucher, and FedEx air bill.
3) Scholar updates resume or C.V. and gathers all necessary immigration documents and credentials and gives to department contact who then forwards completed package to ISSS.
4) ISSS requests a prevailing wage determination from the Colorado Department of Labor and Employment or from another source in compliance with the regulations.
5) ISSS files a Labor Condition Application (LCA) with the Department of Labor and prepares the government-mandated Public Access File.
6) ISSS sends two copies of LCA to Department to post for 10 days, to comply with the H1B regulations.
7) ISSS files a petition (Form I-129 and supporting documents, including the certified LCA) with the USCIS to classify the scholar as an H-1B Nonimmigrant Worker.
8) If abroad, scholar applies for an H-1B visa at a U.S. Consulate.**

** Note: Canadians do not need a visa to enter the U.S. in H-1B status.