BASIC H-1B PROCEDURES
H-1B Temporary Non-immigrant Workers in Specialty Occupations

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 the University of Colorado Denver | Anschutz Medical Campus, these positions include, but are not limited to:

- 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, but only if GME grants waiver of ECFMG J
- Postdoctoral Fellows (in some cases)

H-1B status is not appropriate for pre-doctoral Trainees (PeopleSoft Code 3204), student stipend (Code 3205), since the University does not treat individuals who hold these positions as employees. Likewise, the University generally requires that Research Assistants hold J-1 status instead of H-1B status.

Request Process

In order for a department to request, an H-1B there is a 3-step process so ISSS can best serve the departments during this process.

For more information on the exact information needed, see our checklists on our website.

Step 1: Initial Request for H-1B Petition

During the first step, ISSS determines if the position and in some cases the beneficiary (potential employee) are eligible for an H-1B or if another VISA type is more appropriate. Approval, Denial or more information may be requested during this step and the request is assigned a case number and a specific specialist to process the case.

Step 2: Department Request for H-1B Scholar:

This step is the main form the department must complete this form to provide ALL details regarding the position and other information that is required to complete the petition for the H-1B. This step can only be completed once Step 1 has been approved, and the department is instructed to move forward.

Step 3: Beneficiary Information Form:

Department may complete this form OR the beneficiary of the H-1B will provide personal and immigration information that allows our office to fully understand how we must file the petition. This step can
only be completed once Step 2 has been approved, and the department is instructed to move forward.

**Processing of H-1B Petition**

After an official request has been made through our 3-step process listed above, ISSS will begin the process of processing the H-1B request. See below the basic steps in this process. These steps will usually only commence once a complete request has been received.

1) ISSS calculates a prevailing wage determination from U.S. Department of Labor data, in compliance with the regulations.
2) ISSS prepares a draft Labor Condition Application (LCA) with the U.S. Department of Labor and prepares the government-mandated Public Access File.
3) ISSS emails a copy of the LCA with request that Department post 2 copies for 10 days in all locations where the Scholar will work.
4) **Department must send an e-mail to ISSS verifying that the two copies of the LCA have been posted before ISSS can file the LCA.***
5) Once LCA is certified and all other documents and information are complete, 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.

**After Filing of H-1B Petition**

Once a petition has been filed, three options will arise from USCIS.

**Approval:**

Upon Approval, ISSS will receive the physical approval notice for the H-1B, which will allow a beneficiary to continue to be employed, or gain the proper status to start employment as an H-1B. This is our ultimate goal and plan with ALL H-1B petitions.

**Request for Evidence:**

In more increasing instances, USCIS will issue a Request for Evidence (RFE) where they ask for additional evidence, or for the university to defend our determination if this position meets the standards of an H-1B. If this occurs, we will communicate with the department regarding documents or evidence that we may need for the response to USCIS.

**Denial:**

In rare instances, we are issued a denial for a petition. If this occurs, we will communicate directly with the department regarding steps and options for the beneficiary and what we can do to move forward.
**Obtaining H-1B status:**

Once the petition is approved, if the scholar is abroad, scholar applies for an H-1B visa at a U.S. Consulate, except Canadians who do not need a visa to enter the U.S. in H-1B status. If the scholar is in the U.S. when H-1B status is granted, he or she may need to apply for a new visa next time the scholar travels outside the U.S.

ISSS will assist and advise the Beneficiary on what steps they may need to do in order to obtain H-1B status in the U.S.