

Updated: 04/06/2020

## **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 specific process so ISSS can best serve the departments during this process.

Effective January 2020, ALL H-1B petitions will go to outside legal counsel and the department will be responsible to pay all subsequent USCIS fees and legal fees.

### **Initial Request for H-1B Petition**

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.

In order to complete this form you will need the following information:

- Department of Hire
- Position Title of Requested Position
- Position Job Code
- Copy of Job Description (in .doc, .docx format only)
  - Utilize Template: [H-1B Job Description Template](#)
- Expected/Planned Start Date
  - Explanation for expected start date.
- Supervisor Information

#### **International Student and Scholar Services**

international.ucdenver.edu/ISSS

Email: [iss@ucdenver.edu](mailto:iss@ucdenver.edu)

Phone: 303.315.2230 | Fax: 303.315.2246

#### **Physical Street Address**

University of Colorado Denver  
1380 Lawrence Street, Suite 932  
Denver, Colorado 80204 U.S.A.

#### **USPS Mailing Address**

P.O. Box 173364  
Denver, Colorado 80217-3364 U.S.A.

#### **Campus Mail Address**

Campus Box A005/185



- Email and Title
- Information regarding the position and will it or won't 'supervise'
  - (Supervision in the H-1B context is defined as firing/hiring ability over staff, not student staff)
  - IF Supervising, titles and position the person will supervise
- Speedtype to charge for USCIS Fees and Legal Counsel Fees

IF a Beneficiary for the position has already been chosen the following information is also needed for the initial request:

- Name of Beneficiary
- Current E-mail of Beneficiary
- Employee ID (if currently an employee)
- Copy of Passport of Beneficiary
- Information regarding their current VISA status (if applicable, and in the U.S.)
  - Current VISA type, and expiration
- Does the H-1B have or does not have dependents that will require an H-4 dependent VISA?
  - Basic information, how many, and what type (child or spouse, etc.)
- How long you will be requesting H-1B status for (up to 3 years)
- Copy of Current CV/Resume of Beneficiary
- Information regarding previous J-1/J-2 time in the U.S.
- Letter of Offer (not the same as Job Description or
- Actual Wage Form
  - Use Template: [Actual Wage Form Template](#)
- Completion of Export Control
  - Review Information on our website for how to complete Export Control

### **Processing of H-1B Petition**

After an official request has been made listed above, and ISSS has approved the request, ISSS will refer the case to outside legal counsel.

The legal counsel will work with ISSS and the hiring unit to complete the petition and file to USCIS.

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### **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

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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.

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