



OFFICE OF GENERAL COUNSEL

Buchtel Hall 65

Akron, OH 44325-4706

Request for H-1B Status for International Professionals and Faculty

As summarized by U.S. Citizenship and Immigration Services¹:

The H-1B nonimmigrant classification is a vehicle through which a qualified alien may seek admission to the United States on a temporary basis to work in his or her field of expertise. An H-1B petition can be filed for an alien to perform services in a specialty occupation, services relating to a Department of Defense (DoD) cooperative research and development project or coproduction project, or services of distinguished merit and ability in the field of fashion modeling. Prior to employing an H-1B temporary worker, the U.S. employer must first file a Labor Condition Application (LCA) with the Department of Labor (DOL) and then file an H-1B petition with USCIS. The LCA specifies the job, salary, length, and geographic location of employment. The employer must agree to pay the alien the greater of the actual or the prevailing wage for the position.

To qualify as a specialty occupation, the position must meet one of the following requirements: (1) a bachelor's or higher degree or its equivalent is normally the minimum entry requirement for the position; (2) the degree requirement is common to the industry in parallel positions among similar organizations or, in the alternative, the position is so complex or unique that it can be performed only by an individual with a degree; (3) the employer normally requires a degree or its equivalent for the position; or (4) the nature of the specific duties is so specialized and complex that the knowledge required to perform the duties is usually associated with attainment of a bachelor's or higher degree. See 8 CFR 214.2(h)(4)(iii)(A).

In order to perform services in a specialty occupation, an alien must meet one of the following criteria: (1) hold a U.S. bachelor's or higher degree as required by the specialty occupation from an accredited college or university; (2) possess a foreign degree determined to be equivalent to a U.S. bachelor's or higher degree as required by the specialty occupation from an accredited college or university; (3) have any required license or other official permission to practice the occupation (for example, architect, surveyor, physical therapist) in the state in which employment is sought; or (4) have education, specialized training, or progressively responsible experience (or a combination thereof) that is equivalent to completion of a U.S. bachelor's degree or higher in the specialty occupation, and have recognition of expertise through progressively responsible positions directly related to the specialty occupation. See 8 CFR 214.2(h)(4)(iii)(C). Specialty occupations may include, but are not limited to, computer systems analysts and programmers, physicians, professors, engineers, and accountants. See 8 CFR 214.2(h)(4)(ii).

Before moving forward, please be certain the position and employee meet these requirements.

¹ USCIS. [Characteristics of H-1B Specialty Occupation Workers](http://www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/H-1B/h1b-fy-11-characteristics.pdf). March 12, 2012. Retrieved at: <http://www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/H-1B/h1b-fy-11-characteristics.pdf>

THE H-1B PROCESS

H-1B status is limited to six years, but may be renewed on an annual basis if the international worker has certain eligible petitions pending for over 365 days (i.e. Section 106a Exceptions, AC21 104 Extensions, etc.). This packet should be completed for all new employees, as well as for employee requiring extensions of current status.

Dependents

Dependents of H-1B professionals (spouses, children) are eligible for H-4 status, but the individual bears the full cost and fees for this petition and is responsible for its preparation as the University is not responsible for its filing. The University may agree to file the H-4 petition(s) with the H-1B petition filed on behalf of the employee, or the dependent may file separately.

Payment of fees

The petition, Form I-129, is filed and sponsored by the petitioner (the University), not the individual.

Consular Processing

For applicants/new hires that are outside the United States, the petitioning process is a slightly different. The person must first receive approval of the H-1B petition before setting an appointment up with the local U.S. Consulate to obtain the visa “stamp.” This process can further delay the employee’s entry into the country without warning, so please make sure you provide notice to the Office of General Counsel (sometimes referred to as “OGC”) if this is the case. In cases involving consular processing, a second copy of the complete application (and all accompanying materials) will be included in the petition sent to USCIS. The second copy will then be forwarded to the foreign consulate by USCIS when the application is approved.

The Office of General Counsel

At The University of Akron, the Office of General Counsel oversees the filing of all immigrant and non-immigrant petitions on behalf of faculty and staff. The Talent Development & Human Resources department, works closely with the Office of General Counsel and is responsible for collecting the information required in this packet from the hiring department and the foreign national.

THIS PACKET

Once an international professional or faculty member has been selected for the position, Human Resources and the Office of General Counsel should be notified as soon as possible. Please DO NOT wait for the applicant or another department to call Human Resources and the Office of General Counsel. The primary responsibility of the notification shall remain with the hiring department.

The ideal application timeline is a *minimum* of six (6) months before the employee’s start date. *Procedures are available to expedite the application process, and provide for a 14-day review of the application (not necessarily approval, but “review”) at a cost of \$1,225 extra to the requesting/hiring department. For this reasons it is very important to notify Human Resources and the Office of General Counsel as soon as possible, so as to potentially avoid this “premium processing” fee.*

After notifying Human Resources and the Office of General Counsel of the new hire, the designated department representative may contact Human Resources (ext. 7256) or Mark G. Stasitis (ext. 2352), Assistant General Counsel, to discuss the application requirements (actual wage v. prevailing wage, department postings, the Labor Condition Application, etc.). The University cannot move forward without first obtaining information directly from the department and by receiving this completed form. Also, remember to inform Human Resources and the Office of General Counsel if the employee is currently within the United States as this process may require extra documentation.

Please follow the procedures outlined in this document.

ALL SECTIONS MUST BE COMPLETED.

WHEN COMPLETED IN ITS ENTIRETY, PLEASE RETURN PACKET TO:

**HUMAN
RESOURCES
185 E. MILL ST.
AKRON, OH 44325 -4730**

**Alternatively, the
packet may be email
to: eis@uakron.edu**

Once all the documentation is completed and signed, Human Resources will forward the materials to the OGC for preparation of the petition. The OGC will forward the petition to the appropriate USCIS processing center. USCIS processing times vary and it can take as much as 6 to 8 months to review a petition for action. When the "Notice of Approval" is received, Form I-797A, the individual will be notified. When all materials are received, the employee may use such approval to provide evidence of work authorization to Human Resources (for completion of the Form I-9). In some instances, the USCIS approval may be mailed directly to a U.S. Consulate abroad if the individual is not yet in the United States.

BECAUSE OF THE SENSITIVE NATURE OF THE DATA ENCLOSED IN THIS PACKET, IT MUST BE SUBMITTED ONLY THROUGH A UAKRON.EDU EMAIL USING A UNIVERSITY OF AKRON COMPUTER EQUIPPED WITH THE MOST RECENT SECURITY PROTOCOLS AS DETERMINED BY COMPUTER INFORMATION SERVICES. FOR GREATER SECURITY, THE PACKET SHOULD BE HAND DELIVERED TO HUMAN RESOURCES OR SENT VIA CAMPUS MAIL

IT IS CRUCIAL THAT ALL OF THIS INFORMATION IS COMPILED IN A TIMELY MANNER

IT IS ILLEGAL TO EMPLOY AN INTERNATIONAL PROFESSIONAL OR FACULTY MEMBER WITHOUT PROPER WORK AUTHORIZATION AND VISA APPROVAL

H-1B Non-Immigrant Worker

A Checklist for the Sponsoring UA Department to Complete

Documents required for all initial and extension requests – in all immigration classifications

- Form A:** completed and signed by department
- Offer Letter:** signed by the Dean/Chair/Director of the college

- Form B:** completed and signed by the prospective foreign national employee/scholar
- Supporting Documentation from prospective foreign national employee/scholar**
(see also “A Checklist for the Prospective Foreign National Employee/Scholar”)
- H-1B Supplement Form**

- UA Export Control Attestation (separate document)**

Filing Fees (For Employee Immigration Services use only):

- \$460 Check:** I-129 filing fee made payable to “US Department of Homeland Security”
- \$500 Check:** Anti-fraud fee made payable to “US Department of Homeland Security” (for initial applications only)
- \$1225 Check:** Fee made payable by foreign national or Department/College to “US Department of Homeland Security” if needed Premium Processing expedited service

UA Department Form A

Request for Visa-Related Documents for an International Employee
To be Completed by Department (Refer to checklist for additional documents required)

| | | | |
|---------------------------|-----------------|---------------------------|------------|
| Human Resources | 185 E. Mill St. | Akron, Ohio | 44325-4730 |
| Telephone: (330) 972-7256 | eis@uakron.edu | Facsimile: (330) 972-2323 | |

A. Department Information

| | | | |
|---|-----------------|----------------------------|-------------------------|
| College: | | Campus: | |
| Department: | | Date: | |
| Department Address: <small>(include building, room number, and street address)</small> | | | |
| Supervisor Name: | | Department Contact Name: | |
| Supervisor Title: | | Department Contact Title: | |
| Supervisor Phone: | Supervisor Fax: | Department Contact Phone: | Department Contact Fax: |
| Supervisor E-mail: | | Department Contact E-mail: | |

B. Requested Visa Classification (please select one)

| | |
|--------------------------------------|--|
| <input type="checkbox"/> H-1B | <input type="checkbox"/> H-1B EXTENSION |
|--------------------------------------|--|

C. Scholar/Employee Name (as it appears on the passport) and other information

| | | |
|---|--|-------------------------|
| Family Name / Surname: | First/Given Name: | Middle Name(s), if any: |
| Date of Birth (mm/dd/yy): | Gender: <input type="checkbox"/> Female <input type="checkbox"/> Male | UA ID #, if applicable: |
| Is the foreign national/scholar currently in the U.S.? <input type="checkbox"/> No <input type="checkbox"/> Yes. In what immigration (visa) status? <input type="checkbox"/> J-1 <input type="checkbox"/> H-1B <input type="checkbox"/> F-1 <input type="checkbox"/> Other _____ | | SSN #, if applicable: |

D. Appointment Information

| | | |
|---|--|--|
| Job Title: | Proposed Appointment Start Date: | Proposed Appointment End Date: |
| Field of Specialization: | | |
| All addresses where this scholar will work (if employed) or engage in activity (if not employed). If more than one location, use separated sheet. Include complete address (street, city, state, zip) | | |
| Very brief, non-technical, description of research / teaching / work: | | |
| What type of work will the job involve? <input type="checkbox"/> Teaching <input type="checkbox"/> Research <input type="checkbox"/> Staff <input type="checkbox"/> Other | Is the position a continuing appointment? <input type="checkbox"/> No <input type="checkbox"/> Yes If no, dates: | |
| Total annual salary and/or other funding: | Appointment: <input type="checkbox"/> Full-time (40hrs/wk) <input type="checkbox"/> Part-time: _____ hrs/wk | If part-time, percent of full-time: _____ % If part-time, rate per hour: \$ _____ per hr |
| The salary will be paid by: <input type="checkbox"/> UA <input type="checkbox"/> Other – Please explain: | | |
| Tenure status: <input type="checkbox"/> Non-tenured <input type="checkbox"/> Tenure Track <input type="checkbox"/> Neither | Is this position in AAUP? <input type="checkbox"/> Yes <input type="checkbox"/> No | Will this foreign national/scholar receive benefits? <input type="checkbox"/> Yes <input type="checkbox"/> No |

E. Handling Instructions For Approval Notice

| | |
|---|---|
| <input type="checkbox"/> E-mail department contact | <input type="checkbox"/> Express mail to foreign national/scholar |
| Note: Foreign Nationals/Scholars who are also employees will be required to pick up their document(s) at Human Resources for completion (or update) of the I-9 | |

Please Continue to Next Page (Signatures Required)

Name of Foreign National/Scholar/Employee: _____

F. Source of Financial Support Must be Completed for Duration of Appointment

| | |
|---|---------------|
| UA salary: | U.S.\$ |
| U.S. Government Agency (NSF, NASA, USAID, Etc.): | U.S.\$ |
| International Organization(s): | U.S.\$ |
| The exchange visitor's government: | U.S.\$ |
| All other organizations providing support (please specify): | U.S.\$ |
| Personal Funds: | U.S.\$ |
| Total Funding: | U.S.\$ |

I CERTIFY THE FOLLOWING

1. I have read all of the information on this form as well as on the corresponding Supplement form (Supplement, H or TN) and it is, to the best of my knowledge, true and accurate.
2. All nonimmigrant petitions (i.e. H-1B, TN) are approved by the appropriate Department and filed by the OGC and all immigrant petitions (i.e., permanent residency, also known as "green card") require approval of the appropriate College Dean and/or Provost.
3. If the terms of this foreign national/scholar's employment (or activity, if not employed) change in any way, or if the foreign national/scholar ceases to be employed before the expiration of the approved documentation, I will immediately notify EIS in writing.
4. Timing of requests: I understand that this department must submit requests for initial appointments, extensions, and changes in the foreign national/scholar's employment activity within six (6) months before the current start date (for initial appointments) or within six (6) months before the authorized period of H-1B employment ends (for extensions), or in accordance with the current USCIS processing timelines. We understand that failure to comply with the timeline specific to this foreign national/scholar's immigration status (or visa type) could result in one of the following (NOTE: this is particularly important for time-sensitive petitions such as TN and H-1B):
 - a. A significant delay in beginning of employment / activity.
 - b. A period of time in which the foreign national/scholar must stop working / activity without any possibility of compensation (retroactive payments are not permitted).
 - c. Require the foreign national/scholar (and her / his dependents) to travel to his/her home country.
5. I understand that the visa category petitioned for is determined by the OGC in accordance with University of Akron's rules/policy as well as government regulations and is case specific.
6. I understand that other provisions and restrictions may apply before employing / hosting the foreign national/scholar based upon the prospective employee's individual circumstances and visa history. For example: individuals who are currently or have been recently in the U.S. in "J" nonimmigrant status may be subject to a two-year home country physical presence ("residence") requirement which may prevent a current change of status.
7. I have read, reviewed, and signed the Export Control Attestation Clause (separate document).
8. For part-time petitions, the Department must, if one does not already exist, develop a system to track and maintain a record of all hours worked, regardless of whether the employee is paid a fixed salary or such tracking is not done for U.S. workers. The employee must be paid at least the amount stated on the I-129 and LCA.
9. I understand that noncompliance with federal and state regulations to which we are attesting through this and other documentation we have and will submit can result in significant fines and penalties and/or civil or criminal prosecution and will jeopardize UA's ability to sponsor foreign nationals/scholars in the future.
10. Change in date of arrival: if the scholar will not arrive by the appointed start date, I understand that I am required to report this to EIS immediately as it may require additional immigration processing.
11. If the foreign national/scholar will obtain H-1B status, this department attests to the following:
 - a. Employment of this individual will not adversely affect the working conditions of workers similarly employed. Further, this employee will be afforded working conditions on the same basis, and in accordance with the same criteria, as offered to similarly-situated employed U.S. workers.
 - b. The department will comply with the terms of the LCA and will pay at least the higher of either the actual wage to be paid by the department to all other individuals with similar experience and qualifications for the specific employment in question or, the prevailing wage as determined by the Department of Labor for those in similar occupations in the region, through the entire authorized period of H-1B employment.
 - c. For the duration of the authorized H-1B period, the Department will continue to pay the required wage as listed on the LCA, even during unproductive time that is due to the decision of the Department (i.e. lack of assigned work, training periods, etc.)
 - d. If the H-1B employee is terminated by The University of Akron prior to the expiration date of the approved petition, the department will accept liability and pay the reasonable travel expenses necessary for the employee to return to his/her home country (usually the cost of a plane ticket).
 - e. The Department will not seek reimbursement from the employee for any cost related to obtaining the H-1B visa without approval of the OGC.
 - f. The Department agrees to offer the employee benefits and eligibility for benefits on the same bases as U.S. workers.
 - g. There is no strike or work stoppage in the Department (or at UA) at the time of signing this form.
 - h. The H-1B employee will not be placed on unpaid leave or any type of non-pay status at any time without prior notice to the OGC.
12. We understand that we may not make the following changes unless the OGC files a new or amended petition and receives approval (retroactive payments are not permitted) pursuant to U.S. law and related procedures:
 - a. Promotion or other change in job title or rank.
 - b. Substantial changes in job duties / responsibilities.
 - c. A change in full-time to part-time or part-time to full-time status.
 - d. Any decrease in salary / benefits.
 - e. A substantial increase in salary / benefits.
 - f. Paid or unpaid leaves of absence.
 - g. A change in location of work.

I AGREE TO SPONSOR THE FOREIGN NATIONAL EMPLOYEE FOR H-1B NON-IMMIGRANT STATUS FOR THE PERIOD OF TIME INDICATED ON THE USCIS FORM I-797 NOTICE OF ACTION AND TO COMPLY WITH THE GUIDELINES AND REGULATIONS LISTED ABOVE.

Certification

| | | |
|-----------------------------|------------|------|
| Department Chair/Supervisor | | |
| Signature | Print Name | Date |

UA Department H-1B Supplement

Request for H-1B petition to be filed on behalf of prospective employee
To be Completed by Department and submitted with Form A

A. UA Department Information

| | |
|------------------|--------------------------|
| Department: | Department Contact Name: |
| Supervisor Name: | Title: |

B. Scholar/Employee Name

| | | |
|------------------------|---------------------|--------------------------------|
| Family Name / Surname: | First / Given Name: | Middle Name(s), if applicable: |
|------------------------|---------------------|--------------------------------|

C. Additional Appointment Information

| | |
|-----------------------------------|--|
| Title of this scholar's position: | Number of full-time employees (not students) this scholar will supervise: |
|-----------------------------------|--|

Describe fully the job duties to be performed. Include amount and type of supervision required. This information will be used to obtain the prevailing wage from the US Department of Labor and in completing the I-129 Form:

What are the **minimum** requirements for this position? List **only** the minimum qualifications needed to perform in this position; do **NOT** simply list the applicant's qualifications. The more experience and education required, the higher the prevailing wage determination will be. Please refer to your Department Contact or HR Classification Services for guidance when completing the information requested below.

Education:

Total years of post-secondary education required: _____ Highest degree required (or equivalent): _____

Major field of study (or closely related field): _____

Training (Does the position require specialized training in addition to the above education?):

Number of years of training required (or number of months): _____

Briefly describe the training required:

Experience: (does this position require experience in the job offered or in a related occupation?)

Experience required in the job offered: _____ Years _____ Months

Experience required in the related occupation: * _____ Years _____ Months

*Specify occupation: _____

Other special requirements of the position:

| | | | |
|--|--|--|--|
| | | | |
| | | | |

UA Department H-1B Supplement

Actual Wage Determination Attestation

College: _____ Campus: _____

Department: _____

Family Name / Surname: _____ First/ Given Name: _____ Middle Name(s), if any: _____

Personnel Title: _____ Appointment Start Date: _____ Appointment End Date: _____

Salary offered to applicant: \$ _____ Salary range of employees with same title in accordance with chart below: There are no other employees in this department/section holding the same title. Therefore, no employees are listed below and the salary offered constitutes the "actual wage"

\$ _____ to \$ _____

Instructions: The information requested here is required by the Department of Labor for the Public Access File that will be kept in relation to this application. In the chart below, list **all** employees – including US citizens – within the Department with the same title as the applicant and complete all pertinent information. In the block below the chart, explain any variations in salaries (e.g., "Employee #3 has 6 years of experience at UA" or "Employee #8 has been granted two patents") This chart determines the "actual wage" (see definitions on page 2) paid in your department to those with the same title. If additional space is needed, please continue on a separate sheet.

| | Position Title | Salary at Time of Hire | Current Salary | Hire Date | Highest Degree | Year Received |
|----|----------------|------------------------|----------------|-----------|----------------|---------------|
| 1. | | | | | | |
| 2. | | | | | | |
| 3. | | | | | | |
| 4. | | | | | | |
| 5. | | | | | | |

Please explain any substantial or unclear variations in the salaries listed above. For Example, "Employee #2 has 6 years of experience at UOA" or "Employee #4 has been granted two patents."

FOR OGC USE ONLY

Reviewed by: _____
 Date: _____
 Higher wage is: _____

Actual Prevailing

- Degree(s) earned
- Previous work experience
- Academic honors
- Area of specialization
- Supervisory responsibilities
- Comparable rate of pay at similar institutions
- Premium to hire away from another institution
- Particular skills this individual possesses
- Demonstrated decision-making ability
- Other:

NOTE: Individual salaries are determined by taking into consideration various factors, specifically:
 * educational background, including the level of education obtained, notable educational accomplishments, and/or reputation of degree granting institution;
 * job responsibilities and functions, and the degree of supervision, if any, to be exercised;
 * length and depth of relevant experience;
 * possession of specialized knowledge, skills or training;
 * professional recognition in the particular discipline;
 * other indicators of performance and ability, including references, evaluations, publications, awards, prizes or other acknowledgements;
 * other legitimate business factors are also considered including, but not limited to, the availability of similarly qualified individuals within the labor market.
 The use of the foregoing in determining the "actual wage" in this case conforms to recognized principles of salary determination in the field of higher education and research. Salaries of employees are adjusted on an annual basis, based upon budget reviews and costs of living assessments. If required to do so, HRIS/HR Classification Services will provide documentation, including the names and payroll records of similarly employed individuals to the Department of Labor to verify the information provided above.

| | | | |
|------------------------------|-------------------|-------------|-------|
| Department Chair/Dean | _____ | _____ | _____ |
| <i>Signature</i> | <i>Print Name</i> | <i>Date</i> | |

H-1B Non-Immigrant Worker

A Checklist for the Prospective Employee/Scholar to Complete

Please read the checklist below carefully and submit all necessary documents with Form B. Your application cannot be processed without these documents. Form B and all documents must be submitted to The University of Akron Department that is hiring/hosting you. This is a preliminary list. You may be required to submit further documentation after we review your specific application.

All Statuses (or Visa Types)

- 1. Form B (this form) completed and signed
- 2. Current resume or curriculum vitae
- 3. Passport: copy of data page(s) including passport expiration date, plus any U.S. visa stamps.
- 4. If currently in the U.S., or if you left the U.S. less than one year prior to the proposed start date of this appointment, provide the following (If you are/were in visitor status (B-1/B-2, WB, WT), copies of your passport, visa and I-94 card will suffice):
 - Copy of all forms DS-2019 or IAP-66, if in J-1 status.
 - Copy of all H-1B Approval Notices, if in H-1B status.
 - Copy of all Forms I-20, if in F-1 status.
 - Copy of I-94 Departure Record (small white card stapled in passport), front and back, if currently in the U.S.
 - Copy of all Employment Authorization Documents (EAD) cards, if any.
 - Copy of your three most recent pay stubs if you are currently in the U.S. in H-1B, O-1 or TN status.
 - Copy of approval of waiver of J-1/J-2 two-year home residence requirement (212e), if applicable, or copy of application receipt if you have applied for a waiver but it has not yet been approved.
- 5. Copy of diplomas from all college/university and degrees/transcripts.
- 6. Copy of transcripts from additional coursework (**only if UA will apply for H-1B or TN status for you and if the courses taken are related to the position**).
- 7. If required for the position, copy of licenses or certificates showing professional qualifications (i.e., medical or law license).

DEPENDENTS (Spouse and/or children under the age of 21) – ALL STATUSES

- 8. Copy of all family members' passports, I-94 cards and all other immigration related documents **if they are currently in the U.S. with you, or if they will accompany you to the U.S.**
- 9. If your dependents are in the U.S. and will need to extend or change their status, please include the following (not required for dependents in J-2 status):
 - Form I-539: *Application to Change/Extend Nonimmigrant Status*, completed by dependents
 - Filing fee of \$370 (check payable to "Department of Homeland Security")
 - Copies of all immigration documents for each dependent as well as copies of birth/marriage certificates demonstrating relationship to you.

COPIES: Photocopies (except financial documents) may be submitted if the original is available for comparison by U.S. Citizenship and Immigration Services or a U.S. consular officer should this be requested at a later date. All photocopies should be on **8 1/2" x 11" paper, one-sided** only. **Please do not staple pages together.**

OFFICIAL TRANSLATIONS: Documents that are not in English must be translated by someone other than the applicant or the applicant's immediate family who is competent in both English and the language of the documents. The translation must be signed and certified with the following statement: "I, (name), hereby certify that I am competent to translate from the (name the language) language into English and that the attached is a true and accurate translation of the original document."

Form BForeign National/Scholar Information
To be completed by the Foreign National/Scholar / Employee

| | | | |
|---------------------------|-----------------|-------------|---------------------------|
| Human Resources | 185 E. Mill St. | Akron, Ohio | 44325-4730 |
| Telephone: (330) 972-7256 | eis@uakron.edu | | Facsimile: (330) 972-2323 |

A. Beneficiary Information

| | | | | | |
|---|--|---|---|------------------------------------|--|
| Family Name: | | Given Name: | | Full Middle Name: | |
| All Other Names Used (include all aliases, maiden name and names from all previous marriages) | | | | | |
| Date of Birth (mm/dd/yyyy) | Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female | Marital Status: <input type="checkbox"/> Single <input type="checkbox"/> Married | U.S. Social Security Number (if any) | A-Number (if any) | |
| City of Birth: | | Province of Birth: | | Country of Birth: | |
| Country of Citizenship: | | | Country of Legal Permanent Residence: | | |
| Student & Exchange Visitor Information System (SEVIS) Number (if any) | | | Employment Authorization Document (EAD) Number (if any) | | |
| Passport Number: | | Date Passport Issued (dd/mm/yyyy) | | Date Passport Expires (dd/mm/yyyy) | |

If in the United States, complete the following:

| | | | | | |
|--------------------------------------|--|------------------------------|---|---------|--|
| Date of Last Arrival (mm/dd/yyyy) | I-94 Number (Arrival/Departure Document) | Current Nonimmigrant Status: | Date Status Expires (mm/dd/yyyy) or D/S | | |
| Current U.S. Address (if applicable) | | Address: | | Street: | |
| City: | State/Province: | Country | Postal Code: | | |

Permanent Address (in home country or country of legal permanent res.)**Current Mailing Address**

| | | | |
|----------|-----------------|----------------------------------|-----------------|
| Address: | | Address: | |
| Street: | | Street: | |
| City: | State/Province: | City: | State/Province: |
| Country: | Postal Code: | Country: | Postal Code: |
| Phone: | Fax: | Phone: | Fax: |
| Email: | | Address Valid Until (mm/dd/yyyy) | |

B. Education

| | |
|--|--|
| Highest Degree Earned of U.S. Equivalent: <input type="checkbox"/> Bachelor's <input type="checkbox"/> Master's <input type="checkbox"/> Doctorate <input type="checkbox"/> Other | Do you plan to take classes at UA? <input type="checkbox"/> No <input type="checkbox"/> Yes – please explain on separate page |
|--|--|

Please list all professional licenses and certificates (not educational degrees) that you hold (e.g., medical or law licenses). Use separate page if necessary. Attach copies if required by UA position:

| | |
|--|--|
| | |
| | |

C. Last Position Held in Home Country

Please give the title and a brief description of the most recent (or current) position held in your country of citizenship or country of last legal permanent residence.

Please choose the category that best describes the employer of the above position:

- | | | | |
|--|---|---|---|
| <input type="checkbox"/> Government | <input type="checkbox"/> Academic Community | <input type="checkbox"/> Private Sector | <input type="checkbox"/> The Arts or Sports |
| <input type="checkbox"/> Labor Union or Organization | <input type="checkbox"/> Communications/Media | <input type="checkbox"/> Military | |

Scholar's Name: _____

**Foreign National Scholar Information
Form B**

D. Basic Information About the Proposed Employment and Employer

Job Title: _____

Address: _____ Street _____

City: _____ State/Province: _____ Country: _____ Postal Code: _____

E. Visa Application Information

If you are outside the United States or a requested extension of stay or change of status cannot be granted, state the U.S consulate or inspection facility you want notified if this petition is approved.

Type of office (*check one*): Consulate Pre-flight inspection Port of Entry

Office Address (*city*) _____ U.S. State or Foreign Country: _____

F. Visa Eligibility

1. Are you currently in the U.S.? No Yes, my current immigration status is _____

2. Have you ever applied for lawful U.S. permanent resident status (a "Green Card") or has anyone ever applied for you? No Yes. Please explain on **Page 13, Section I.**

3. Have you ever been arrested or convicted of a crime in the U.S.? No Yes. Please explain on **Page 13, Section I.**

4. Have you ever been in removal ("deportation") proceedings in the U.S.? No Yes. Please explain on **Page 13, Section I.**

5. If you are filing a new petition within the past 7 years, have you:
 a. Ever been given the classification you are now requesting? No Yes. Please explain on **Page 13, Section I.**
 b. Ever been denied the classification you are now requesting? No Yes. Please explain on **Page 13, Section I.**

6. Have you ever been a J-1 exchange visitor or J-2 dependent of a J-1 exchange visitor? No Yes

7. If yes to #6, provide the dates you maintained status as a J-1 exchange visitor or J-2 dependent. Also, provide evidence of this status by attaching a copy of either a DS-2019, Certificate of Eligibility for Exchange Visitor status, Form IAP-66, or a copy of the passport that includes the J visa stamp.

Dates: _____

8. Have you ever been denied H-1B, J-1 or TN status? No Yes. Please explain on **Page 13, Section I.**

9. If you have ever been granted J status, were you subject to the two-year home residence requirement (212e)? No Yes. Please answer number **10**, below.

10. If you checked that you were subject to the two-year home residence requirement. ("Yes" to #9 above), please check the appropriate box below:

- I am still subject to the requirement.
- I applied for a waiver of the requirement.
- My application for a waiver of the requirement was approved (please attach a copy of approval).
- I satisfied the requirement by living at home (abroad) for at least two years.

11. If you are currently in the U.S., please mark all of the following that apply and attach copies of all immigration documents:

- I am requesting a program transfer or extension of my current immigration status.
- I am requesting a change of immigration status.
- I will be leaving the U.S. and returning before I begin my appointment at The University of Akron (complete #12 below).

12. Travel Plans: Please list below **any** international travel plans as these may affect your immigration status and/or the processing of this request. This is particularly important if you are currently in the U.S. and plan to travel *out* of the U.S. before this application or petition is approved; or if you are currently outside the U.S. and plan to travel to the U.S. before this application or petition is approved. If there is not enough space here to list all of your travel dates and destinations, please attach a separate sheet.

Dates of travel: _____ Destination(s): _____

Dates of travel: _____ Destination(s): _____

Scholar's Name: _____

**Foreign National Scholar Information
Form B**

G. Visa History

Please list your entire history of visits to the U.S. If you need additional space, please continue on a separate sheet.
It is not necessary to include time spent in visitor status (i.e., B-1, B-2, WT, WB).

| Dates in the U.S. (date status began – date status ended) | Immigration Status (visa classification) | Employer or Host Institution |
|--|---|------------------------------|
| | | |
| | | |
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| | | |

H. Family Information

Your spouse and your children (under the age of 21) are eligible to apply for dependent visas to accompany you to the U.S. or to follow to join you at a later time. Please complete the information below about each dependent whether or not they will be included in your visa/status applications. *Remember, these costs are not paid by UA and are your responsibility.*

| | | |
|--|-----------------------------|---|
| 1. Do you have any dependents (as defined above)? | <input type="checkbox"/> No | <input type="checkbox"/> Yes. How Many? |
| 2. Are your dependents currently in the U.S.? | <input type="checkbox"/> No | <input type="checkbox"/> Yes |
| 3. Will your family travel with you to the U.S.? | <input type="checkbox"/> No | <input type="checkbox"/> Yes |
| 4. Will your family travel to the U.S. separately? | <input type="checkbox"/> No | <input type="checkbox"/> Yes. When? |

| | Dependent 1 | Dependent 2 | Dependent 3 | Dependent 4 |
|--|-------------|-------------|-------------|-------------|
| Family Name | | | | |
| First Name(s) | | | | |
| Middle Name(s) | | | | |
| Date of Birth | | | | |
| City of Birth | | | | |
| Country of Birth | | | | |
| Country of Citizenship | | | | |
| Country of Legal Permanent Residence | | | | |
| Relationship* | | | | |
| Current immigration status, if in U.S. | | | | |

* Please enter "Wife," "Husband," "Son," or "Daughter". If you have more than four dependents, please list them on an additional sheet.

[Type here]

Scholar's Name: _____

**Foreign National Scholar Information
Form B**

[Large empty area for text entry]

Print Name

Date (mm/dd/yyyy)

Signature

The University of Akron Export Control Attestation

Export control laws are federal regulations that control the conditions under which certain information, technologies, and commodities can be transmitted overseas.

Please note that effective February 20, 2011, The United States Department of Homeland Security (USDHS) and The United States Citizen and Immigration Services (USCIS) require employers filing Form 1-129 for H visa status on behalf of foreign nationals to certify that they have:

- (1) reviewed the Export Administration Regulations (EAR) and the International Traffic in Arms Regulations (ITAR), and
- (2) have made a determination as to whether or not an export control license is required to release any controlled technology or technical data to the foreign national.

Certification Regarding the Release of Controlled Technology or Technical Data to Foreign Persons in the United States

Check Box 1 or Box 2:

With respect to the Technology or technical data the petitioner will release or otherwise provide access to the beneficiary, the petitioner certifies that it has reviewed the Export Administration Regulations (EAR) and the International Traffic in Arms Regulations (ITAR) and has determined that:

1. A license is not required from either U.S. Department of Commerce or the U.S. Department of State to release such technology or technical data to the foreign person; or
2. A license is required from the U.S. Department of Commerce and/or the U.S. Department of State to release such technology or technical data to the beneficiary and the petitioner will prevent access to the controlled technology or technical data by the beneficiary until and unless the petitioner has received the required license or other authorization to release it to the beneficiary.

Signatures *Read the information and penalties in the instructions before completing this section*

H-1(B) Employee Name: _____ I certify, under penalty of perjury, that this petition and the evidence submitted with it are true and correct to the best of my knowledge. I authorize the release of any information from my records, or from the petitioning organization's records that USDHS/USCIS needs to determine eligibility for the benefit being sought. I recognize the authority of USDHS/USCIS to conduct audits of this petition using publicly available open source information. I also recognize that supporting evidence submitted may be verified by USDHS/USCIS through any means determined appropriate by USDHS/USCIS, including but not limited to, on-site compliance reviews.

Dean or Department Chair: _____

Signature (in blue ink)

Print Name

Date

Director of Sponsored Programs Administration Signature (If grant-sponsored programming)

Print Name: _____

Daytime Phone Number _____

Signature (in blue ink)

Date (mm/dd/yyyy)

NOTE: If you do not completely fill out this form and the required supplement, or fail to submit required documents listed in the instructions, the person(s) filed for may not be found eligible for the requested benefit and the H-1(B) non-immigrant petition may be withdrawn and/or denied.

An Export Control Attestation is required for ALL H-1(B) petitions

It is presumed that most research conducted within The University of Akron is “fundamental research” and therefore exempted from export control requirements. Fundamental research includes basic or applied research in science and/or engineering at an accredited institution of higher learning in the U.S. where the resulting information either is ordinarily published and shared broadly in the scientific community or where the resulting information has been or is about to be published. Nonetheless, the Dean, Principal Investigator, Director and/or Supervisor is required to affirm whether a license is required.

If you have questions about whether an export license is required please refer to:

<https://www.state.gov/strategictrade/resources/c43182.htm>

Additional Information

U.S. Export Controls on Release of Controlled Technology or Technical Data to Foreign Persons. The Export Administration Regulations (EAR) (15 CFR Parts 770-774) and the International Traffic in Arms Regulations (ITAR) (22 CFR Parts 120-130) require U.S. persons to seek and receive authorization from the U.S. Government before releasing to foreign persons in the United States controlled technology or technical data. Under both the EAR and ITAR, release of controlled technology or technical data to foreign persons in the United States—even by an employer is deemed to be an export to that person’s country or countries of nationality. One implication of this rule is that a U.S. company must seek and receive a license from the U.S. Government before it releases controlled technology or technical data to its nonimmigrant workers employed as H-1(B), L-1 or O-1(A) beneficiaries.

Requirement to Certify Compliance with U.S. Export Control Regulations. The U.S. Government requires each company or other entity to certify that it has reviewed the EAR and ITAR and determined whether it will require a U.S. Government export license to release controlled technology or technical data to the beneficiary. If an export license is required, then the company or other entity must further certify that it will not release or otherwise provide access to controlled technology or technical data to the beneficiary until it has received from the U.S. Government the required authorization to do so.

Controlled Technology and Technical Data. The licensing requirements described above will affect only a small percentage of petitioners because most types of technology are not controlled for export or release to foreign persons. The technology and technical data that are, however, controlled for release to foreign persons are identified on the EAR's Commerce Control List (CCL) and the ITAR's U.S. Munitions List (USML).

The CCL is found at 15 CFR Part 774, Supp. 1:

<https://www.bis.doc.gov/index.php/regulations/commerce-control-list-ccl>

For further information on USML:

<https://www.state.gov/strategictrade/resources/c43182.htm>

The EAR-controlled technology on the CCL generally pertains to that which is for the production, development, or use of what are generally known as "dual-use" items. The ITAR-controlled technical data on the USML generally pertains to that which is directly related to defense articles.

The U.S. Department of Commerce's Bureau of Industry and Security administers the CCL and is responsible for issuing licenses for the release to foreign persons of technology controlled under the EAR. The U.S. Department of State's Directorate of Defense Trade Controls (DDTC) administers the USML and is responsible for issuing licenses for the release to foreign persons of technical data controlled under the ITAR.

Information about the EAR and how to apply for a license from BIS are available at: www.bis.doc.gov.

Specific information about EAR's requirements pertaining to the release of controlled technology to foreign persons is at: www.bis.doc.gov.

Information about the ITAR and how to apply for a license from DDTC are at: <http://www.pmddtc.state.gov/>.

Specific information about the ITAR's requirements pertaining to the release of controlled technical data is available at: <https://www.state.gov/strategictrade/resources/c43182.htm>.

Key Terms & Definitions:

ITAR: International Traffic in Arms Regulations control items, services, and technical data that have a *military* or *space-related* application.

EAR: Export Administration Regulations control dual-use items and technology. Dual-use items are non-military in purpose, but could be modified or utilized for military purposes. While this term is used informally to describe items that are subject to the EAR, purely commercial items are also subject to the EAR.

Export:

Under the ITAR *Export* means:

1. Sending or taking a defense article out of the United States in any manner, except by mere travel outside of the United States by a person whose personal knowledge includes technical data; or
2. Transferring registration, control or ownership to a foreign person of any aircraft, vessel, or satellite technology covered by the U.S. Munitions List, whether in the United States or abroad; or
3. Disclosing (including oral or visual disclosure) or transferring in the United States any defense article to any agency or subdivision of a foreign government; or
4. Disclosing (including oral or visual disclosure) or transferring technical data to a foreign person, whether in the United States or abroad; or
5. Performing a defense service on behalf of, or for the benefit of, a foreign person, whether in the United States or abroad.

Under the EAR *Export* means:

1. An actual shipment or transmission of items out of the United States.
2. Furnishing technical data allowing an individual to develop or produce controlled technology.
3. Furnishing technical data which allows an individual to do all of the following: operate, install, maintain, repair, overhaul, and refurbish a controlled piece of equipment.

Defense Article: (ITAR): Any item or technical data recorded or stored in any physical form, models, mock-ups or other items that reveal technical data directly relating to any item on the United States Munitions List (USML) ITAR Part 121.

Defense Service (ITAR):

1. The furnishing of assistance (including training) to foreign persons, whether in the United States or abroad in the design, development, engineering, manufacturing, production, assembly, testing, repair, maintenance, modification, operation, destruction, or processing of defense articles.
2. The furnishing to foreign persons of any ITAR-controlled technical data, whether in the United States or abroad.
3. Military training of foreign units and forces, regular and irregular, including formal or informal instruction of foreign persons in the United States or abroad, or by correspondence courses, technical, educational, or information publications and media of all kinds, training aids, orientation, training exercise, and military advice.

Encryption Items (EAR): The phrase encryption items include all encryption commodities, software, and technology that contain encryption features and are subject to the EAR. This does not include encryption items specifically designed, configured, adapted or modified for military applications (including command, control and intelligence applications), which are controlled by the Department of State on the U.S. Munitions List, under the ITAR.

Technical Assistance (EAR): May take forms such as instruction, skills training, working knowledge, consulting services. "Technical assistance" may involve transfer of "technical data."

Technical Data:

As defined in the ITAR:

1. Information other than software, which is required for the design, development, engineering, manufacturing, production, assembly, testing, repair, maintenance, modification, operation, destruction, or processing of defense articles. This includes information in the form of blueprints, drawings, photographs, plans, instructions and documentation.
2. Information covered by an invention secrecy order.
3. Classified information relating to defense articles.
4. Software directly related to defense articles.
5. This definition does not include information concerning general scientific, mathematical or engineering principles commonly taught in schools, colleges, and universities.

As defined in the EAR:

Blueprints, plans, diagrams, models, formulate, tables engineering designs and specifications, manuals and instructions written or recorded on other media or devices such as disk, tape, read- only memories.

Technology (EAR): Specific information necessary for the development, production, or use of a product.

Technology Control Plan (TCP): A Technology Control Plan (TCP) is a compliance document developed between the Principal Investigator and the Export Control Administrator. The TCP states the type of export-controlled information associated with a research project, and the measures and safeguards to be taken by the PI to ensure access to the export-controlled information is managed.

A TCP is required when :

A research project involves the receipt of export-controlled information from an outside party, such as via a nondisclosure agreement or sponsored research agreement. Such a research project is not considered fundamental research and the research results may contain export-controlled information. A project that is unpublished, restricted, proprietary, or classified is not fundamental research.