



Office of International Student and Scholar Services  
Florida Institute of Technology  
Melbourne, FL-32901  
USA  
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## Department Instructions for H-1B Applications

The H-1B Temporary Worker visa allows foreign nationals to work in the United States in specialty occupations for a period of up to six years. Each application can be made for a period up to 3 years. The application must be filed by the employer; an individual cannot gain an H-1B visa on his own. The H1B application process can be time consuming. There are multiple stages (and agencies) in the application process. After a Florida Tech department submits the necessary materials, ISSS will process the application following these steps:

Step 1: Department paperwork compiled. Prevailing wage request submitted by ISSS to Department of Labor. Applicant's application materials are collected. Processing time: approximately 2-5 weeks.

Step 2: After prevailing wage is obtained, a Labor Condition Application is filed with the Federal Department of Labor (DOL). Processing time: 7-10 business days. Department is required to post Notice of Hire of Foreign Worker for 10 days.

Step 3: H1B application materials are sent by ISSS to United States Citizenship and Immigration Services (USCIS) in California. Processing time: 3 weeks with Premium Processing, 2-4 months otherwise.

Step 4: When case is approved by USCIS, ISSS notifies the applicant and/or department of approval.

Step 5: If the H-1B employee is not in the U.S., s/he will need to take the approval documents to an American consulate abroad to apply for an H-1B visa to enter the U.S. Processing time: depending on consulate and nationality of applicant, it can range from one day to two months.

**Because of the multiple steps, and the multiple government agencies involved, it is not possible to guarantee that the H1B petition will be approved for any specific date. Applications should be made as far in advance of the proposed start date as permitted by the law – up to six months in advance of a proposed H1B start date.**

Term of employment in most cases should be a minimum of one year. The total length of an initial application may not exceed three years and is renewable for up to three additional years. The maximum time permitted in the H-1B classification is six years.

### **Application checklist for an H-1B employee:**

1. Fees: the Department is required to pay the I-129 USCIS Filing fee, and for new petitioners there is an additional Anti-Fraud fee. ISSS will provide departments with an invoice for these fees which should be submitted along with a check request to accounts payable.
2. The “Internal Request Form for an H-1B Employee” and the “H-1B Beneficiary Information Form”
3. Support letter (Sample Letter ‘A’) on departmental letterhead outlining the terms of the position, including:
  - a. title, salary and duties
  - b. the qualifications for the position;
  - c. the individual’s qualifications.
  - d. date H-1B employment will begin (if the individual is already working here on another type of visa, indicate the effective date of the H-1B)
  - e. how long the employee is expected to continue in this position.
  - f. acceptance by beneficiary – signed and dated
4. Completed “Actual wage form” (sample B)
5. Copies of diplomas, transcripts or a letter from the registrar of the school where studies were undertaken. This documentation must indicate the level of the degree, field studied, and the date of completion.
  - a. If diplomas or transcripts are not in English, an official translation of the document. A sample of the statement which the translator must sign is shown in Sample ‘C’.
  - b. If the individual was granted a degree in another country, it will be necessary to establish the equivalency to the required degree in the U.S. Note that not all Bachelor’s degrees from other countries are equivalent to a Bachelor’s degree in the U.S.
6. Completed “Export Control Certification Form (sample D)
7. Copy of Form I-94, if the applicant is in the country.
8. Applicant’s resume.
9. Documentation of any previous immigration status:
  - a. If the prospective H-1B has previously been on J-1 status, submit copies of the pink page of each DS-2019/IAP-66 issued.
  - b. If the prospective H-1B has previously been on an H status, submit copies of I-171C and I-797 forms documenting all previous I-129 approvals.
10. If any dependents are applying for an extension of stay or change of status, submit a completed I-539 form with the necessary fee. The fee should be in the form of a check or money order payable to the U. S. Department of Homeland Security. The Department is not required to pay this fee.

## SAMPLE LETTER (A) OF SUPPORT FOR H-1B VISA PETITION

Department of Homeland Security  
U.S. Citizenship and Immigration Services  
California Service Center, ATTN: CAP EXEMPT H-1B Processing Unit  
P.O. Box 30040  
Laguna Niguel, CA 92607-3004

RE: H-1B Visa Petition on behalf of Dr. John Doe

Dear Sir/Madam:

Along with this letter please find a petition for a nonimmigrant Worker (I-129) through which our University seeks to qualify Dr. John Doe for H-1B status.

Florida Institute of Technology, which was founded in 1958 to train professionals working in the space program at what is now Kennedy Space Center, is an independent technological university that provides quality education, furthers knowledge through basic and applied research, and serves the diverse needs of our local, state, national and international constituencies. In support of its mission, the University is committed to an organizational culture that values and encourages intellectual curiosity, a sense of belonging and shared purpose among faculty, students and staff, and pursuit of excellence in all endeavors, recruiting and developing faculty who are internationally recognized as educators, scholars and researchers, and recruiting and retaining a high quality, highly selective and culturally diverse student body. Further, the University pursues recognition as an effective, innovative technology-focused educational and research institution, continues improvement in the quality of campus life for members of the university community, and provides personal and career growth opportunities for both traditional and nontraditional students and members of the faculty and staff.

It is located in Melbourne, Florida on 130 sub-tropical acres, including a picturesque botanical garden. The campus is 5 minutes from the Indian River, 10 minutes from the Atlantic Ocean and 50 minutes from Kennedy Space Center.

The University offers undergraduate programs in science, engineering, aeronautics, business, humanities, mathematics, psychology, communication and education (science and mathematics) as well as master's programs in science, engineering, aviation, business, mathematics, psychology, behavior analysis, communication and education (computer, environmental, mathematics, science and informal science and teaching). The University also offers doctoral programs in science, engineering, mathematics, psychology, and science and mathematics education. More than 37,000 students have earned degrees at Florida Institute of Technology. These graduates confirm the university's commitment to developing leaders and professionals in the fields of engineering, the sciences, business, aviation and psychology.

At this time, the university wishes to temporarily employ Dr. John Doe in the specialty occupation of Associate Professor in the Department of Mathematical Sciences.\*

The minimum requirement for the position of Associate Professor is a Ph.D. Degree in Mathematics. \*\*

As Associate Professor, Dr. Doe will teach academic courses and conduct research in Mathematical Sciences; his duties will include

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\_\_\_\_\_.

Dr. Doe is well-qualified to fill the position of Associate Professor. He received his doctoral degree in Biochemistry from the Jane Marsh University in Disneyland, Florida, in 2001. Since that time he has worked as a \_\_\_\_\_ researcher at Happy University. In addition, his research has been consistently published in several prestigious journals in the field. \*\*\*

Based on Dr. Doe's professional credentials, we wish to employ him for a temporary period of three years as an Associate Professor, beginning December 1, 2002. In this capacity, Dr. Doe will receive a salary of \$38,000 annually.

Thank you for your courtesy and attention to this matter.

Sincerely,

Mr. Grumpy, the Department Head  
(Title)

ACCEPTED

BY: \_\_\_\_\_

DATE: \_\_\_\_\_

Enclosure

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\_\_\_\_\_

Notes:

\* You can add any statement that shows your department's outstanding achievement, excellent ratings nationally, etc.

\*\* State minimum requirement of education and experience (when experience beyond the degree is required).

\*\*\* Include brief job history and other accomplishments relevant to the position.



**Sample Letter - C**

**Certification of Translation**

I, \_\_\_\_\_, certify that I am fluent (conversant) in the English and  
languages, and that the attached document is an accurate translation of the  
document entitled \_\_\_\_\_.

\_\_\_\_\_  
Date    Signature

*Name and address of translator*

*Note: This certification requires that the translation, as well as a photocopy of the  
original document, be attached.*

Beneficiary's Name \_\_\_\_\_ Country of Citizenship \_\_\_\_\_

Visa Type Requested \_\_\_\_\_ Department \_\_\_\_\_

**PROJECT INFORMATION and AUTHORIZATION**

Effective Dec. 22, 2010, immigration regulations require the U.S. employer to attest that export compliance regulations have been properly met as they pertain to an international employee working in H1B or O-1A status. Florida Tech must provide this information in the H1B or O-1A filing.

In order to comply with these immigration regulations, the principal investigator must complete the export compliance license certification below. To complete the certification, the faculty sponsor, principal investigator and/or department chair must determine whether the beneficiary will have access to university-conducted research that includes hardware, software, technology, data, chemicals or biologic agents which are controlled as:

- Military-related technology (defense article)\* under the International Traffic in Arms Regulations (ITAR–Dept. of State). ITAR can be found at [http://www.pmddtc.state.gov/regulations\\_laws/itar\\_official.html](http://www.pmddtc.state.gov/regulations_laws/itar_official.html)
- Dual use items\*\* under the Export Administration Regulations (EAR–Dept. of Commerce), which refers to all non-military-related items and technology. EAR can be found at [http://www.access.gpo.gov/bis/ear/ear\\_data.html](http://www.access.gpo.gov/bis/ear/ear_data.html)

If you require assistance in making the above determination, please consult with Florida Tech's Office of Sponsored Programs at (321) 674-7239.

*Key Definitions:*

\* *Defense Article (22CFR120.6)*—Any item or technical data designated in 22CFR121.1 (U.S. Munitions List).

\*\* *Dual Use Items (15CFR772.1)*—Items that have both commercial and military or proliferation applications.

*While this term is used informally to describe items that are subject to the EAR, purely commercial items are also subject to the EAR (see 15CFR734.2(a)).*

**CERTIFICATION STATEMENT**

Complete as appropriate; sign and submit to ISSS with the H1B Packet or O-1 Packet.

\_\_\_\_\_ No. Based on completion of the Visa Deemed Export Questionnaire and consultation with Florida Tech, I believe a deemed export license is not required from either the U.S. Department of Commerce or the U.S. Department of State to release such technology or technical data to the international employee; or

\_\_\_\_\_ Yes. Based on completion of the Visa Deemed Export Questionnaire and consultation with Florida Tech, I believe a deemed export license may be required. By signing below, I certify that an export license may be required to release project technology or technical data to the beneficiary and I will prevent access to the controlled technology or technical data by the beneficiary until and unless I have received the required license or other authorization to release it to the beneficiary.

\_\_\_\_\_  
*Printed Name of Faculty Sponsor/Department Chair*

\_\_\_\_\_  
*Signature of Faculty Sponsor/Department Chair*

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Signature: John Politano, Assistant Vice President for Research  
Director, Office of Sponsored Programs*

\_\_\_\_\_  
*Date*