Guidelines for Departments

The following handout is intended to provide basic information on the H-1B Temporary Worker visa status. For more details or if you have any questions, please contact an international scholar advisor in the Office of Global Services (OGS).

### H-1B Temporary Workers

#### Purpose/Activity at GU

H-1B temporary worker status is a nonimmigrant status used to bring a foreign national to the United States temporarily to employ him/her in a position which requires specialized training or knowledge. To qualify for this category, the position must require at least a Bachelor's degree in a specific field as a minimal entry-level requirement. Staff positions which require any Bachelor's degree or no degree at all do not qualify.

#### Georgetown Uses

**The following are positions which normally qualify for H-1B sponsorship:**

- Full-time tenure-track, tenured or visiting teaching and research faculty
- Postdoctoral Fellows
- Staff positions which can be considered specialty occupations

**The following positions do not qualify for H-1B sponsorship:**

- Part-time salaried positions
- Temporary positions

Full sponsorship policy available at [http://internationalservices.georgetown.edu/hiring/h-1b/](http://internationalservices.georgetown.edu/hiring/h-1b/)

#### Process

**Department:**

- Sends international employee official offer letter.
- Collects Employee Portion of H-1B request and supporting documents from employee.
- Completes Department Portion of H-1B request, writes letter of support, requests check from Accounts Payable.
- Sends OGS complete original request (Department and Employee sections) and supporting documents.

**Employee:**

- Completes employee portion of H-1B request and sends to Department with all supporting documents.
- Request Form available at [http://internationalservices.georgetown.edu/forms/](http://internationalservices.georgetown.edu/forms/)
- Once H-1B approval received, applies for SSN, completes I-9 form and sets up tax withholding with Lawrence Smith in Tax Office.

**OGS:**

- Obtains Prevailing Wage from U.S. Department of Labor (DOL).
- Receives approval on Export Controls Addendum from Office of Sponsored Programs/ Research.
- Files Labor Condition Application with DOL.
- Files I-129 petition with U.S. Citizenship & Immigration Services.
- Receives H-1B approval from USCIS.

#### Restrictions

Following are some of the restrictions pertaining to H-1B temporary workers:

- H-1B temporary workers may work only for the employer(s) sponsoring the approved H-1B petition, except in the case of a transfer where the USCIS receipt may be sufficient. Employment authorization for H-1Bs is employer and position-specific.
- H-1B temporary workers and their Departments must notify OGS whenever there is a change in the employment (change in title, duties, department, hours, or termination of employment).
- The Department is required to pay the reasonable cost of return transportation to the employee’s home country if the employment is terminated before the end of the H-1B sponsorship period.
- H-1B status may be granted for an initial period of up to three years. The cumulative maximum duration in H-1B classification is six years (with limited exceptions).
- H-1B temporary workers and their Departments must apply for an extension before the I-94 expires. Processing times vary (average 6 months but can take longer). The application must be filed with USCIS prior to the expiration date on the I-94 for the scholar to be able to continue working without interruption.
- There is no grace period for foreign nationals in H-1B status after the authorized period of stay ends, unless specifically authorized at the port-of-entry.
- H-1B temporary workers may transfer their status to a different employer. Before starting work, the new employer must first file an I-129 petition with USCIS and confirm that it has been received.
- H-1Bs are not eligible to receive honoraria.