



ROUKEMA CENTER FOR INTERNATIONAL EDUCATION

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International Student and Scholar Services (ISSS)

**H-1B Petition Instructions to
Departments & International Faculty/Staff**

Office of International Student and Scholar Serv

PART I

HIRING DEPARTMENT INFORMATION AND RESPONSIBILITY

BASIC H-1B VISA CLASSIFICATION INFORMATION:

This status is used to employ professionals temporarily for periods of up to six years. Each H-1B petition may be for a period of time up to three years; however, an employer may not sponsor an international for a period of time that exceeds guaranteed funding. If funding can only be guaranteed for one year at a time, then the international may extend his/her status each year (up to a total of six years).

The position must require a minimum of a bachelor's degree and the international must possess at least a bachelor's degree or its equivalent in the field in which he/she is seeking employment. Internationals with an equivalency in work experience may be required to provide substantial documentation. The international must possess all of the standard qualifications for the position.

The H-1B status is employer specific; therefore, the international may only work for the employer who sponsors his/her status. However, the international may have more than one H-1B visa and work for more than one employer as long as each employer has an approved petition on his/her behalf.

The H-1B visa status recognizes dual intent. This means that the international may apply for permanent residency while in H-1B status; however, he/she is strongly urged to make the IS aware of his/her plans so that we may advise the international properly.

The international will be given a copy of his/her approved Labor Condition Application when he/she receives all of the H-1B paperwork upon approval. This form shows the international's actual wage (what he/she is actually being paid) and the prevailing wage (what the State of New Jersey has determined to be the average wage for his/her position). If the international is not receiving the actual wage listed on the Labor Condition Application, he/she should contact the Int'l Services immediately.

WHO QUALIFIES FOR AN H-1B VISA?

DEPARTMENT OF LABOR REQUIREMENTS:

The Department must certify that the following conditions have been met:

The employment of the H-1B nonimmigrant will not adversely affect the working conditions of employees similarly employed in the area.

On the date that the application to the Departme

VIOLATIONS AND PENALTIES UNDER FEDERAL REGULATIONS

FILING AN LCA (LABOR CONDITION APPLICATION) WHICH MISREPRESENTS A MATERIAL FACT

Civil Money Penalty up to \$1,000/violation.
Notice to USCIS & ETA regarding debarment from H-1B program.
Any other actions the Department of Labor deems appropriate.
Up to \$10,000 fine and/or 5 years imprisonment [18 U.S.C. 1000].

FAILURE TO PAY REQUIRED WAGES

Back wages to H-1B employee.
Civil Money Penalty up to \$1,000/violation.
Notice to USCIS & ETA regarding debarment from H-1B program.
Any other actions the Department of Labor deems appropriate.

FAILURE TO PROVIDE REQUIRED WORKING CONDITIONS

Civil Money Penalty up to \$1,000/violation.
Notice to USCIS & ETA regarding debarment from H-1B program.
Any other actions the Department of Labor deems appropriate.

NOTE: Willful misrepresentation of a material fact on the LCA will lead to civil monetary penalties ranging from \$5,000-\$35,000 and possible debarment from the H-1B program for a minimum of 2-3 years.

Other violations such as filing an LCA during a strike/lockout, failure to provide required notice, failure to be specific on the LCA, failure to make available for public examination the LCA and necessary documentation, failure to retain documentation as required, and failure to otherwise comply with LCA regulations may result in:

Civil Money Penalty up to \$1,000/violation.
Any other actions the Department of Labor deems appropriate.

IMPORTANT NOTE

It is extremely important that the hiring official does not misrepresent any fact or situational development. It is the responsibility of each hiring official to notify the ISSS if any conditions of employment change at any time so that we may notify the proper government agency. In the event that the Department of Labor audits Ramapo College, the ISSS is not responsible for any misinformation provided by hiring department sources.

REQUIRED DOCUMENTS FROM THE DEPARTMENT

1. DEPARTMENT SPONSORSHIP LETTER

a. New Employment Letter:

A letter confirming the offer of employment to the faculty member/staff. The letter must include full name of candidate, annual salary, exact dates of employment, title of position, detailed proposed duties, minimum qualifications and an explanation regarding how the prospective employee qualifies for the position. **This letter should also indicate whether the position is in the AFT Union Local 2274.**

*(Please refer to the following sample letter which **MUST** be on Department Letterhead)*

Date:

Mr. Don Neufeld
Center Director
USCIS California Service Center
24000 Avila Road
Laguna Niguel, CA 92677

Dear Mr. Neufeld:

This letter is being submitted in support of Ramapo College's H-1B petition for Dr. Joe Doe to serve as a [TITLE] in the School of [DEPARTMENT]

Ramapo College of New Jersey was established in 1969 as a state-supported, co-educational, four-year College of liberal arts, sciences, and professional studies. Ramapo College offers bachelor's degree in the arts, business, the humanities, the social sciences, and the sciences, as well as master's and doctoral degrees in the arts, business, the humanities, the social sciences, and the sciences, as well as a Ph.D. in education.

b. H-1B Extension Letter (Ramapo College Extension ONLY):

Please refer to the following H-1B extension sample letter which MUST be on Department Letterhead

Date:

Mr. Don Neufeld
Center Director
USCIS California Service Center
24000 Avila Road
Laguna Niguel, CA 92677

Dear Mr. Neufeld:

This letter (De1Tc.03t5e0 TDe1Tcbm)8.tn

3. DECLARATION FORM

4. **A check made out to “US Department of Homeland Security” in the amount of \$320.**
This is the required H-1B application fee.
The check should be delivered to ISSS so it can be included in the application.
5. **A check made out to US Department of Homeland Security for \$500.** This is a required anti fraud fee and is required on all new H-1Bs (**not required for extensions**).
- 6.

PART II

APPLICANT INFORMATION AND RESPONSIBILITY

APPLICANT CHECKLIST FOR H-1B VISA STATUS

For information regarding evaluations of educational credentials from all countries of the world, please consult one of the following web sites: <http://www.wes.org> or <http://www.aacrao.org/international/individual.cfm>, <http://www.aice-eval.org>, or <http://www.naces.org>

**NEW H-1B INSIDE OF THE UNITED
STATES**

APPLICANT INFORMATION

Personal Information

Name: (as in passport ID page): _____
Family Name *Given Name* *Middle Name*

All other Names used (including maiden name, if applicable): _____

Date of Birth: ____/____/____ Gender: *Male* ____ *Female* ____ Marital Status: *Married* ____ *Single* ____
mo *day* *yr*

Social Security Number (if available): _____ Country of Birth: _____

City of Birth: _____ Province of Birth: _____ Country of Citizenship: _____

U.S. Home Address (if in the U.S.): _____
Street *Apartment*

City *State* *Zip*

Telephone: _____ Fax: _____ Email: _____

Foreign Address: _____
Street

City *State/Province*

Academic/Employment History

Certification Form (signed by employee)

“I hereby declare, under penalty of perjury, that copies of documents submitted are exact copies of unaltered original documents and I understand that I may be required to submit original documents to an immigration or consular official at a later date.”

Signature

Printed Name

Date