SEPTEMBER PRESENTATION RECAP

• Updated H-1B request forms
  – New Employee Questionnaire
  – New Department Questionnaire
• New H-1B Petition fees
Effective January 1, 2015, the Office of International Programs (OIP) will implement the following processing fees for H-1B visa requests. Once OIP starts processing H-1B request, OIP fees will not be returned or refunded.

### OIP PROCESSING FEES

<table>
<thead>
<tr>
<th>OIP Processing Fee</th>
<th>$975</th>
</tr>
</thead>
<tbody>
<tr>
<td>OIP Premium Processing Request Fee</td>
<td>$525</td>
</tr>
</tbody>
</table>

- **OIP Premium Processing Request Fee**
  - Applies to H-1B requests submitted to OIP 45 days or less from the prospective H-1B employee’s start date.
  - Guarantees H-1B petition processing by OIP and submission to USCIS within 30 days of request receipt.

The OIP fees are in addition to the H-1B filing fees required by the U.S. Department of Homeland Security.

The OIP processing fees will apply to H-1B requests that have a start date after January 1, 2015. For extension cases, the fees will apply to H-1B requests that have an H-1B end date after January 1, 2015.

Please contact the Office of International Programs for any questions or concerns.
FEE RECAP:
JUSTIFICATION FOR FEES

• Fees will enable OIP to meet its mission:
  – Inbound Mission Statement: The Office of International Programs strives to provide support and services to international students, scholars, and employees that will enable these individuals to lawfully pursue their academic and professional goals at the University of Kansas Medical Center.

• Provide ongoing training for OIP staff
• Provide excellent advising to ensure compliance and preserve options for the international population
• Keep services “in house”
• OIP can pay for extra services when warranted or outside advising/counsel
• Improve and increase services
• Increase programming for the international population
  – The Department of State requires Cultural Programming for J-1 Visa holders. We must report the number of programs and attendees in our yearly report;
  – Internationals site programming and services as an important reason for choosing a US institution for work, research or education
• Avoid “taking advantage” of H1B processing
  – Example, H1B petitions have been started, worked on for months and then withdrawn the day before submission
<table>
<thead>
<tr>
<th>Institution</th>
<th>H1-B Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>University of California Berkeley</td>
<td><img src="http://internationaloffice.berkeley.edu/students/new/check-in_fall" alt="Link" /> 2000, TN $420,</td>
</tr>
<tr>
<td>University of Michigan</td>
<td>![Link](<a href="http://internationalcenter.umich.edu/i">http://internationalcenter.umich.edu/i</a> mmig/fvisa/) Initial petition: $1,300 Extension $1,125</td>
</tr>
<tr>
<td>University of Minnesota</td>
<td><img src="http://www.isss.umn.edu/H1BEmployment/GovProcesses.html" alt="Link" /> $1,100</td>
</tr>
<tr>
<td>University of Montana</td>
<td><img src="http://www.montana.edu/international/iss/documents/Feesmemo11.7.13.pdf" alt="Link" /> $1,000, -I-140 petition - $750 -I-140 - $1500</td>
</tr>
<tr>
<td>University of Florida</td>
<td><img src="http://www.ufic.ufl.edu/ISS/newstudentsF1I20.html" alt="Link" /> $1,000</td>
</tr>
<tr>
<td>University of Missouri</td>
<td><img src="http://cashiers.missouri.edu/costs/" alt="Link" /> $800</td>
</tr>
</tbody>
</table>
SEPTEMBER RECAP: ACTUAL WAGE

• “wage rate paid by the employer to all other individuals with experience and qualifications similar to those of the H-1B nonimmigrant, for the specific employment in question”

• When determining the employee’s wage have to look at both the prevailing wage and the actual wage
  – Should pay the higher of the two
PART 3: ACTUAL WAGE INFORMATION

Please list employees who have the same or similar:

- Job title
- Duties
- Qualifications
- Education
- Specialized knowledge
- Other "legitimate business factors"

These employees must be either in your department, lab, or center. Please list the lowest and highest salaries paid and provide the following information:

<table>
<thead>
<tr>
<th>Employee</th>
<th>Salary</th>
<th>Education</th>
<th>Years of Experience</th>
<th>Notable Achievements Justifying Salary</th>
<th>Other &quot;legitimate business factors&quot; (i.e. salary restrictions by grant, etc.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employee with Lowest Salary</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Employee with Highest Salary</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Please indicate the total number of employees in the department, lab, or center with the same job title as well as similar duties, qualifications, education, specialized knowledge, and other "legitimate business factors":


PLEASE NOTE: While rare, the U.S. Department of Labor may review "actual wages" to verify that the H-1B worker is not paid LESS than the wage level paid to other individuals with similar experience and qualifications. If U.S. workers performing the same job are being paid MORE than the H-1B worker, please confirm the following:

- If required to do so, the hiring department can provide documentation to show that the higher paid workers have different salaries based on education, experience, qualifications, job responsibilities and function, specialized knowledge, or other legitimate business factors.

  Yes □  No □

Department Contact/Supervisor Signature: ___________________________ Date: ____________

Print Name: ___________________________
PART 4: PREVAILING WAGE INFORMATION

As part of the process, the Office of International Program must obtain a prevailing wage from the U.S. Department of Labor. We will make an estimate based on U.S. Department of Labor wage data and communicate any wage issues that may arise.

The prevailing wage takes anywhere between one to three months to be determined. If the H-1B is needed sooner and the wage comes back higher, KUMC policies require that the wage be increased to equal or be higher than the determined prevailing wage. Additionally, the hiring department must be willing to pay the higher of the two wage rates: the prevailing wage and the actual wage.

Please indicate if you agree to pay the higher of the prevailing wage or the actual wage rate, or if you prefer to delay the H-1B filing until any wage issues are determined.

☐ The hiring department agrees to pay the higher of the prevailing wage or the actual wage rate.

☐ The hiring department prefers to wait to prepare the H-1B until the prevailing wage is issued by the U.S. Department of Labor.

Department Contact/Supervisor Signature: ______________________________ Date: ____________________________

Print Name: ____________________________
OVERVIEW OF H-1B PROCESS

1. Prevailing Wage Determination (PWD), 1-3 months
2. Labor Condition Application (LCA), 7 days
3. LCA Public Posting, 10 business days
4. Review and approval of H-1B petition by the USCIS, 2-3 months
OCTOBER VISA PRESENTATION TOPIC

• POLICY DEVELOPMENTS:
  – VOLUNTEERS
  – VISITORS
  – OBSERVERS
POLICY DEVELOPMENTS: VOLUNTEERS

• Time Limit: 4 months
• Independent research for the benefit of the volunteer
  – Work or research conducted by volunteer cannot directly benefit KUMC
• Cannot be paid
  – No thank you gifts even
• B1 visa an option
# Policy Developments: Volunteer Possible Visa Types

## Volunteers for the University of Kansas Medical Center

<table>
<thead>
<tr>
<th>Visa Type</th>
<th>B1</th>
<th>F1</th>
<th>F2</th>
<th>H4</th>
<th>J1</th>
<th>J2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Able to Volunteer</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Able to Work for Pay</td>
<td>No</td>
<td>Yes - CPT or OPT</td>
<td>No</td>
<td>No</td>
<td>Yes - detailed on DS-2019</td>
<td>Yes - apply for work authorization</td>
</tr>
<tr>
<td>Able to Enroll in School</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>Depends on DS-2019 - Some J's come specifically for school</td>
<td>Yes</td>
</tr>
<tr>
<td>Reasons to Volunteer</td>
<td>Fill Time/Stay Busy/Practice English/Get to Know People</td>
<td>Maintain status while on OPT but without a paid position - the volunteer activity must complement the major. (STEM)</td>
<td>Fill Time/Stay Busy/Practice English/Get to Know People</td>
<td>Fill Time/Stay Busy/Practice English/Get to Know People</td>
<td>Taking full advantage of opportunities while in the United States</td>
<td>May find the volunteer position better/ more beneficial to them than a paid position somewhere</td>
</tr>
<tr>
<td>Educational Value</td>
<td>Fullfill requirement/Compliment educational program</td>
<td>Educational Value</td>
<td>Educational Value</td>
<td>Educational Value</td>
<td>Fullfill requirement/Compliment educational program</td>
<td>Fullfill requirement/Compliment educational program</td>
</tr>
<tr>
<td>Build a Resume</td>
<td>Build a Resume</td>
<td>Build a Resume</td>
<td>Build a Resume</td>
<td>Build a Resume</td>
<td>Build a Resume</td>
<td>Build a Resume</td>
</tr>
<tr>
<td>Make Contacts for the Future</td>
<td>Make contacts for the future</td>
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<td>Make contacts for the future</td>
<td>Make contacts for the future</td>
</tr>
<tr>
<td>Duration of Status</td>
<td>1 Month to 6 Months - As indicated on each I-94 upon entry</td>
<td>Duration of Stay (maintaining fulltime status as a student)</td>
<td>Legal as long as the F1 VISA holder is legal</td>
<td>Legal as long as the H1 VISA holder is legal</td>
<td>Legal for the length of their program</td>
<td>Legal as long as the J1 VISA holder is legal</td>
</tr>
</tbody>
</table>
POLICY DEVELOPMENTS:
VISITORS AND OBSERVERS

International Visitor
• Non U.S. Citizen or U.S permanent resident
• Visit with university departments and staff only
• Observing or following designated program (i.e. training, conference, etc.)
• Limited to 5 days
• If there is no direct sponsoring this individual, OIP must oversee visitor and related events

International Shadowing Program
• International medical doctors, residents, or recent graduates
  – Cannot be students
• Non U.S. Citizen or U.S permanent resident
  – Unless this individual obtained a medical degree in a university outside of the United States
• Clinical experience:
  – Strictly observing
  – Patient must consent for this individual to observe
    • Need a patient sign off sheet
  – Cannot be left alone with patients
  – Must be accompanied by supervisor or supervising attending within the department
• Limited to 6 months
# Policy Developments: Visitors and Observers

## Observer/Shadowing Program

**Items needed for approval/consideration:**

1. Completed application form  
   a. Form signed by international and supervisor
2. Approval form  
   i. OIP Director: Kimberly  
   ii. Occupational Health  
   iii. HR  
   iv. Dr. Klein  
   c. Form for sponsoring departments
3. Copies in English of degree certifications, license, educational credentials etc.
4. Passport
5. Visa
6. HIPPA training completion and confirmation
7. Infection Control
8. Confidentiality policy
10. Deemed Export?
11. Immunizations  
    a. TDAP  
    b. MMR  
    c. Flu Shot  
    d. Hep B  
    e. Varicella  
    f. TB  
    i. 6 months before or do the Quant at KUMC
12. Liability release
13. Professional Liability insurance
14. Health insurance
15. Badge request form (OIP created)

## International Visitor

**Items needed for approval/consideration:**

1. Completed application form  
   a. Form signed by international and supervisor
2. Approval form  
   i. OIP Director: Kimberly  
   ii. Occupational Health  
   iii. HR  
   iv. Dr. Klein  
   c. Form for sponsoring departments
3. Copies in English of degree certifications, license, educational credentials etc.
4. Passport
5. Visa
6. HIPPA training completion and confirmation
7. Infection Control
8. Confidentiality policy
9. Non-KUMC International Visitor Release Agreement
10. Deemed Export?
11. Immunizations  
    a. TDAP  
    b. MMR  
    c. Flu Shot  
    d. Hep B  
    e. Varicella  
    f. TB  
    i. 6 months before or do the Quant at KUMC
12. Badge request form (OIP created)
POLICY DEVELOPMENTS: VISITORS

• Time limit: 5 days
• Sponsoring department? Or OIP
• Forms
• HIPPA training requirement
• Immunizations
• Visit Schedule
• OIP keeps record of each international visitor
• Time limit: 6 months
• A part of the general Shadowing Program
• OIP keeps record of international observers
• Application form
• Must have a sponsoring department or supervisor
• Immunization requirements
• HIPPA requirements
QUESTIONS?