# H-1B Sponsorship Agreement

*HR Business Partner*

The H-1B immigration category is highly regulated by the U.S. Department of Labor and U.S. Citizenship and Immigration Services. Filing an H-1B petition on behalf of a current or prospective employee places significant compliance requirements on the university.

By checking the boxes below, I acknowledge the following:

☐ **Costs**: The hiring unit agrees to pay the attorney fee and costs as well as USCIS filing fees. See estimated costs here.

☐ **Proposed Start Date:** ISSS will advise if the proposed start date in the Initial Request for H-1B Petition is feasible. The hiring unit may need to defer the start date of employment.

☐ **Work Site(s)**: The H-1B petition is approved for the work site(s) listed on the Labor Condition (LCA) application and the H-1B petition and which you provide in the Initial Request for H-1B Petition. You must notify ISSS of any change or addition of work site(s) before work begins at the new site.

☐ **Wage Requirements**

- USDOL requires the employer to pay the higher of the
  - 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.") which you provide in the Actual Wage Memorandum; or the
  - prevailing wage (wage rate in the occupational classification in the area of employment and determined by the law firm using USDOL wage data or another acceptable source)
- The wage cannot include payments that are not guaranteed such as incentives or bonuses or are not recurring such as a moving allowance.
- If the offered wage is not sufficient, ISSS will notify you and you can decide to increase the wage, issue an addendum to the LOO and continue sponsorship or cancel the H-1B Request and pay for initial charges incurred with the law firm.
- If the wage decreases for any reason, contact ISSS before it takes effect.

☐ **Required Payment of Wages:** the employer is required to start paying the required wage in the H-1B petition within a certain period of time regardless of whether the employee is providing services. If the employee does not receive the required wage, the hiring unit must pay back wages.

- New or current employee obtaining H-1B status by entering the U.S.
  - On or after the start date of the H-1B status (date of entry or start date of petition, whichever is later); and
  - As soon as they “present themselves for employment” after the date above; and
  - No later than 30 days after the start date of H-1B status
- New employee in H-1B status changing employers

    - On or after the start date of the university's petition; and
    - As soon as they "present themselves for employment" after the date above; and
    - No later than 60 days after the start date of H-1B status

- New or current employee changing status to H-1B in the U.S.
    - On or after the start date of the university's petition; and
    - As soon as they "present themselves for employment" after the date above; and
    - No later than 60 days after the start date of H-1B status

☐ **Material Changes to the terms and conditions of employment:** the H-1B petition is approved for a specific position, FTE, work location, wage, etc. If there are changes to the terms and conditions, the university may need to file an amended H-1B petition with USCIS or post a notice at a new work site.

- Notify ISSS of prospective changes at least 2 months in advance.
- Note that 'in-line" promotions without a significant change in duties or FTE often do not require an amended petition such as instructor to senior instructor.

☐ **End of Employment**

- **Voluntary**: If the employee voluntarily leaves their position, submit the Departure Form.
    - **I**f there is time remaining on the H-1B approval, ISSS will ask the law firm to withdraw the LCA and H-1B petition and relieve the university of its obligations.
    - The hiring unit will be charged by the law firm for the service.
- **Involuntary**: If the university ends the employment of an H-1B employee before the end date of the H-1B petition, submit the Departure Form.
    - The hiring unit is responsible for paying the reasonable cost of return transportation to the employee. See Early Departure Procedures.
    - ISSS will ask the law firm to withdraw the LCA and H-1B petition and relieve the university of its obligations.
    - The hiring unit will be charged by the law firm for this service.
    - Note that unpaid administrative leave does not relieve the university of its obligation to pay the required wage.

| ______________________________ | ______________________________ | ____________ |
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| Signature of HR Business Partner | Title of HR Business Partner | Date |