



Checklist:

- Support letter
- Determination of Actual Wage Form and Chart
- Updated CV
- Copy of current I-94 and passport information page
- \$460 check made out to U.S. Department of Homeland Security
- I-539 for dependents if they are in H-4 status and if amended petition will result in an extension of the current stay as well as an amendment to the current petition. \$370 check for I-539 filing fee (if applicable), made out to U.S. Department of Homeland Security.
- Three most recent paystubs
- Diploma and transcripts

To be completed by supervisor, or department administrator authorized to offer the position:

Name and Title

Phone: Fax:

E-mail: FSU Mail Code:

The undersigned confirms that s/he is authorized to offer this position, that s/he will take responsibility for the supervision of the foreign national, and that information contained in this request is correct according to the best information available. The department must notify the Center for Global Engagement of any early terminations or any changes in the terms or conditions of employment. The undersigned understands that the employer is liable for the reasonable costs of return transportation of the foreign national abroad if the foreign national is dismissed from employment by the employer before the end of the authorized period of stay granted by USCIS on the basis of Florida State University's H-1B petition.

I also confirm that I, or a departmental representative, will contact the Center for Global Engagement BEFORE making any changes in the terms and conditions of the employment. I understand that changes may require FSU to file a new Labor Condition Application (LCA) and amended petition. (Examples of changes that require a new LCA and amended petition are: changing an appointment from full time to part time or from part time to full time, or adding teaching duties to a position that did not originally involve teaching.)

Signature: _____

Date:

Department Representative:



Part I: To be completed by the host department.

This form is to be used when there are changes in the terms and conditions of employment for an H-1B worker who is currently employed by FSU. An amended petition is probably necessary if an employee is moving from one department to another within FSU, resulting in significant changes in job duties, salary, title, etc. An amended petition is also necessary if an employee will continue to be employed by the same department, but there are significant changes in the job duties, salary, title, etc., such as the addition of supervisory duties or teaching duties. A salary increase or change in job title that is given without changes in job duties or responsibilities does *not* require an amended petition.

Department/School/Center:

Name of Foreign National:

We are submitting a request for an amended petition due to the following changes in employment:

Moving from _____ (department) to _____ (department)

New job duties. Describe (please remember to note if new job duties include supervision or not):

Street address of employment: City: State: Zip Code:

Salaried: Yes No If no, enter wage: Per Hours per week

Change in salary from \$ to \$ In-unit: No Yes

Other:

Dates requested for amended petition: to:

Processing

Regular (\$460 application fee and \$500 Fraud Protection& Detection Fee OR
Premium - 15 days (\$460 application fee plus additional separate check for \$1410)

Information for UPS billing through Postal Services (Please see the checklist for information about the checks and address.)

Dept# Fund# Purchase Order #

Contact Information:
(worker)

Mailing Address:

Residential (street) address: City: State: Zip Code:

Phone: Fax: E-mail:

United States Visa History:
Is worker currently in the United States? Yes No If yes, what is their current visa status?

I-94 Number: What is the expiration date of their current visa status?

Attach copies of the I-94 card (front and back) and visa

If they have any plans to travel outside the U.S., please provide the details:

Passport Number: Issue Date: Expiration Date:

U.S. Social Security Number (if any): Date of last arrival to U.S.:



Florida State University
Deemed Export Questionnaire
FSU VISA/EXPORT REVIEW for H-1B Applicants

OVERVIEW OF EXPORT CONTROL REQUIREMENT FOR H-1B

In support of your request for H-1B sponsorship, the Center for Global Engagement (CGE) is required to certify on the USCIS I-129 petition whether or not a license for export controlled technology or technical data is necessary for the individual being sponsored. To facilitate this requirement, we ask your assistance in completing the questionnaire below, which will allow CGE to begin filing H-1B support. In addition, the Office of Research Compliance Programs (ORCP) will review the form and if necessary will confer with the sponsored-individual and appropriate supervisor or administrator to determine whether a license under EAR or ITAR would be required. The license acquisition process would be initiated in parallel to H-1B sponsorship. Any future changes or extensions of the sponsored H-1B worker’s employment must also be reviewed for compliance. For more information about Export Control, visit <https://www.research.fsu.edu/research-compliance/export-controls/>.

This questionnaire must be answered by the faculty member sponsoring the visa applicant/beneficiary, and may not be delegated to another individual acting on his or her behalf.

Faculty/Sponsor Information		H-1B Employee Information
Name:		Name:
Department:		Proposed Job Title:
Phone:	Email:	Country of Citizenship

1. Will the H-1B Employee participate in sponsored research? Yes No If Yes, please answer the following questions:

A. FSU Principal Investigator Name: _____ OMNI or FSURF Project ID: _____

Sponsoring Agency Name: _____

B. Is the sponsored research funded in whole or part by DoD, NASA, or defense industry sponsor(s)? Yes No

C. Is the sponsored research project(s) subject to access, publication, dissemination, or foreign national participation restrictions? Yes No

2. Please specify the types of research in which the H-1B Employee will be involved:

[Basic](#) [Applied](#) [Development](#)

3. Will the H-1B Employee be provided access to any ongoing DoD, NASA or defense industry research or research results?

Yes No

4. Is there any reason why the research results cannot be published or taught in an official FSU course or otherwise shared with the interested public (e.g., intellectual property issues, contractual restrictions, or proprietary/confidential data)?

Yes No

5. Will the H-1B Employee be provided access to any controlled technical data or technology¹ (hardware or software) furnished to FSU that is proprietary or confidential to a sponsor or third party?

Yes No

6. Will the H-1B Employee be provided access to any controlled FSU-owned technical data or technology¹ (hardware or software) that is considered proprietary or confidential to FSU?

Yes No

¹ The technology and technical data that are controlled for release to foreign persons are identified on the [EAR’s Commerce Control List \(CCL\)](#) and the [ITAR’s U.S. Munitions List \(USML\)](#). Items subject to the EAR include purely civilian items, items with both civil and military, terrorism or potential WMD-related applications, and items that are exclusively used for military applications but that do not warrant control under the International Traffic in Arms Regulations. The ITAR-controlled technical data on the USML relate to defense articles and defense services.

7. Will the H-1B Employee be provided access to any equipment, information, or software specifically designed or developed for military or space applications (e.g. night vision cameras, satellite technology, Y-Code GPS, etc.)?
 Yes No
8. Will the H-1B Employee be exposed to encryption software source code, or otherwise involved in the design, development, or production of encryption software?
 Yes No
9. Will the visitor be involved in research associated with biological agents that are associated with select agents, pathogens or toxins?
 Yes No
10. The routine "use" of controlled equipment by foreign nationals (e.g., using it in the ordinary way specified in the user manual, in such a manner that does not disclose technical information about the equipment beyond what is publicly available) does not require a license. However, a license may be required if a foreign national is "using" the equipment in such a way as to access technical information beyond what is publicly available (for example, accessing the source code of software or modifying a piece of equipment in such a way as to gain non-publicly available technical information about its design.) Will the H-1B Employee be using any equipment beyond routine use?
 Yes No
11. Specify all labs, institutes, and centers the H-1B Employee will visit or work in while at FSU.
12. Will the H-1B Employee be working with materials obtained under a Materials Transfer Agreement (MTA)?
 Yes No
13. Will the H-1B Employee be working with information controlled by a Non-Disclosure Agreement (NDA)?
 Yes No

If any of the above questions were answered "Yes", the faculty/sponsor will be contacted by ORCP for additional information.

Faculty/Sponsor Attestation

I attest that, to the best of my knowledge and ability, I have truthfully answered all of the above questions. I have full knowledge of the scope of research work of the applicant. I agree to notify the Center for Global Engagement at least 30 days in advance of any change to the applicant's employment that would require modifying any of the answers above.

Signed: _____ Date: _____

For use only by ORCP:

- A license is not required.
- A license is required from the US Dept. of Commerce and/or the US Dept. of State to release such technology or technical data to the beneficiary, and the petitioner will prevent access to the controlled technology or technical data by the beneficiary until and unless the petitioner has received the required license or other authorization to release it to the beneficiary.

Diana Key, Director
Office of Research Compliance Programs

Date

SAMPLE LETTER OF SUPPORT FOR H-1B EXTENSION

U.S. Citizenship & Immigration Services
California Service Center
ATTN: CAP Exempt H-1B
24000 Avila Road, Second Floor, Room 2312
Laguna Niguel, CA 92677

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

Dear Sir/Madam:

I am writing in support of the H-1B amendment filed by Florida State University on behalf of Dr. John Doe, who is currently employed as a *(title)* in the Department of Biochemistry.

The Department of Biochemistry intends to employ Dr. John Doe for the period of *(date)* to *(date)*. This period of employment fits within the six-year limitation on total H-1B employment. Dr. Doe will continue to conduct research and teach graduate and undergraduate courses in Biochemistry **(please add changes in duties)**. He will receive a salary of \$ *(dollar amount)* for the academic year (or other period).

Thank you for your courtesy and attention to this matter.

Sincerely,

Jane Doe
Title

DETERMINATION OF ACTUAL WAGE

The U.S. Department of Labor requires employers who are hiring H-1B employees to confirm that they will pay non-immigrants at least the local prevailing wage or the employer's actual wage, *whichever is higher*. The actual wage is the 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.

The employer is required to **establish** and **document** the actual wage rate. Information must be available for public examination and for Department of Labor inspection. The inspection files are kept at the Center for Global Engagement.

To comply with the actual wage requirement, please complete the section below and attach the Determination of Actual Wage Worksheet or other supporting documentation.

PLEASE CHECK ONE:

- There are no employees in the department with the job title and/or basic job duties of *(name of foreign national)* . This position is unique because

The actual wage rate is the salary offered to the H-1B employee.

Signature: _____	<i>(Department Chair or Director)</i>
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- There are *(number)* other employees in the *(name of department)* with the job title and duties of *(job title)* . The wage range for those employees is \$ to \$. Within this range an individual salary is determined by taking various factors into consideration. The factors used to determine the salary for individuals in the position of are:

I am attaching documentation to show how the department identified similarly-employed workers with similar education and experience and how this wage rate was determined. (This information is required by the Department of Labor.) It should consist of a list of employees in the **same job classification and their salaries, plus an explanation of how the salaries were set. The salary of the H-1B worker cannot be lower than all of the other employees in the same classification because regulations require the employer to pay the prevailing wage OR the actual wage, whichever is higher.**

Signature: _____	<i>(Department Chair or Director)</i>
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NOTE: Some factors that the department can consider when determining an employee's salary are:

- | | |
|----------------------------------|---|
| - experience | - specialized knowledge/skills |
| - qualifications | - publications |
| - education | - other objective business-related criteria |
| - job responsibility/supervision | |

According to NAFSA: Association of International Educators: "The Department of Labor has made it quite clear that for actual wage purposes it is unacceptable to set a wage based solely on the salary level set by a grant. The *can't afford* it argument holds little water in the face of a Department of Labor audit." In addition, if a similarly employed individual has a higher than average salary because of a certain grant, the salary of that individual cannot be left out of the wage range if the duties, education, and experience of the employee are similar to that of the H-1B employee (note from the H-1B Handbook, 2000 Edition by Austin T. Fragomen, Jr. and Steven C. Bell).

