

Hiring Department and International Employee Checklist and H-1B Request Form

(updated 03.13.2024)

The H-1B non-immigrant visa is reserved for international employees who will work in a specialty occupation for a total of six years, applied for in 1-2-3-year increments. A specialty occupation is one that requires the application of a body of highly specialized knowledge and the attainment of at least a bachelor's degree or its equivalent. Additional information on the H-1B visa status, including the processing timeline for filing an H-1B petition, can be found [here](#).

H-1B petitions are detailed and time-consuming, with the average petition being 75-100 pages long. To best assist International Services, we ask the hiring department and the new/continuing employee to follow the guidance below.

Application Instructions:

- H-1B applications can be filed up to six months before the start date of employment or the end date of current employment. Information on H-1B status and the application timeline can be found [here](#).
- The H1B Application Packet consists of the Hiring Department and Employee H-1B Request Form, the Actual Wage Determination Form, the Export Control Questionnaire, all supporting documents, and Clemson University-issued checks for USCIS filing fees.
- International Services will not review incomplete H-1B packets and will return incomplete packets to the hiring department. All packets should include the required signatures.
- Hiring departments are responsible for submitting completed H-1B Application Packets, including checks and employee documents, to International Services. The packet must be submitted to empvisa@clemson.edu in an Adobe PDF Portfolio with each item individually named for easy reference.
- Multiple emails with numerous attachments will be returned to hiring departments as it causes delays in the review and processing of H-1B packets. We do not accept H-1B packets submitted via Box or OneDrive or double-sided or stapled photocopies.
- All questions concerning the H-1B application and supporting documents should be directed to [International Services](#).

Type of H-1B Request:

- ☐ Initial/New H-1B Employment at Clemson University.
- ☐ Extension of Current H-1B Employment at Clemson University.
- ☐ Amendment to current H-1B Petition.
- ☐ Amendment and Extension to current H-1B Petition.
- ☐ Transfer/Change of Employer (Non-Clemson employee on H-1B being hired by Clemson on H-1B.)
- ☐ New Concurrent Employment (Employee currently holds H-1B with another employer but will work concurrently for Clemson).
- ☐ Other: _____
- ☐ Optional: The department requests this petition be filed using Premium Processing, an additional fee paid to USCIS to expedite a response by USCIS to an H-1B petition.

To Be Completed by the Hiring Department:

Last Name of Employee	First Name of Employee	Position/Title Offered to Employee	
Employee's Salary \$ _____ <input type="checkbox"/> Per Hour <input type="checkbox"/> Per 9-months <input type="checkbox"/> Per Year	Is Employment Full-Time or Part-Time? <input type="checkbox"/> Full-Time <input type="checkbox"/> Part-Time	If part-time, how many hours of work per week?	Will employee be eligible for CU benefits? <input type="checkbox"/> Yes <input type="checkbox"/> No
H-1B Employment Start Date (mm/dd/year)	H-1B Employment End Date (mm/dd/year)	Will Employee work on Clemson's Main Campus? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Name of Academic Department or Worksite	Complete Street Address including Office, Building, Street Address, City and State of Worksite		Zip/Postal Code of Worksite
Name of Supervisor	Title of Supervisor	Supervisor's Email	
Name of Department	Name of College/Division	Will this position supervise any staff? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, how many? _____	
Hiring Department Contact	Hiring Department Contact Email	Department FedEx Account Number:	

To Be Completed by the New/Current Clemson Employee:

Family/Surname (as it appears on passport)	First Name (as it appears on passport)	Full Middle Name (as it appears on passport)
Phone	Email	Date of Birth (mm/dd/year)
Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female	Marital Status <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Other	Country of Birth
City of Birth	Country of Citizenship	Province of Birth
Country of Legal Permanent Residency	Passport Number	Passport Country of Issue
Date Passport Issued (mm/dd/year)	Date Passport Expiration (mm/dd/year)	Current U.S. Visa Status
Are you currently in the U.S.? <input type="checkbox"/> Yes <input type="checkbox"/> No	Most Recent I-94 Number	Date of Last Arrival in U.S. (mm/dd/year)
If currently in the U.S., what is the start date of your current immigration status? (mm/dd/year)	If currently in the U.S. what is the end date of your current immigration status? (mm/dd/year)	Most Recent USCIS petition/application receipt number. If none, enter N/A.
Current U.S. Residential Address	City and State	Postal Code:
Permanent Foreign Address	City/Province	Postal Code
Emergency Contact Name and Relationship	Emergency Contact Email	Emergency Contact Phone

Provide all other names used (include maiden names, names from previous marriages, and different spellings):

Last Name	First Name	Middle Name
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The Entry Visa Processing section below is required and indicates which U.S. Embassy should be notified of this H-1B petition.

Entry Visa Processing Information:

U.S. Embassy or U.S. Port of Entry	Foreign City & Country
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Education:

School(s) attended (mm/dd/year)	Location	Degree Granted

History of U.S. Non-Immigrant/Immigrant Petitions:

Has an immigrant visa petition or application for permanent residency ever been filed on your behalf? <input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, on what basis? <input type="checkbox"/> Family Sponsored <input type="checkbox"/> Employer PERM/I-140 <input type="checkbox"/> National Interest Waiver <input type="checkbox"/> I-485	
Most recent USCIS I-797 Receipt Number:	Have you ever held L-1 status? <input type="checkbox"/> Yes <input type="checkbox"/> No	Have you ever held H-1B status? <input type="checkbox"/> Yes <input type="checkbox"/> No Dates: _____
Have you ever held J1/J2 status? <input type="checkbox"/> Yes <input type="checkbox"/> No	If you held J status before, were/are you subject to 212(e)? <input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, did you receive a waiver of the 212(e)? <input type="checkbox"/> Yes <input type="checkbox"/> No

Full U.S. Immigration History (use additional sheet if needed):

Indicate Any Prior U.S. Nonimmigrant/Immigrant Status:	Dates in U.S.:	If employed in U.S., are you still employed with sponsor?	Following status, did you live outside the U.S.? If yes, how long?

H4 Dependents (spouse any minor child under 21 years of age):

Are applications for dependents being filed with this H-1B petition? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, how many? _____	Are you currently planning any travel outside the U.S.? <input type="checkbox"/> Yes <input type="checkbox"/> No If traveling, please list dates of travel (mm/dd/year): _____
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Items required from the Hiring Department:

- Hiring departments FedEx Account Number for mailing of H-1B application to USCIS.
- Completed and signed Hiring Department and International Employee Checklist and Request Form.
- Completed and signed Actual Wage Determination Form.
- Completed and signed Export Control Questionnaire.
- Photocopy of the signed, official job offer letter issued by Clemson University's Office of Human Resources.
- Hiring Department Support Letter, written by the hiring department on department letterhead and signed by the departmental hiring authority. This letter must provide a detailed description of the position and why the candidate is the most qualified person for the position. *Template on page 4.*
- H-1B extensions or amendments: if there are changes to the original offer letter or department support letter, provide addendums, signed on departmental letterhead, to include new details of employment, ex. updated salary, new title, etc.
- Official Clemson University position description or job posting.
- Checks for USCIS Filing Fees –
 - USCIS checks cannot be mailed separately to USCIS and must be mailed with the H-1B Petition. Once the checks are printed, the hiring department must pick them up from Procurement and bring them to International Services in 108 Long Hall.
 - Checks must be requested through BuyWays. Please note: Be sure to enter the employee's name in the "Invoice Number" field in BuyWays; otherwise, it will be difficult to tell who the checks are for. If their entire name doesn't fit, use their first initial and last name or first name and last initial.
 - Separate checks are required for each USCIS fee.
 - Each check must be made payable to the U.S. Department of Homeland Security in the following amounts:
 - Filing Fee - \$780
 - Anti-Fraud Fee - \$500
 - Optional Premium Processing - \$2,805**Premium processing guarantees a response from USCIS within 15 calendar days of their receipt of the petition.*
 - Use the 'edit pen' to select the following address that will appear on the checks: U.S. Citizenship & Immigrant Services California Service Center, ATTN: CAP EXEMPT H-1B Processing Unit, 24000 Avila Road, Room 2312 Laguna Niguel, CA 92677.

Items required by New/Current Employee:

- Completed Hiring Department and International Employee H-1B Request Form.
- A list of all previous and pending U.S. immigration statuses with corresponding dates and locations of each. A simple Word document is fine.
- Photocopy of the biographical page of the valid passport.
- Photocopy of the employee's most recent [I-94 Arrival-Departure Record](#).
- If applicable, provide photocopies of the following:
 - All previous H-1B or H-4 I-797A approval notices, I-797C receipt notices, and H-1B or H4 visa stamps.
 - If employed in the U.S., provide pay stubs/statements for the last three months of employment. If in a dependent status, provide pay stubs/statements for the last three months of employment for the primary H-1B visa holder as well.
 - All previous DS-2019s, J1/J2 visa stamps, and, if applicable, a USCIS I-612 showing approval of the 212(e) waiver.
 - All previous I-20s, F-1 visa stamps, front and back of all OPT and STEM OPT EAD documents.
 - I-797A Approval Notice of I-140.
 - If applying to extend, transfer, or amend an H-1B, the following items are not needed:
 - All previous I-20s, F-1 visa stamps, front and back of all OPT and STEM OPT EAD documents.
- Most up-to-date CV or Resume.
- Photocopy of all bachelor's, master's, and Ph.D. diplomas.
- Official transcripts for the degree relevant to the position at Clemson and for the highest degree obtained.
- U.S. credential evaluation of foreign degree if the relevant or highest degree was earned outside of the U.S.
- International Services can submit the I-539, filing fee, and supporting documents for dependents at the time of filing the H-1B petition. Guidance on H4 dependents can be found [here](#).

Approval to File H-1B Petition for Sponsored-Employee:

Hiring Department Admin/Contact: _____ Signature: _____ Date: _____

Supervisor: _____ Signature: _____ Date: _____

Department Chair: _____ Signature: _____ Date: _____

If you have any questions about the information above or the H-1B process, please contact [International Services](#).

Hiring Department Support Letter for H-1B Visa Sponsorship Template Sample Letter for Clemson University Employee/Candidate

In this letter, on departmental letterhead, the hiring supervisor must establish purpose, speak to the background of the college/department, outline the most important job requirements and, most importantly, focus on why this employee/candidate is the best qualified for this position. The letter should end by stating the employee/candidate's salary and a statement of compliance with the H-1B regulations signed by an individual with hiring authority and oversight of the employee/candidate.

TEMPLATE - Hiring Department Support Letter - TEMPLATE

Date

U.S. Citizenship & Immigration Service California Service Center
24000 Avila Road
Laguna Niguel, CA 92677

RE: Department Support Letter for (insert name of employee/candidate) Dear Sir or Madam:

This letter is being submitted in support of the University's H-1B petition for (employee/candidate) to serve as a Research Associate in the Department of Science at the University.

Established in 1898, the University is a nonprofit academic and research institution and is recognized as one of the foremost academic institutions in sciences. To maintain this level of excellence, our staff members must be of the highest merit and ability.

The University's Department of Science wishes to temporarily employ (employee/candidate) in the specialty occupation of Research Associate for (up to 3 -years based on funding for the position). The minimum requirement for this professional position is the completion of a Ph.D. in Physics. As a Research Associate, he will be involved in atmospheric and climate research, where the major interest is in studying the potential influence of atmospheric water vapor on the freshwater balance of the oceans and its implications on deep water formation and ocean circulation.

(Employee/candidate) is eminently qualified to fill the position of Research Associate. (He/she) studied Chemistry and Physics at the University of Munich in Germany and received a teaching degree in Chemistry and Physics in 1990 and the equivalent of a U.S. master's degree in Physics in 1991. (He/she) did (their) thesis work for both degrees at the Institute for Environmental Physics at the University of Munich. (He/she) earned (their) Ph.D. in Physics from the same University in May 2000.

Based upon (employee/candidate's) professional credentials, we wish to employ (him/her) as a Research Associate for an initial period of (up to 3 years based on funding for the position), for which (he/she) will receive an annual salary of \$40,000. Assuming our petition is approved, we fully intend to comply with all the regulations regarding the employment of individuals in H-1B status. We confirm that if (employee/candidate) is dismissed before the end of (his/her) period of authorized employment, we will be responsible for the reasonable cost of return transportation abroad. Thank you for your consideration and attention to this matter.

Sincerely,
/s/ Chair, Department of Science
/s/ Dean, College of Arts and Sciences

CLEMSON UNIVERSITY
230 Parkway Drive • 108 Long Hall • Clemson, SC 29634
864-656-3614 • empvisa@clemson.edu



Actual Wage Determination and Notification of Change in Terms and Conditions of Employment Agreement

Clemson University departments hiring temporary workers in either the H-1B or E-3 visa categories must complete an Actual Wage Determination to comply with the U.S. Department of Labor (DOL) regulations. Specifically, the DOL requires that the employer attest that the H-1B or E-3 employee be paid the higher of either (1) the prevailing wage for the occupation in the area of intended employment or (2) the actual wage for the occupation at the place of employment.

The actual wage is defined as the wage paid by the department to all other individuals "with similar experience and qualifications for the specific employment in question." When calculating the actual wage, the department should consider the following factors: education, work experience, specific job duties and functions, specialized knowledge, and any other related factors. The salaries of other similarly qualified employees will establish the range of actual salaries. Please note that the H-1B or E-3 employee's salary must fall within or above that range.

General Information

University Job Title:		Applicant's Name:		Salary Offered:	
Tenure Track: Yes No	Is the position: Full-Time Part-Time If part-time, number of hours worked per week:	Will Employee Receive CU Benefits (insurance, annual and sick leave, etc.): Yes No			
Full Period of Employment Requested for Position: Requested Employment Start Date _____ Requested Employment End Date _____			All Worksites Addresses (include city and state):		

Wage Information

Please provide the salary range of individuals within the department with the same job title and qualifications similar to those of the applicant: \$ _____ to \$ _____	
<p>Please check which of the factors listed below were used to determine the salary for similarly employed individuals:</p> <ul style="list-style-type: none"> Degrees Earned Previous Work Experience Comparable Rate of Pay at Similar Institutions Area of Specialization Funding Source (grant, etc.) <p>If the above does not fully describe the factors used to determine the salary for similarly employed individuals, please provide an attachment that further describes the compensation system.</p>	<p>Within the department, the number of similarly employed individuals with the same title or duties as this employee is _____.</p> <p>Among those similarly employed, the number that are paid at or below the wage offered to this employee is _____ and the number of those paid at a higher rate is _____.</p> <p>If there are any similarly employed individuals who are paid at a higher rate, please complete the following:</p> <p>_____ (number) is/are paid at a higher rate(s) due to more experience.</p> <p>_____ (number) is/are paid at a higher rate(s) due to holding a higher academic degree.</p> <p>_____ (number) is/are paid at a higher rate(s) due to more job responsibilities.</p> <p>_____ (number) is/are paid at a higher rate(s) due to _____.</p> <p>_____ (number) is/are paid at a higher rate due to: _____.</p>

Signature

Based on the information provided above and on Clemson University's wage guidelines, I certify that the proposed salary for the H-1B/E-3 employee falls within or above the actual wage range. If required to do so, I will be able to provide documentation, including the names and payroll records of similarly employed individuals, to verify this statement.	
I hereby certify that if there is any material change to the applicant's employment, including but not limited to, a change in work location (including short-term placement), a change of job title, or a change in job duties, I will contact International Services immediately. I understand that if I do not notify International Services, Clemson University may be subject to substantial fines imposed by the federal government, and its ability to hire international employees in H-1B, and E-3 status may be suspended.	
Name and Signature of Department Chair or Supervisor: _____ Date: _____	



Visa Applicant Deemed Export Questionnaire For Sponsored & Non-Sponsored Activities

This questionnaire must be completed by the sponsoring faculty member or supervisor who is directly knowledgeable of the visa applicant/beneficiary's activities. It must not be completed by someone with no direct knowledge of the visa applicant/beneficiary's activities.

Important Background – Please Read: The U.S. Citizenship and Immigration Service (USCIS) requires that Clemson University, when filing a **H-1B, L-1, or O-1** petition, certify the following:

- It has reviewed the Export Administration Regulations (EAR) administered by the U.S. Department of Commerce and the International Traffic in Arms Regulations (ITAR) administered by the U.S. Department of State; and
- It has determined whether or not a license (prior authorization) is required from either of these U.S. government agencies to allow a foreign national employee access to export-controlled items or technology (laboratory equipment/research instruments, materials, software or technology/technical data) controlled under the EAR or ITAR.

In the case of **J-1 Exchange Student and Visiting Scholars**, Clemson University is also required to determine whether the J-1 visa candidate will be exposed to export control items or technology.

The transfer or release to a foreign national of such controlled items by any means is “deemed” to be an export to the foreign national’s country of citizenship or permanent residence, potentially requiring a U.S. export license, unless a particular authorized license exemption applies.

Please complete the form as comprehensibly as possible.

If you need assistance in completing this questionnaire, please contact [Export Control](#) in the Office of the Vice President for Research. Export Control will then assist you in completing the questionnaire and work with you to determine whether the activities intended for the visa applicant require prior export control authorization from a governing U.S. agency or a Technology Control Plan to restrict access.

Beneficiary/Visa Applicant:

Family/Surname <i>(as it appears on passport)</i>	First Name <i>(as it appears on passport)</i>	Date of Birth <i>(mm/dd/year)</i>
Country of Citizenship	Current Visa Type (if applicable)	Requested Visa Type <input type="checkbox"/> H-1B <input type="checkbox"/> O-1 <input type="checkbox"/> Other ____
Job Title/Brief Position Description 		

Faculty/Sponsor:

Faculty/Sponsor First Name	Faculty/Sponsor Last Name	Title
Department:	Phone (xxx)xxx-xxxx	Email

Please answer Question 1, check the appropriate box, and give a brief explanation of the work assignments(s) below.

1. Will the beneficiary be working in one of the following

areas? ☐ Biomedical Sciences

Computer Sciences

☐ Space or Space Launch Sciences

☐ Any Engineering or Scientific Discipline (may include but are not limited to the following: Chemical, Electrical, Semiconductor, Materials Science, Physics, Mechanical, Geophysical, Geospatial, Marine, Meteorological, Astronomy, Nuclear, Artificial Intelligence or Robotics).

Check one:

☐ **NO:** the assignment will not involve, expose, or potentially expose the applicant to any scientific or engineering discipline identified above, or if involved in such scientific discipline, will be acting in a teaching-only capacity, with no research involvement.

☐ **YES:** the assignment will involve, expose, or potentially expose the applicant to a scientific or engineering discipline (including but not limited to one or more of those listed above).

Brief explanation of work assignment(s).

[illegible]

You are required to check all applicable boxes below. Responses of “yes” or “not sure” answers could be potential deemed export concerns to which [Export Control](#) will promptly work with you to review and resolve. **Important note:** any technical data that has been invented by Clemson University or another entity as the result of fundamental research (basic and applied research conducted without sponsor mandated publication and/or citizenship restriction) and is the subject of a potential or actual research publication, conference presentation, course curriculum, or patent publication (i.e. already in the public domain) is exempt from deemed export access restrictions.

2. Will the beneficiary perform any activity under a sponsored research agreement (e.g. grant, CRADA, contract, recharge service agreement, Capstone, etc.) that restricts or prohibits the participation of foreign nationals (i.e. there are restrictive clauses or requirements pertaining to foreign nationals or non-U.S. persons participating in the research)?

☐ YES ☐ NO ☐ NOT SURE

3. Will the beneficiary perform any activity under a sponsored research agreement (e.g. grant, CRADA, contract, recharge service agreement, Capstone, etc.) that restricts or prohibits the research team’s right to publish any of the data or research results, except for the sponsor’s right to review and exclude from intended publication proprietary or confidential data that, under the terms of the Agreement, is exempt from publication.

☐ YES ☐ NO ☐ NOT SURE

4. Will the beneficiary be provided access to any of the following (whether or not actually required for his/her work assignment and whether through hard or soft copy)?

- Technical data or information that has been stamped or otherwise designated by the sponsor or collaborating institution as being “export controlled;”

☐ YES ☐ NO ☐ NOT SURE

- Sponsor or third-party proprietary or confidential information, materials, or software that is the subject of a Non-Disclosure Agreement (NDA) or equivalent confidentiality agreement.

☐ YES ☐ NO ☐ NOT SURE

- Third party, proprietary technology for the development of cryptography, or source code containing cryptographic functionality.

☐ YES ☐ NO ☐ NOT SURE

- Third party, proprietary information pertaining to the “use” or “development” or “production” of instruments, materials, software, or scientific processes (technology):

For purposes of this Question:

- **“Use”** means that the foreign national would be performing one or more of the following types of activities pertaining to a controlled item beyond merely operating the item for its intended purpose: installation, maintenance, repair, and overhaul/refurbishing – based on a proprietary and controlled (non-public domain) manufacturer manual or other equivalent documentation.
- **“Development”** means technology pertaining to a sponsor’s proprietary R & D and development project - - i.e. not intended for publication: design research, design analysis, design concepts, assembly and testing of prototypes, pilot production schemes, design data, process of transforming design data into a product, or configuration design

- **“Production”** means technology pertaining to sponsor-proprietary product engineering, manufacture, integration, assembly (mounting), inspection, testing, quality assurance.

☐

YES

☐

NO

☐

NOT SURE

5. In performing their position, will the beneficiary be provided access to research equipment, instruments, materials, software, and/or technical data in any form (e.g. blue print, sketches, specifications, documented technology, vendor operational manual/instructions, data results) that is governed under the ITAR.

ITAR covers any item (equipment, instruments, materials, software, and/or technical data as exemplified above) specially designed, developed or modified for military, defense or space applications) and may include such items whether procured from a vendor, or otherwise received by a research sponsor or collaborating research institution. Click [here](#) for a list of high level ITAR categories that identify such defense, military and space items.

For purposes of this question:

- **“access”** means any visual or physical access to the item, regardless of whether such access is actually required by the visa applicant to perform his/her work assignment.

☐

YES

☐

NO

☐

NOT SURE

Please send completed forms and all additional documents to [International Services](#) located in 108 Long Hall.

If this form is being completed for a J-1 scholar, the J-1 scholar must complete *the J-1 Due Diligence Form* and return the completed form to the faculty sponsor and [Export Control](#).

SIGN & DATE COMPLETED FORM

Acknowledgment:

In the event that the information above changes with respect to the beneficiary's activities, please notify [Export Control](#) in the Office of the Vice President for Research in a timely manner.

Faculty/Sponsor Signature

Date (mm/dd/yyyy)

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