

## H-1B CHECKLIST

**IMPORTANT: International Services cannot review incomplete H-1B packets or packets without required signatures.**

### Hiring Department must provide:

Complete with Signatures:

- H-1B Request Form.
- Actual Wage Determination Form.
- Export Control Form.

### Additional Documents:

- Copy of official Clemson job offer letter issued by Human Resources with all appropriate signatures.
- Official Clemson University position description or job posting.
- Hiring Department Support Letter:
  - Written and signed by supervisor on department letterhead.
  - Letter must provide a detailed description of the position, job duties, salary, location of employment, and why the candidate is the most qualified person for the position. See Template on pg. 4.
- For 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, and employment location, etc.
- 23-digit account string for USCIS Filing Fees.
  - Filing Fee - \$460
  - Anti-Fraud Fee - \$500
  - Optional Premium Processing - \$2,805.  
Premium processing guarantees a response from USCIS within 15 business days of their receipting the application.

### Employee/Beneficiary must provide:

- Completed H-1B Request Form.

### Additional Documents:

- Biographical page of the valid passport.
- Most recent [I-94 Arrival-Departure Record](#).
- Most up-to-date CV or resume.
- 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 and/or highest degree was earned outside of the U.S.
- List of current, pending, and previous U.S. immigration statuses including dates of status.

### Provide copies of the following, if applicable:

- All H-1B or H-4 I-797A/B approval notices, I-797C receipt notices, and H-1B/H4 visa stamps.
- If employed in the U.S.:
  - OPT/STEM OPT – provide pay stubs for the entire period of OPT/STEM OPT.
  - Dependents (H4, etc.) – provide pay stubs for the last three months of employment for the primary visa holder.
  - Other visa status – provide pay stubs for the last three months of employment.
- All DS-2019s, J1/J2 visa stamps, and, if applicable, advisory opinion from DOS and/or USCIS Form I-612.
- All I-20s, F-1 visa stamps, front and back of all OPT and STEM OPT EAD documents.
- I-140 approval notice.

H-1B applications are filed online with USCIS by International Services. H-1B dependent applications must be filed separately by the employee for eligible family members. If outside the U.S., the H-1B beneficiary and dependents must use the H-1B approval notice to apply for the H-1B and H4 visa stamps at a U.S. embassy abroad.



## HIRING DEPARTMENT REQUIRED INFORMATION

### Select Type of H-1B Being Requested:

- ☐ New Clemson Employee.
- ☐ Current Clemson Employee.
  - ☐ Extension of H-1B.
  - ☐ Amendment - based on substantial changes in current employment (title, duties, job location (ex. remote)).
- ☐ **Optional: PREMIUM PROCESSING - \$2,805.** This expedites USCIS' processing of the H-1B application to 15 business days from when they receipt the application.

**Processing Timeline – See Appendix 1, Pg. 6.**

**Fee Schedule – See Appendix 2, Pg. 6.**

### Application Instructions:

- H-1B applications are filed and filing fees are paid online with USCIS.
- Departments and employees will receive a BoxSecure link to upload all required documents for the H-1B application.
- For security purposes, do not email application materials to International Services.
- H-1B applications can be submitted to USCIS up to six months before the start date of employment or the end date of current H-1B employment.
- The H1B Application Packet consists of the H-1B Request Form, Actual Wage Determination Form, Export Control Form, and all supporting documents. Electronic signatures are acceptable.
- Hiring departments are responsible for ensuring all H-1B application materials for the department and the employee are uploaded to BoxSecure.
- Any questions concerning the H-1B application and supporting documents should be directed to [empvisa@clemson.edu](mailto:empvisa@clemson.edu).

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	
Will this position supervise any staff? : <input type="checkbox"/> Yes <input type="checkbox"/> No	Complete Worksite Address (include complete street address, building and office #):		Zip/Postal Code of Worksite:
Name of Supervisor:	Title of Supervisor:	Supervisor's Email:	
Name of Department:	Name of College/Division:	FedEx Account Number (to mail approval notices to employee):	
Hiring Department Contact:	Hiring Department Contact Email:	Department 23-digit Account String for USCIS Filing Fees:	

### Approval to File H-1B Application for Sponsored-Employee:

Hiring Department Admin/Contact: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Supervisor: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Department Chair: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## EMPLOYEE/BENEFICIARY REQUIRED INFORMATION

Fill in all applicable fields below. If additional space is needed, submit on a separate sheet of paper.

### Completed by the Clemson Beneficiary/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	Country of Birth:	Province of Birth:
City of Birth:	Country of Citizenship:	Country of Legal Permanent Residency:
Current U.S. Visa Status. If none, enter N/A	Most Recent USCIS application receipt number. If none, enter N/A.	Are you currently in the U.S.? <input type="checkbox"/> Yes <input type="checkbox"/> No
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:

### U.S. Embassy to Notify of H-1B Status:

City of U.S. Embassy:	Country of U.S. Embassy:
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### Current Employment

If in the U.S., are you currently employed? ☐ Yes ☐ No

If employed, please list the name and address of current employer:

### Employee Travel Plans – You must not travel outside the U.S. while USCIS is processing your H-1B Application.

If in the U.S., do you currently have plans to travel outside the U.S.? ☐ Yes ☐ No

If yes, please list dates of travel (mm/dd/year):

### History of U.S. Non-Immigrant/Immigrant Applications:

Has an immigrant visa application 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 If yes, please include all I-797As with application.
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

If you have questions about the information requested or the H-1B process, please contact [empvisa@clemson.edu](mailto:empvisa@clemson.edu).

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

Clemson University departments hiring employees in the H-1B visa category must complete the Actual Wage Determination Form to comply with the U.S. Department of Labor (DOL) regulations. Specifically, the DOL requires that employers attest that the H-1B employee be paid the higher of either (1) the prevailing wage for the occupation or (2) the actual wage for the occupation at the place of employment.

The actual wage is defined as the wage paid by the employer to all individuals "with similar experience and qualifications for the specific employment in question." When calculating the actual wage, the employer 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 the H-1B employee's salary must fall within or above that range.

General Information		
University Job Title:	Employee/Beneficiary's Name:	Salary Offered:
Tenure Track: ____ Yes ____ No	Is Employment Full-Time or Part-Time? <input type="checkbox"/> Full-Time <input type="checkbox"/> Part-Time	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 complete street address, including building, office number, 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 \$ _____		
Please check which of the factors below were used to determine the salary for similarly employed individuals.  <input type="checkbox"/> Degrees Earned <input type="checkbox"/> Previous Work Experience <input type="checkbox"/> Comparable Rate of Pay at Similar Institutions <input type="checkbox"/> Area of Specialization Funding Source (Grant, etc.)  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.	Within the hiring department, the number of similarly employed individuals with the same title or duties as this employee is _____.  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 _____.  If there are any similarly employed individuals who are paid at a higher rate, please complete the following: _____ (number) is paid the higher rate due to more experience. _____ (number) is paid the higher rate due to holding a higher education degree. _____ (number) is paid the higher rate due to more job responsibilities. _____ (number) is paid the higher rate due to _____. _____ (number) is paid the higher rate due to _____.	

Required 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: _____

## **Appendix 1: Hiring Department - Template Support Letter for Employee's H-1B Visa Sponsorship Written by Supervisor and Printed on Department Letterhead**

This support letter is important and plays a vital role in USCIS approving or denying an H-1B application. The letter must include the following:

- The background and importance of the college/department.
- Employee's name, job title, annual salary, and how long the hiring department is sponsoring the H-1B (1-3 years).
- Specific information on the employee's job duties and why they are the best qualified for the position.
- A statement of compliance with federal H-1B regulations signed by the supervisor with hiring authority and oversight of the employee.

### TEMPLATE - Hiring Department Support Letter - TEMPLATE

Date

USCIS – California Service Center  
2642 Michelle Drive  
Tustin, CA 92780

RE: Department Support Letter for (insert name of employee)

Dear Sir or Madam:

This letter is being submitted in support of the Clemson University's H-1B application for (employee name) 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) 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) 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) 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 \$65,000. Assuming our application 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) is terminated before the end of (his/her) period of authorized employment, we will be responsible for the reasonable cost of return transportation to (employee) last residence abroad. Thank you for your consideration and attention to this matter.

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

## H-1B APPLICATION APPENDIX

### Appendix 2:

#### Processing Timeline

Responsible Party	Steps in Process	Time
Hiring Department	Submit a completed H-1B Application and supporting documents via the iStart Portal.	It is recommended that departments begin the H-1B sponsorship process at least 6 months in advance of the expected employment start date.
International Services	Review application; determine the DOLs prevailing/actual wage amount, submission of materials to Export Control for review, creation of Notice of Intent to Hire posting, and add to International Services and OHRs website <a href="#">here</a> .	International Services Processing: Up to 7 business days.  Notice of Intent to Hire Posting: 10 business days.
Export Control	Review of application materials.	TBD
Dept. of Labor (DOL)	Certification of the Labor Condition Application (LCA)	Up to 7 business days.
International Services	Prepares the application for submission to USCIS.	While DOL posting and LCA filing is pending.
USCIS	USCIS reviews both the position and employee H-1B eligibility. Will issue an I-797C receipt notice, an approval/denial notice or Request for Evidence (RFE). RFEs can delay processing time.	With USCIS Premium Processing: 15 business days from date received by USCIS.  Regular Processing: 4.5-5 months.
Total Processing Time	If an employee is outside the U.S., they must apply for an H-1B visa at a U.S. Embassy which will take additional time.	Regular Processing: International Services – 1-1.5 months USCIS – 4.5-5 months (regular processing)  Premium Processing: International Services – 1-1.5 months USCIS with premium processing – 15 business days.

### Appendix 3:

#### USCIS Filing Fees

Hiring departments are responsible for paying the USCIS filing fee for the Petition for Nonimmigrant Worker and Anti-Fraud and Protection Fee. The hiring department or the employee can pay the premium processing fee. Below are the current filing fees for an H-1B application:

##### H-1B Initial Application - First H-1B Petition with Clemson University:

- \$460 Petition for Nonimmigrant Worker Fee
- \$500 Fraud Prevention and Detection Fee
- \*\$2,805 Premium Processing Fee (*optional*)

##### H-1B Extension or Amendment Application - Continuation of H-1B employment with Clemson University:

- \$460 Petition for Nonimmigrant Worker Fee
- \*\$2,805 Premium Processing Fee (*optional*)

##### H-1B Transfer Application - Employee transferring H-1B employment from current employer to Clemson University.

- \$460 Petition for Nonimmigrant Worker Fee
- \$500 Fraud Prevention and Detection Fee
- \*\$2,805 Premium Processing Fee (*optional*)

\*Hiring departments can request USCIS expedite an H-1B application by requesting premium processing. The service costs \$2,805 and ensures USCIS will respond to the H-1B application within 15 business days of their receipt of the application.

\*\*All fees are subject to change without notice by USCIS.

**Export Control Form**  
**Visa Applicant Deemed Export Questionnaire for Sponsored & Non-Sponsored Activities**

This completed form must be uploaded, along with all other H-1B application materials to the BoxSecure link provided by International Services.

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 application, 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 (as it appears on passport)	First Name (as it appears on passport)	Date of Birth (mm/dd/year)
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).

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. blueprint, 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

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)