



H-1B STATUS QUESTIONNAIRE

H-1B status is a non-immigrant status that allows temporary work in specialty occupations that require a worker with a minimum of a four-year U.S. college degree, the equivalent or higher, in that specialty occupation. H-1B status can initially be obtained for a period of up to three years with a potential three-year extension. After six years in H-1B status, a person must leave the U.S. for one year before obtaining a new H-1B visa and resuming H-1B status.

To request H-1B status for a current or potential employee, the ***H-1B Status Questionnaire*** MUST be completed. Please return all pages via email or Dropbox to oiss-scholars@udel.edu.

For more information about H-1B status, please click [here](#) or go to <https://www.udel.edu/academics/global/iss/departments/hosting-scholars/h-1b-employee/>.

Contact CGPS at oiss-scholars@udel.edu or (302) 831-2115 with any questions.

SECTION 1: GENERAL INFORMATION FROM THE DEPARTMENT

Date:	
Full Name of Department:	
Name of Contact Person in Department:	
Phone Number for Contact Person:	
Email Address for Department Contact Person:	

Job Title of H-1B Employee:	
Address of Employment:	
Supervisor's Name and Email:	
Is this a <u>New</u> H-1B petition, a request to <u>Extend/Amend</u> a current H-1B or a request to <u>Transfer</u> an H-1B from a different employer?	<input type="checkbox"/> New <input type="checkbox"/> Extend (only) <input type="checkbox"/> Transfer <input type="checkbox"/> Extend/Amend <input type="checkbox"/> Amend (only)

Applicant's Name:	
Applicant's Phone Number:	
Applicant's Email Address:	
Is the H-1B applicant currently in the U.S.?	

SECTION 2A: DEPARTMENT OBLIGATIONS

Read obligations below - verification signature needed.

- 1. General use of information:** The information provided in this form will be used by CGPS to request immigration benefits from the U.S. Department of Labor, U.S. Citizenship and Immigration Services (USCIS), and the U.S. Department of State. Misrepresenting the truth or providing inaccurate information could result in the denial of labor certification, denial of the petition for H-1B status, and denial of the H-1B visa. Misrepresenting the truth could also result in fines for University of Delaware (UD).
- 2. Requirement to inform CGPS of changes:** The information provided in this form must be kept up to date. CGPS needs to be informed of any changes to the position, including job title, salary, job duties, or worksite address. Failure to inform changes in the position to CGPS could result in fines for UD, as well as the H-1B employee losing valid visa status and legal employment.
- 3. Requirement to notify CGPS before termination:** If the department plans to terminate an H-1B employee and dismiss the employee before the end of their H-1B authorized employment, the department **must inform CGPS before the employment is terminated**. This is required to ensure regulatory compliance, such as USCIS notification and offer of transportation. Failure to inform CGPS of a planned termination before it occurs could result in UD being required to pay the employee months of additional wages.

Name of Department Contact Person*: _____ Date: _____

****Your name in this space serves as verification that you have read and understand the obligations above.***

SECTION 2B: HR CLASSIFICATION AND COMPENSATION REVIEW of Job Description

(Complete ONLY for classified positions. Please note: CBA, post-doc, or limited term researcher positions are exempt from this review.)

In order to ensure the most accurate classification (or prevailing wage) determination, the Classification Compensation team will conduct a review and provide final approval of classified positions.

Instructions: Email pages with Section 1 – Section 3Bii to HR’s Classification Compensation team at hr-class@udel.edu. HR must review Section 3A and Section 3Bi, consulting with the host department, as necessary. **The HR reviewer will also need to include their name below (bottom of page 2) and at the bottom of page 5 of this document where indicated.** Once approved, the host department may proceed with the H-1B request process.

Note: Review may be completed electronically; no physical signature is required.

The HR Compensation and Benefits staff member whose name is below confirms the following:

- I have reviewed section 3A below, specifically:
 - Proposed job title,
 - Salary,
 - Job duties, and
 - Minimum degree required.
- I have also reviewed section 3B below, specifically:
 - Supervision requirement,
 - Travel requirement,
 - Training beyond degree,
 - Employment experience, and
 - Special requirements.
- Based on this review, I confirm that the attributes of this position are compatible with the job title.

Name of HR Reviewer: _____ Title of HR Reviewer: _____

Date: _____

SECTION 3A: INFORMATION ABOUT THE POSITION

Department needs to complete based on job posting.

This information will be sent to the Department of Labor to evaluate the job and determine the offered wage is equivalent to the wage we would offer a U.S. worker. **Please include information regarding the job NOT the scholar.** It is very important to only state the **MINIMUM** requirements for the job. Increasing the requirements will raise the wage that is returned. If the prevailing wage comes back high, **you will be required to pay at least the prevailing wage to continue the H-1B process.**

Required for ALL positions

Proposed job title:		
HR Job code:		
Is this a full-time or part-time position?	<input type="checkbox"/> Full-time Salary = \$ _____ /year	<input type="checkbox"/> Part-time Hourly pay = \$ _____ /hour Hours per week = _____ /week
Is this position governed by a Collective Bargaining Agreement (CBA)? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>(Please note, if "No," SECTION 3B on page 4 will also need to be completed)</i>		
Proposed H-1B start date: Proposed length of Employment (up to 3 years):		
Job duties – A description of the job duties to be performed:		
Minimum diploma/degree required:	<input type="checkbox"/> Bachelors <input type="checkbox"/> Masters <input type="checkbox"/> PhD Indicate the major(s) and/or field(s) of study required:	<input type="checkbox"/> Other Specify the diploma/degree required:
Is a second U.S. diploma/degree required? <input type="checkbox"/> Yes If "Yes," indicate the second U.S. diploma/degree and the major(s) and/or field(s) of study required:		<input type="checkbox"/> No
Worksite address:		
Will work be performed in multiple worksites within an area of intended employment or a location(s) other than the address listed above? <input type="checkbox"/> Yes If "Yes," please specify:		<input type="checkbox"/> No

You **must** alert CGPS **BEFORE** any position changes occur. This includes any changes in the information above and/or the following:

- Job title
- Salary
- Full-time/Part-time
- Job duties
- Worksite address

SECTION 3B:

Section 3Bi is for **NON-CBA POSITIONS** - Complete **ONLY** if the position is **NOT** governed by a CBA.
 Section 3Bii for **CBA and NON-CBA positions alike**.

SECTION 3Bi: JOB DESCRIPTION AND REQUIREMENTS

If any information below changes, contact CGPS.

Name and Job Title of Supervisor:			
Does this position supervise the work of other employees? (NOT including students)	<input type="checkbox"/> Yes	If "Yes," number of employees worker will supervise:	
	<input type="checkbox"/> No	Indicate the level of the employees to be supervised:	<input type="checkbox"/> Subordinate <input type="checkbox"/> Peer
Will travel be required in order to perform the job duties? (NOT including conferences)	<input type="checkbox"/> Yes <input type="checkbox"/> No	If "Yes," please explain the travel requirements:	
Are there any other working conditions that affect the rate of pay?	<input type="checkbox"/> Yes <input type="checkbox"/> No	If "Yes," please specify the working conditions:	
Is training beyond the degree required for the job opportunity?	<input type="checkbox"/> Yes	If "Yes," specify the number of months of training required:	
	<input type="checkbox"/> No	Indicate the field(s)/name(s) of training required:	
Is employment experience required?	<input type="checkbox"/> Yes	If "Yes," specify the number of months of experience required:	
	<input type="checkbox"/> No	Indicate the occupation required:	
Special Requirements – please list licenses/certificates/ certifications, and other requirements of the job opportunity:			

SECTION 3Bii: SALARY JUSTIFICATION AND DETERMINATION OF ACTUAL WAGE (CBA AND NON-CBA)

Please complete the fields below accurately, including the table on page 5, to determine the "actual wage" for the employee.

Include all employees in the department with the same title, qualifications, and duties comparable to those of the position you are hiring for **regardless of immigration/citizenship status**.

Factors to determine comparability are:

- Work experience • Individual qualifications • Education
- Job function • Specialized knowledge • Other business factors

TOTAL number of comparable employees in department:

If something does not apply, please indicate "N/A". For more than three (3) similar employees, include an additional page.

	Foreign National	Employee #1	Employee #2	Employee #3
Position				
Highest Degree				
Years Relevant Experience beyond degree				
Special Skills or Knowledge <i>(e.g. credentials, certifications)</i>				
Special Job Duties				
Other <i>(e.g. # of publications)</i>				
Salary				

Name of HR Reviewer: _____ Title of HR reviewer: _____

Date: _____

SECTION 4: DOCUMENTS NEEDED FROM DEPARTMENT

- Complete questionnaire (Department + Employee)
- Copy of HR Job Description (for Non-CBA positions only)
- Support letter from department (only original required) – please refer to “H-1B Visa Sample Letter” on CGPS [Forms page](#)
- Copy of offer letter
- Export Control Certification on CGPS [Forms page](#), click [here](#) for more info *(Must be approved by the Research Office before sending to CGPS)*
- \$445 International Service Fee, indicated on “Department Fee Payment Form” found on CGPS [Forms page](#)
- \$460 check, payable to “U.S. Department of Homeland Security” - for H-1B filing fee (see below)
- \$500 check, payable to “U.S. Department of Homeland Security” - Anti-fraud detection and prevention fee (*see below)
 - Mandatory if application is for initial H-1B status or if employee is already in H-1B status but is transferring employers. Not required for extensions of UD employment.
- \$2,500 check **if requesting premium processing**, payable to “U.S. Department of Homeland Security” (*see below)
 - **If the department** is requesting expedited processing time for an earlier start date or for other work-related reasons, the department must pay the premium processing fee.
 - **If the foreign national** is requesting expedited processing time for their own personal reasons such as upcoming travel, the foreign national can pay the premium processing fee.

For all H-1B applications, please wait to submit check requests to Procurement Services until CGPS instructs you to do so.

H-1B Fee Table

Fee type	Amount	Form of Payment	Who must pay
CGPS International Service Fee*	\$445	Department Fee Payment Form	Employer
I-129 Base Fee	\$460	Separate check, payable to "U.S. Department of Homeland Security"	Employer
Anti-Fraud Fee *If new H-1B petition or transfer only. Not required for extensions.	\$500	Separate check, payable to "U.S. Department of Homeland Security"	Employer
Premium Processing Fee *If premium processing needed.	\$2,500	Separate check, payable to "U.S. Department of Homeland Security"	Employer (or employee, if requested for personal reasons)

*Effective April 3, 2023, the CGPS International Service Fee for H-1B applications will be processed at the time of filing the Prevailing Wage Request (PWR) (for non-CBA positions) or the Labor Condition Application (LCA) (for CBA positions). This fee is non-refundable.

Requesting the Checks for Department of Homeland Security

Checks can be requested by submitting a Non-PO Payment request (NPOP) through Procurement and selecting supplier:

HOMELAND SECURITY
DEPARTMENT OF
UNITED STATES GOVERNMENT
2400 AVILA ROAD
ROOM 2312
LAGUNA NIGUEL, CA 92677-3400

Please consolidate requests to one NPOP requisition per applicant. Separate checks for each fee are to be requested on separate lines. Attach all relevant documentation. Choose payment request type: Government Payment (NP-GOVT) and account 149821.

PLEASE NOTE THE FOLLOWING:

Submitters must include the following information to be printed on the check stub:

- Reference type of fee in the Product Description. (visa filing, anti-fraud or premium processing fees).
- In the Payments Notes Instructions field, enter the Applicant's Name with note to hold check for pick-up.

If multiple fee types/checks are needed for one applicant, choose "Save to Cart and Add Another" from the final NPOP screen and repeat until all fee types for that applicant are added to the requisition.

You will be contacted by a Procurement Services staff member to schedule an appointment to pick-up check(s).

After the department has collected the check(s) from Procurement Services, please deliver to CGPS at Elliott Hall (26 E. Main St) **Attention: Scholar Services**. Please note, you may also drop off the original signed letter of support (wet ink signature) with CGPS at this time.

SECTION 5: INFORMATION ABOUT FOREIGN NATIONAL

Last Name (Family/Surname):		First (Given) Name:	
Full Middle Name (if any):		Other names used (if any):	
Date of Birth (mm/dd/yy):		Gender:	
U.S. Social Security # (if any):		A-Number (if any):	
Country of Birth:		Province of Birth:	
Country of Citizenship:		Date last entered the U.S.:	

If currently in the U.S.:			
Form I-94 Number:	Current Nonimmigrant Status:	Date Status Expires:	
If you were previously on J or F visa status, SEVIS #:			
If you have previously received an EAD card (Employment Authorization Document), EAD #:			
Passport Number:		Passport Issuing Country:	
Passport Issue Date:		Passport Expiration Date:	
Current U.S. Address:			
Permanent Foreign Address (outside the U.S.):	Street #:	Street Name:	
	Apt:	Flr:	Number:
	City/Town:	Province:	
	Postal Code:	Country:	
When outside the U.S., what U.S. consulate do you prefer to use when applying for a visa? <i>Click here for a list of consulates.</i>		City:	Country:
If you are planning a trip outside the U.S. within the next 6 months, please provide approximate dates and destination:			

Do you have a valid passport?		If no, explain:	
Are you filing for H-4 visa for dependents?		If yes, how many? Complete section 7 of this form	
Are you in immigration exclusion or removal proceeding (deportation)?		If yes, explain:	
Has an immigrant visa petition (I-140 or I-130) been filed for you?		If yes, provide copy of the I-797 notice.	
Have you been granted an H-1B visa within the past 7 years?		If yes, provide a copy of the I-797 approval notice.	
Have you been denied an H-1B visa?		If yes, explain:	
Have you ever been subject to the two-year home residency requirement for J visa holders?		If yes, have you fulfilled this requirement or been granted a waiver? Give details & provide documents.	
Your immigration history:			
Status (F1, J2, H-1B etc)	Valid Dates	Name of Sponsor/Petitioner	

SECTION 6: DOCUMENTS NEEDED FROM FOREIGN NATIONAL

Submit one (1) copy of each document.

- Current resume including all education and experience (required for CGPS but will not be filed with petition)
- Copies of all academic degrees
 - Degree certificates, letter of degree completion from university registrar if degree certificate is not available, and transcripts, if available)
- If your academic credentials are from a foreign educational institution**, evaluation of your highest degree in a field related to the H-1B position, from a professional credential agency (**see below** for more information on evaluations)
- Copies of certificates for relevant professional training, professional license(s), and letters documenting relevant experience, **if applicable**
- Copies of **all** official immigration documents to show that all of your time in the U.S. has been in legal status
 - 1-20s, EADs, DS-2019s, IAP-66s, H-1B approval notices, dependent status approval notices, I-94s, visas, etc.
- Copy of current passport
 - Pages containing personal information, expiration date and all U.S. visas
- If you have an old passport with U.S. visas and entry stamps in it**, a copy of your old passport
 - Pages containing personal information, expiration date and all U.S. visas
- Most recent I-94 entry record printed from <https://i94.cbp.dhs.gov>
- If currently in H-1B status**, your three (3) most recent pay stubs from current employer
- If currently in F-1 or J-1 student status**, letter from school or institution that issued your current I-20 or DS-2019
- If currently in dependent H-4, F-2, or J-2 status**, evidence of relationship to primary status holder (H-1B, F-1, J-1) and evidence the primary status holder has maintained their status
 - **For H-4**: marriage certificate, copy of H-1B's approval notice (I-797), passport bio page, visa, I-94, and three (3) most recent pay stubs
 - **For F-2 or J-2**: marriage certificate, letter from F-1's/J-1's school or institution confirming their current status
- If ever subject to the two-year home-country residency requirement for J visa holders**, evidence this requirement has been fulfilled or waived
 - As evidence of waiver, submit USCIS notice approving I-612 waiver, not just Department of State recommendation or home-country no-objection letter

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**Foreign Credential Evaluation Services** - If your highest degree in a field related to the H-1B position is from a Foreign Educational Institution, you must submit an evaluation of your degree from a credential evaluation service. The companies listed below have been reputable sources in the past:

### **Globe Language Services**

*(For regular academic evaluations)*

Website: <http://www.globelanguage.com>

Email: [info@globelanguage.com](mailto:info@globelanguage.com)

Tel: 212-227-1994

Fax: 212-693-1489

### **Foundation for International Services**

*(For education/experience & academic evaluations)*

Website: <http://www.fis-web.com>

Email: [info@fis-web.com](mailto:info@fis-web.com)

Tel: 425-248-2255

Fax: 425-248-2262

### **Morningside Evaluations**

*(For education/experience & academic evaluations)*

Website: <http://www.morningeval.com/>

Email: [intake@mside.com](mailto:intake@mside.com)

Tel: 212-904-1014

Fax: 212-904-1025

## SECTION 7: H-4 STATUS FOR FAMILY MEMBERS IN THE U.S.

(If needed.)

If your family member, spouse or child(ren) is/are physically in the U.S. and will need H-4 visa status, complete Form I-539 which can be found at <http://www.uscis.gov/i-539>.

If family member(s) is/are out of the U.S., they can apply for the H-4 visa at a U.S. Consulate after the H-1B petition is approved.

| Full Name of Dependent | Relationship (spouse, son, daughter) |
|------------------------|--------------------------------------|
|                        |                                      |
|                        |                                      |
|                        |                                      |
|                        |                                      |
|                        |                                      |

## SECTION 8: DOCUMENTS NEEDED FOR FAMILY MEMBERS CHANGING OR EXTENDING STATUS IN THE U.S.

Submit one (1) copy of each document.

- Form I-539 (<http://www.uscis.gov/i-539>) completed and signed by the main dependent. Form I-539A must be completed for each dependent (also available at <http://www.uscis.gov/i-539>).
- Check for \$370 payable to "U.S. Department of Homeland Security" for change of status application or extension of stay for family members. **One check includes all dependents.**
- Copies of marriage certificate for spouse and birth certificate for dependent children to show relationship between H-1B visa holder and dependent. Include English translation if needed.
- Immigration history of each family member with immigration status and dates in U.S.
- Copies of pages from passport(s) containing personal information, expiration date, and U.S. visas.
- Copies of all USCIS documents to show that each dependent has been in legal status while in the U.S.
  - Prior H-4 approvals, I-20s for student visa, DS-2019s (formerly IAP66s) for J-1/J-2 visas, EAD card, etc.
- Most recent I-94 entry record for each dependent family member (<https://i94.cbp.dhs.gov>).
- If dependent is already in a dependent visa status (H-4, F-2, J-2, etc.),** provide copies of all spouse's/parent's H-1B approval notices for entire time on H-4 visa and USCIS documents for spouse/parent to show spouse's/parent's status in the U.S. has been legal.
- If dependents have worked while in U.S.** provide name and address of employer, job title, and dates of employment. Also provide evidence of work authorization, if not otherwise provided.