TEXAS TECH UNIVERSITY

Request for Employment or Visit of a Foreign National

Requesting Department or Unit: ________________________________

Name (Last, First, Middle): ___________________________________  □ Dr.  □ Mr.  □ Ms.

Campus ID number (if any): ___________________________________ Citizenship: __________________________

Current Immigration Status (if in the United States): __________________________

Offer of: _____________________________________________________ Status requested: ___________________________________________

□ full-time employment

□ part-time employment for ______ hours

□ visit without employment

□ Extend current Immigration status

□ TN, Canadian/Mexican Professional

□ J-1, Exchange Visitor

□ H-1B, Temporary Worker***

□ O-1, Extraordinary Ability

□ PR, Immigrant/Permanent Resident

□ other: __________________________

Employment or Visit dates: From ___________ to ___________

Job title: __________________________

Rate of pay: $__________ per _________

Academic honorarium $__________ and/or expenses $__________ for visit.

Departmental Contact: __________________________

Approval: (Signature authorizes the Office of International Affairs to act on behalf of the University in pursuing an appropriate immigration status for the employment and/or visit and if H-1B status, acknowledges the TTU departmental responsibilities for H-1B sponsorship found on the reverse if this form***.)

Department or Unit Head: Signature: __________________________ Date: __________

Dean or Other Administrator: Signature: __________________________ Date: __________

(Required for H, O, and Permanent Residence requests)

Divisional Vice President/Provost: Signature: __________________________ Date: __________

(Required for Permanent Residence requests only)

Forward approved request to the Office of International Affairs, Mail Stop 5004.

*******************************************************************************

***See on reverse side of this form the TTU departmental responsibilities for H-1B sponsorship.

Revised: 03/2013
Texas Tech University (employer) departmental responsibilities
in choosing to sponsor an employee for H-1B status.

The employer must pay the employee...

- An H-1B employer must agree to pay an H-1B nonimmigrant the required wage rate,* which is defined as the higher of two figures: the actual wage rate or the prevailing wage rate. 20 C.F.R. § 655.715; 20 C.F.R. § 655.731

- The required wage must be paid to the employee, cash in hand, free and clear, when due...20 C.F.R. 655.731(c)(1)

- An employer is responsible for paying the required wage to the H-1B employee at all times during the LCA validity period and as specified on the LCA and Form I-129. Even if an employee is "benched," i.e., placed in a non-productive status for reasons such as training, lack of license, lack of assigned work, or any other job-related reason, the employer must still pay the employee the required wage. Furthermore, if the LCA carries a designation of full-time employment, the employer must continue to pay the full amount listed on the LCA even if the employee works less than full time. If the LCA carries a designation of part-time employment, the employer must pay the employee for the time actually worked, but no less than the number of hours indicated on Form I-129. I.N.A. § 212(n)(2)(C)(vii)-(III)

If the employee is terminated from employment...

- Liability for transportation costs. The employer will be liable for the reasonable costs of return transportation of the alien abroad if the alien is dismissed from employment by the employer before the end of the period of authorized admission pursuant to section 214(c)(5) of the Act. If the beneficiary voluntarily terminates his or her employment prior to the expiration of the validity of the petition, the alien has not been dismissed. 214.2(h)(4)(iii)(E)

The department must notify the Office of International Affairs of any changes in employment...

- 8 CFR 214.2(h)(11)(i)(A) provides that "The petitioner shall immediately notify the Service of any changes in the terms and conditions of employment" and "if the petitioner no longer employs the beneficiary, the petitioner shall send a letter explaining the change(s) to the director who approved the petition."

- 20 CFR 655.750(b)(1) provides that "an employer who has filed a labor condition application which has been certified pursuant to § 655.740 of this part may withdraw such labor condition application at any time before the expiration of the validity period of the application" and "(2) Requests for withdrawals shall be in writing and shall be directed to the regional ETA Certifying Officer."

What violations may the Department of Labor (Administrator) investigate? Includes, but not limited to...

655.805(a)

- The Administrator, through investigation, shall determine whether an H-1B employer has-

  655.805(a)(2)

- (2) Failed to pay wages (including benefits provided as compensation for services), as required under §655.731 (including payment of wages for certain nonproductive time);

What remedies may be ordered if violations are found?

655.810(a)

- Upon determining that an employer has failed to pay wages or provide fringe benefits as required by §655.731 and §655.732, the Administrator shall assess and oversee the payment of back wages or fringe benefits to any H-1B nonimmigrant who has not been paid or provided fringe benefits as required. The back wages or fringe benefits shall be equal to the difference between the amount that should have been paid and the amount that actually was paid to (or with respect to) such nonimmigrant(s).