

**TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER EL PASO
VISA & IMMIGRATION SERVICES ADMINISTRATION
EMPLOYER RESPONSIBILITIES AND ATTESTATIONS GOVERNING THE HIRING
4800 ALBERTA AVE EL PASO, TX 79905
OF A TEMPORARY H-1B WORKER**

The H-1B Temporary Worker visa allows foreign nationals to work in the United States in specialty occupations for a period of up to six years. Each application can be made for a period up to 3-years. The application must be filed by TTUHSC; an individual cannot gain an H-1B visa on his/her own.

By completing and submitting a Labor Condition Application in the H-1B packet, the department makes certain representations and agrees to several attestations regarding the department's responsibilities pertaining to the wages, working conditions and benefits to be provided to the H-1B nonimmigrant (8 U.S.C. 1182).

REPRESENTATIONS/ATTESTATIONS

1. **LAYOFF.** H-1B employers are prohibited against laying off or otherwise not paying H-1B workers for any period of non-productive activity other than that caused solely by the employee and otherwise not compensable under other labor-protective statutes such as the Family and Medical Leave Act. H-1B workers who are denied licensure must be paid the full prevailing or actual wage regardless of inability to work.
2. **BENEFITS.** H-1B employers must offer the nonimmigrant benefits and eligibility for benefits (including the opportunity to participate in health, life, disability, and other insurance plans; the opportunity to participate in retirement and savings plans; and cash bonuses and non-cash compensation, such as stock options (whether or not based on performance)) on the same basis, and in accordance with the same criteria, as the employer offers to United States workers during the nonimmigrant's period of authorized employment.
3. **WORKING CONDITIONS.** The employer is required to provide the H-1B worker the same working conditions prevailing in the area of employment and attest that the hiring of the H-1B worker does not adversely affect working conditions of similarly employed workers. The Department of Labor's regulations read that working conditions "commonly refer to matters including hours, shifts, vacations periods, and fringe benefits."
4. **LABOR DISPUTE.** On the date this application is signed and submitted, the employer attests that there is not a strike, lockout or work stoppage in the course of a labor dispute in the occupation in which H-1B nonimmigrants will be employed at the place of employment.
5. **IN-KIND PAYMENTS.** H-1B employers are prohibited from paying H-1B workers "in-kind" for any portion of the required wage rate. All wages must be paid in cash, free and clear, although payments may be subjected to deductions for the fair market value of benefits provided to the H-1B nonimmigrant pursuant to a voluntary, pre-hire written agreement, provided such benefits

are taxable as income to the employee, and that no more than 25% of the worker's disposable earnings (i.e., after taxes and medical premiums are deducted) in any one pay period go to satisfy the benefit repayment.

6. **RETURN TRANSPORTATION.** USCIS regulations require the sponsoring employer to pay the H-1B worker's reasonable costs of return transportation to his or her last country of residence if the employee is terminated before the end of the visa petition's validity. If the employee remains to the end of the petition, the employer is not required to pay the return transportation costs.
7. **TERMINATION.** H-1B employers are required to notify the USCIS immediately of any "material changes in the terms and conditions of employment" regarding an H-1B employee. In the event of termination, please contact us immediately so that we may notify the USCIS and counsel you regarding the steps that your department will need to take in this regard.
8. **CHANGE IN EMPLOYMENT:** By signing this attestation, I agree to notify the Office of International Employment Services prior to making any changes that would affect the foreign national employee's terms of employment. Such changes include the following (change in job title, change in work locations, change in salary, promotion/demotion). I understand that such changes can often trigger an amended H-1B application filing with new H-1B filing fees.
9. **CERTIFICATION REGARDING THE RELEASE OF CONTROLLED TECHNOLOGY OR TECHNICAL DATA TO FOREIGN PERSONS IN THE UNITED STATES (FOR DEPARTMENTS WHO INTEND TO EMPLOY A FOREIGN NATIONAL ON H-1B, L-1 OR O-1 STATUS).**

- a. **Check 1 or 2 below as appropriate:**

With respect to the technology or technical data the department will release or otherwise provide access to the Beneficiary, the department certifies that it has reviewed the Export Administration Regulations (EAR) found at http://www.access.gpo.gov/bis/ear/ear_data.html#ccl

and the International Traffic in Arms Regulations (ITAR) found at http://www.pmdtc.state.gov/regulations_laws/itar.html

and has determined that:

1. **_____ A license is not required from either U.S. Department of Commerce or the U.S. Department of State to release such technology or technical data to the foreign person; or**
2. **_____ A license is required from the U.S. Department of Commerce and/or the U.S. Department of State to release such technology or technical data to the Beneficiary and the department will prevent access to the controlled technology**

or technical data by the Beneficiary until and unless the department has received the required license or other authorization to release it to the Beneficiary.

COSTS ASSOCIATED WITH AN H-1B FILING

New H-1B Petitions or Transfers	\$325 base filing fee, plus \$500 antifraud fee, plus \$290 I-539 dependent filing fee (Paid by Employee) \$1,225 premium processing filing fee FedEx fees to be charged to each department's account
H-1B Extensions	\$325 base filing fee, plus \$290 I-539 dependent filing fee \$1,225 <u>optional</u> premium processing filing fee FedEx fees to be charged to each department's account

Please hold all check orders until notified by IES.

AUTHORIZATION OF DEPARTMENT HEAD (CHAIR, DIRECTOR, ETC.)

Name (Please print)

Date

Signature

Please email or fax the completed form to:

Juan Chavez BA., MSc. HR
Section Coordinator
Visa & Immigration Services Administration
(915) 783-5157 fax
ELP_Visa@ttuhsc.edu