

Connie Jesse Lira, Assistant Director for Faculty and Scholar Immigration
Mimi Lemma, International Faculty and Scholar Advisor
Siemy Khan, Coordinator

Merced Ada, Workday Analyst Moderator – Carly Park, Program Specialist



# Today's Objectives

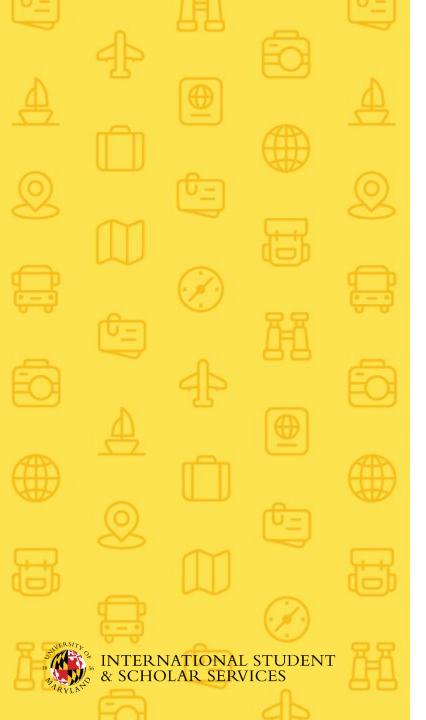
- Pre-iTerp Tasks in Workday
- Position Information & Prevailing Wage Determination
- Department Chair Letter
- Actual Wage Determination
- Department's tasks and responsibilities
- View the H-1B application process <u>here</u>



### What is H-1B?

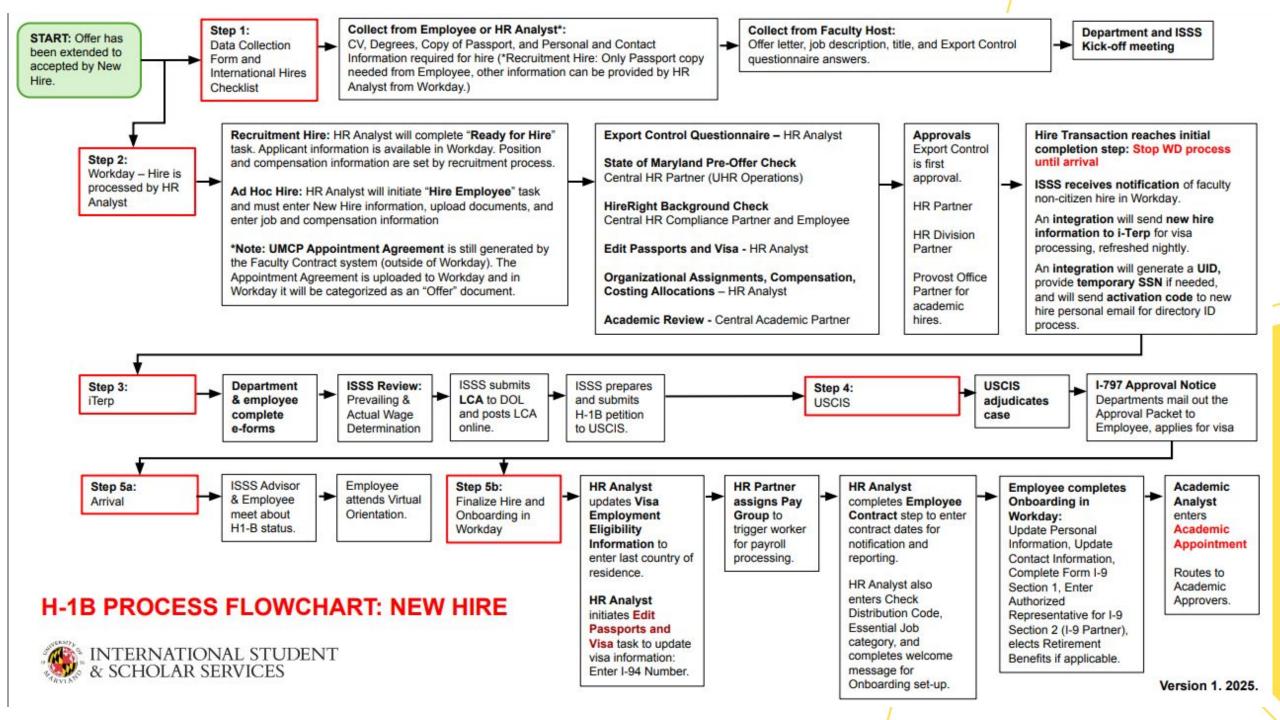
- Allows UMCP to hire foreign nationals to come to the U.S. temporarily to perform services in a specialty occupation
- Used for academic positions that qualify as specialty occupations, such as lecturers, faculty and researchers. Staff positions are handled by university's Human Resources.
- UM must file the H-1B petition; prospective employees cannot obtain H-1B visas on their own





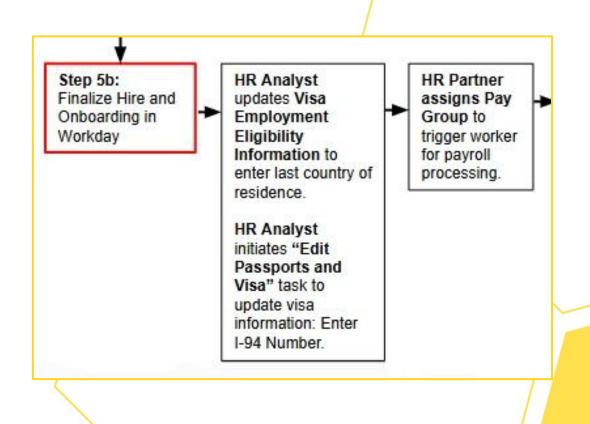
#### Characteristics of H-1B

- Employer-specific
- Job-specific
- Maximum of 6 years
- Minimum of a Bachelor's Degree in a Specialty Occupation
  - Position requires specialized knowledge, skills and education.
- Part-time employees must work:
  - 10 hours/week minimum for teaching positions
  - 20 hours/week minimum for research positions
- 9-month appointments are limited to teaching positions
  - For Fall 2025, start date is 08.10.2025
    - New, incoming hires



### When to Complete Step 5b.

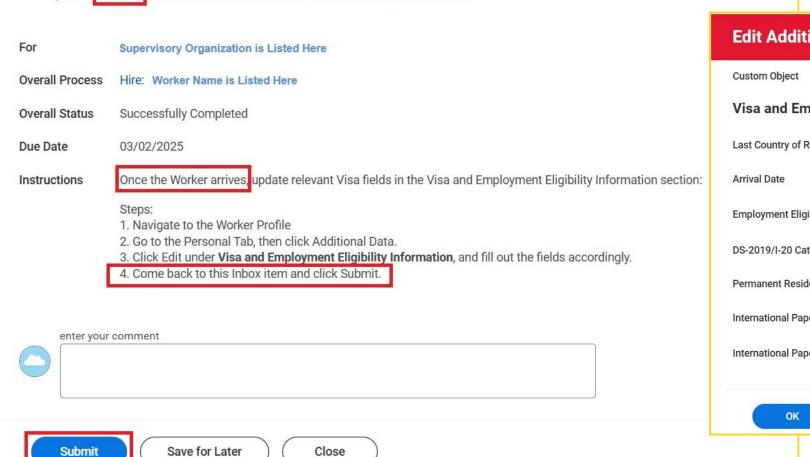
- These steps should only be completed in Workday upon arrival and confirms that the new hire is ready for payroll processing.
- Visa Employment and Eligibility Information must be completed first by HR Analyst.
- Assign Pay Group must be completed by HR Partner.
- Both steps must be completed in order to receive pay.
- Completing these steps prior to arrival will result in overpayment if start date is incorrect.

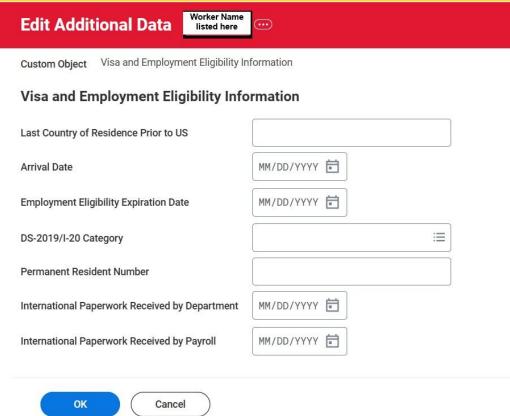




## Visa and Employment Eligibility Information

Update Visa and Employment Eligibility Information

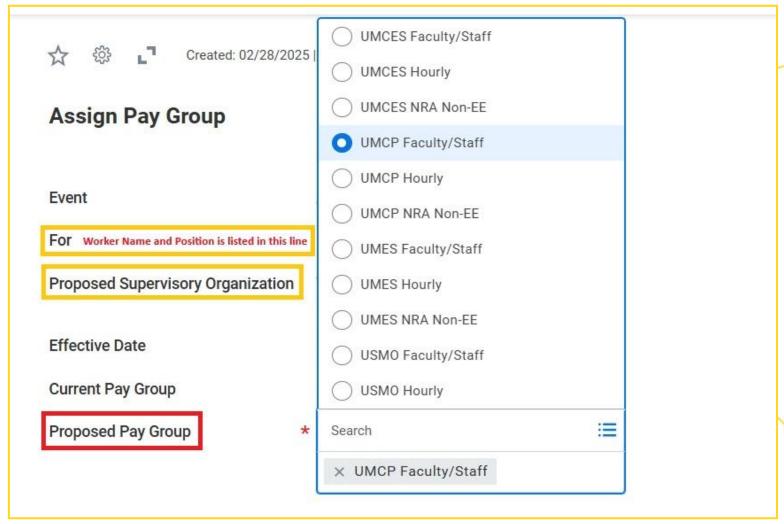






Complete To Do

## Assign Pay Group





# What happens if the start date changes?

- → The new hire will NOT receive pay as long as the Eligibility step and Pay Group step are NOT completed.
- → Enter a Termination, using the same effective date as the Hire Date and reason: Incorrect Start Date. Enter information in Comments such as new start date.
- Process a New Hire with the new start date, new document attachments, etc.
- → Use "Search for Existing Pre-Hire" and enter name or UID. Termination transaction must be completed and new start date must be after Termination Date.
- → Enter information in Comments for approvers. For example: Re-entering hire due to visa and start date change. No changes to job or compensation, only start date. This hire was previously effective X, completed background check and previously approved by Provost.

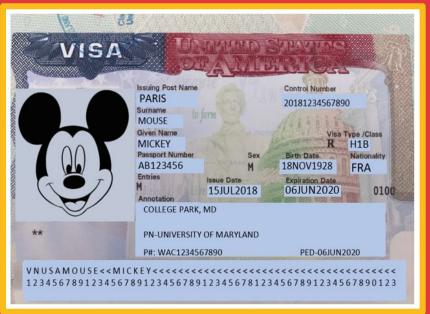


- Enter a Termination as soon as possible. The termination date will depend on Pay Calculations end date. The system will provide an error with the earliest possible termination date.
- Process New Hire with new start date, documents, and comments after Termination transaction is completed. Use Existing Pre-Hire record.
- Complete the applicable Payroll action such as Overpayment Recovery, Check Cancellation. etc. Consult Payroll Services as needed.



## Important Documents to Gather

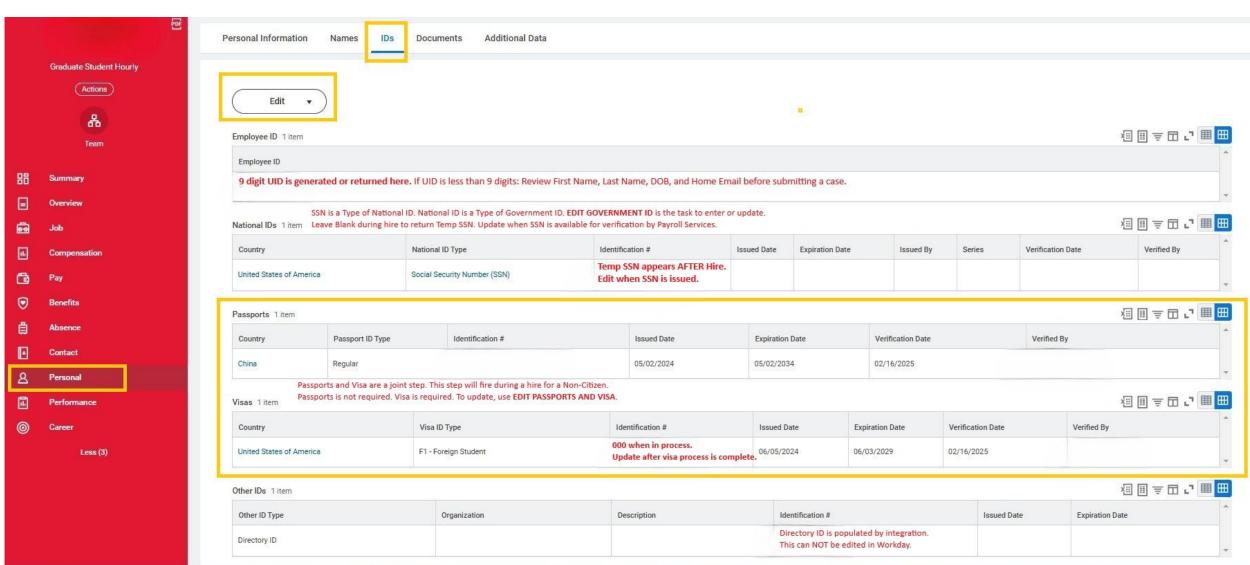
- ISSS For Departments Checklists
  - H1B Data Collection Form
  - International Visitor/Hire Checklist
- Visa, I-94, Passport







# Visa Screen in Workday



## Visa Instructions in Workday

#### **BEFORE YOU START**

Review applicable Job Aid(s):

Job Aid: Edit Passports and Visa

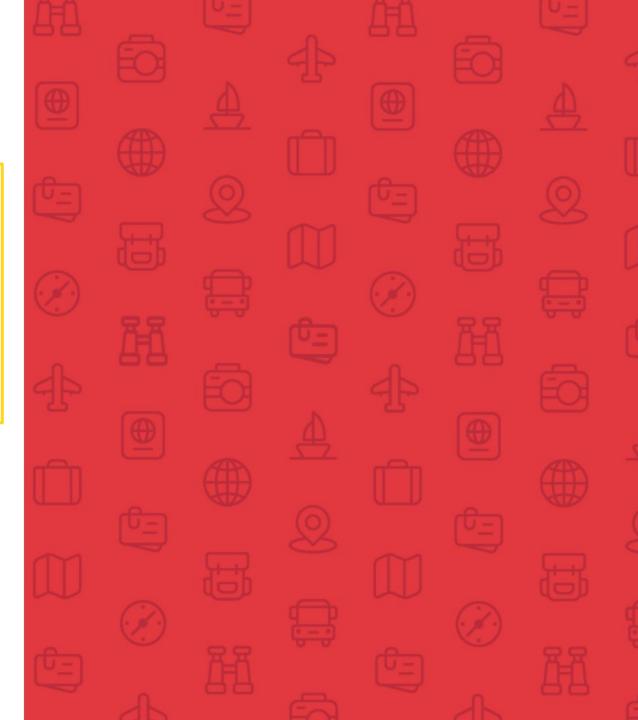
#### **Entering or Updating a Visa:**

#### Hire:

- · Enter the applicable Visa Type to be used for visa process.
- Enter "000" in the Visa Number when the visa is in process or not yet known.

#### Outside of Hire/Ad Hoc:

• Upon approval of visa application for new hire, update Visa Number with the I-94 number.





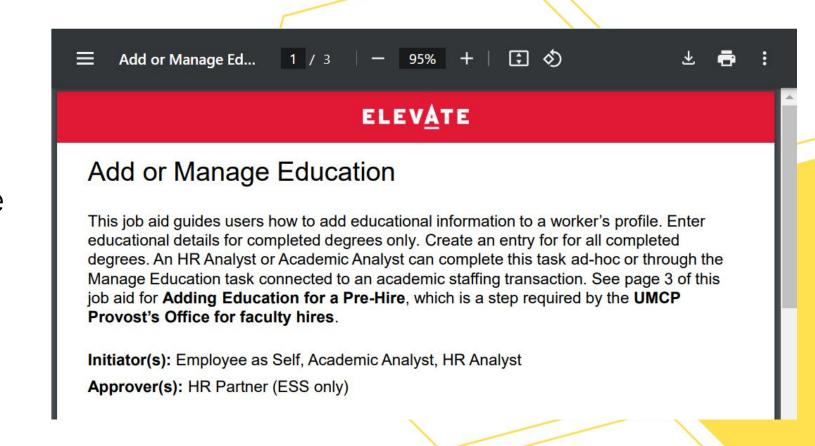
## Workday - Hire/Visa Steps

- Meet with ISSS H1B Strategy Meeting Determine start date
  - ISSS is advising start dates are at least 6 months out
- HR Analyst initiates Hire & Upload Contract
  - Include ALL earned degree information
- Export Control (Long/Short Questionnaire)
- MD Pre-Offer check and Hire Right Background/Check
- HR Analyst enter Passport/Visa details
   (Enter visa type, Enter "000" for visa number field while visa is in process and upon approval update visa number with I-94 number)
- HR Analyst enters compensation/funding etc. for approvals (during Hire process)
- Integration of visa information is sent to Sunapsis (iTerp) overhight
- Visa Coordinator start iTerp process



### Add or Manage Education Job Aid

- All previously earned education is required in Workday.
- Please follow the Job Aid <u>here</u> to make sure the hire's profile is complete.





## Academic Affairs - Appointment Agreement

 HR Analyst creates Faculty Contract Agreement on Faculty Affairs website (same process as current state)

**UMCP Faculty Agreement** 

(https://faculty.umd.edu/appt/appointment-agreements)

 Signed Contract Agreement is uploaded as attachment in Workday as part of the Hire process



## **Export Control for Non-Citizen Hire**

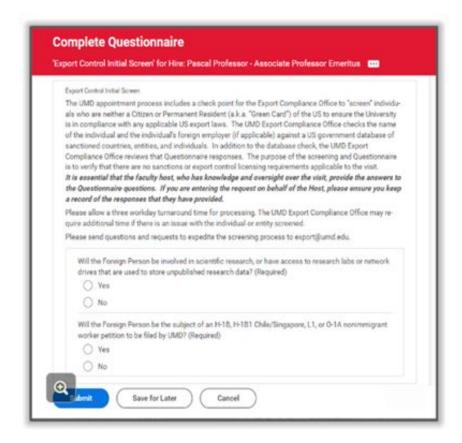
When the Hire's citizenship is neither a US Citizen or Permanent Resident:

- The HR Analyst completes the Initial Hire Screen questionnaire regarding duties and responsibilities.
  - Depending upon the information provided in the initial questionnaire, completes the Short or the Long Questionnaire and it is forwarded to Export Control for review.
- H1B: Long Questionnaire is <u>required</u>
  - If a current hire is changing status from F1 to H1B and did not have ECO previously, please make sure that it is completed for their new status.

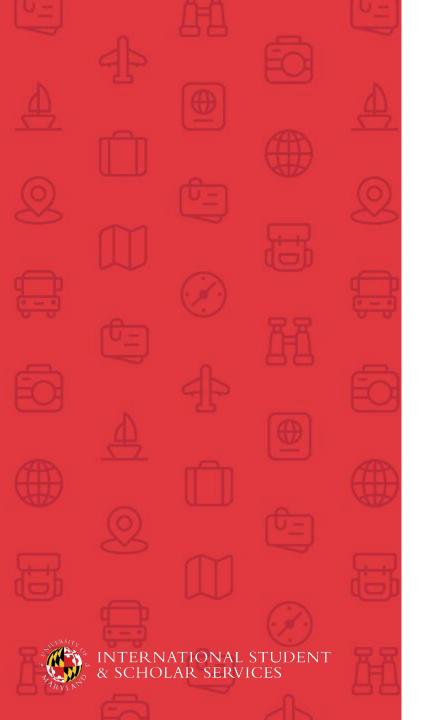


#### **Workflows: Export Control**

- When the Hire's citizenship is neither a
   US Citizen or Permanent Resident, a
   questionnaire is sent to the HR Analyst in
   Workday as an Initial Screen for Hire.
- The HR Analyst works with the Faculty Host to complete the questionnaire.
- Once completed, a new long or short questionnaire arrives as an item in My Tasks, depending on the responses to the Initial Screen for Hire questionnaire.







# Foreign Credential Evaluation

- If the employee's highest qualifying degree was earned abroad, a foreign credential evaluation will be required. Direct the foreign national to <a href="mailto:this">this</a> website for detailed instructions on how to obtain an evaluation
  - All degrees (bachelor's, master's, and PhD) must be provided along with translations
  - CV
  - Transcripts

Note: Current J-1 Exchange Visitors changing status to H-1B may need a credentials evaluation

Fo	rms To Be Completed By The Employee –
	REQUIRED Biographical Information
	REQUIRED Educational & Employment History
	REQUIRED  Current Immigration Status
0	OPTIONAL Prior Participation in H, J, or L Visas and Permanent Residency
	REQUIRED Dependent Spouse & Children
â	NOT YET AVAILABLE Notify My Department of Form Completion
	REQUIRED Applicant Access
	REQUIRED Position Information and Prevailing Wage Determination
	REQUIRED Actual Wage Determination
	REQUIRED  Departmental Responsibilities
	REQUIRED  LCA Posting Locations
	REQUIRED Petition Fees and Mailing
â	NOT YET AVAILABLE  Complete H-1B/E-3 Request



# iTerp

- Wait overnight after Workday processing
  - Email Address must be HOME EMAIL to generate a UID
- Log into the GlobalProtect VPN
- Log into <u>iTerp</u>
- Go to "Departmental Services" on the left
- Click on "H-1B/E-3 Employee Initial Request"
  - Do NOT "Add a New Person" in iTerp
- Input the beneficiary's UID and date of birth
- Complete the e-forms

## Prevailing Wage and Position Information

- The prevailing wage is the:
  - Average salary paid to most workers
  - in a specific occupational field
  - In a geographic area
- Determines the prevailing wage
- Use the position description from job ad/workday to complete the e-form and finalize Department Chair letter
  - Job description and requirements should be consistent

#### **Determining the Prevailing Wage**

Factors to consider

- Title
- Degree Level
- Years of Experience
- Specialized Skills
- Supervisory/management duties
- Is travel required?

#### **Caution:**

 Do not tailor job description to employee's CV and field of study





# Department Tasks: Department Chair Letter

- Department uploads the H-1B support letter on department letterhead, signed by the Department Chair, including the following items:
  - Title with detailed description of duties of the position must require specialized skills, knowledge and education
  - Required qualifications of the <u>position</u> (degrees/experience)— different than employee's qualifications!
  - Salary
  - Desired dates of employment (must match dates in iTerp)
  - How the prospective employee meets the required qualifications of the position
- Statement that the department will pay return transportation if employee INTERNATION DISSIDENTIAL SERVICES

  SCHOLAR SERVICES

# Check for consistency with job offer and iTerp submission!

- ✓ Use <u>template</u> for Department Chair letter
- ✓ Start & End Dates
- ✓ Salary
- Minimum Job Requirements
- ✓ Job Duties

### Impact of Modernization Ruling

The Department of Homeland Security published a final rule, *Modernizing H-1B Requirements*, which became effective January 17, 2025.

The rule revises the definition of "specialty occupation" and codifies provisions for third-party placement, amendments, and provides deference to previously approved petitions.

 A position may qualify as a specialty occupation even when the employer requires a range of qualifying degree fields as long as the fields are "directly related" to the duties of the position.



# **Actual Wage Determination**

- The actual wage is the wage rate paid to all individuals with similar experience and qualifications
- This e-form asks the department to identify individuals who hold the <u>same title</u> within the department with <u>similar experience and qualifications</u> and then document the *UID*, salary, and reason for higher salary

Note: The actual wage is the base salary only—no benefits or retirement included



## When an employee in your comparable pool has a higher salary:

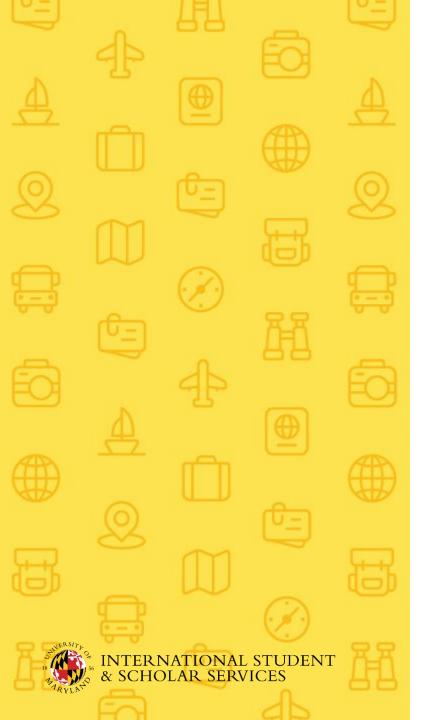
Factors to consider

- Title
- Degree Level
- Years of Experience
- Specialized Skills
- Supervisory/management duties
- Publication record

#### Factors **NOT** to consider

- Negotiation
- Grant Limitations
- Salary Compression/Market Analysis





# Labor Condition Application (LCA)

- Employer attestation to the Department of Labor that we are paying at least the higher of the prevailing and actual wages
- Current processing time for certification is 7-10 days
- LCA posting is done online through UHR & ISSS websites
  - If there is offsite employment the LCA will also need to be posted at that site.
- Sent to department for review for accuracy
- Employee must receive the certified LCA before the first day of employment

# Department Tasks: Request Checks for H-1B Fees

Fee	When to Pay
\$460	Base fee (All I-129 H-1Bs)
\$500	Fraud Prevention fee (Only initial, transfer, or concurrent)
\$2,805	Premium Processing fee (optional)
\$470	Paid by the FN (H-4) – paper filing fee

- Department requests checks through Working Fund
- WFC Request on Workday:
  - In search bar type "Request payment"
  - Click "Request a Payment for Maryland Procurement & AP"
  - Click "Working Fund Requests"
  - Request Type: "All Other Working Fund Requests"
- Processing time is 2-4 weeks
- Drop off at ISSS front desk as soon as possible



### Department Tasks: Credit Card Payment

- Departments may use a credit card to pay USCIS fees: Form G-1450
- Please confirm with procurement and your unit before using this payment method
- Fill out a separate form for each payment amount: \$460, \$500, and \$2,805.
  - ISSS will let you know which amounts are needed on a case to case basis
- Please leave "University of Maryland" under the Petitioner's Information section and fill out the Credit Card Billing and Card Holder's information.
- Email ISSS the scanned copies of the signed forms with the cardholder's signature; must be a wet hand-written signature

INTER REASE KEEP THE OFFIGINAL CODIES IN YOUR FILE FOR



#### Authorization for Credit Card Transactions

USCIS Form G-1450

Department of Homeland Security U.S. Citizenship and Immigration Services

How To Fill Out Form G-1450

- 1. Type or print legibly in black ink.
- Complete the "Applicant's/Petitioner's/Requester's Information," "Credit Card Billing Information," and "Credit Card Information" sections and sign the authorization. NOTE: The credit card must be issued by a U.S. bank.
- 3. Place your Form G-1450 ON TOP of your application, petition, or request package.

NOTE: Failure to provide the requested information may result in USCIS and your financial institution not accepting the payment USCIS cannot process credit card payments without an authorized signature.

NOTE: Please see the USCIS Form G-1450 website for additional information.

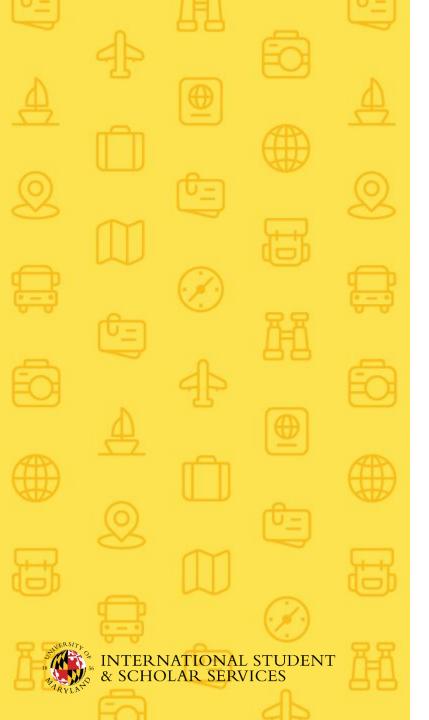
We recommend that you print or save a copy of your completed Form G-1450 to review in the future and for your records.

By completing this transaction, you agree that you have paid for a government service and that the filing fee, biometric services fee and all related financial transactions are final and not refundable, regardless of any action USCIS takes on an application, petition, or request. You must submit all fees in the exact amounts. USCIS will charge your credit card up to the amount you authorize below.

Please refer to the form(s) you are filing for additional information, or you may call the USCIS Customer Contact number a 1-800-375-5283. For TTY (deaf or hard of hearing) call: 1-800-767-1833.

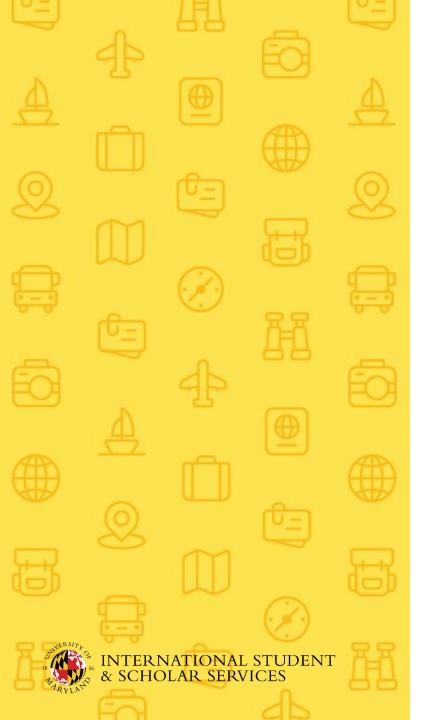
Given Name (First Name)	Middle Nan	ne (if any)	Family Name (Last Name		me)
Credit Card Billing Informatio	on (Credit Card H	Iolder's Name as i	t Appears or	the Card)	
Given Name (First Name)	Middle Nan	ame (if any) Fami		y Name (Last Name)	
Credit Card Holder's Billing Add	lress:				0
Street Number and Name				Apt. Ste. Flr.	Number
City or Town		State	ZIP Code		
Credit Card Holder's Signature a	and Contact Inform	ation:			
Credit Card Holder's Daytime Telep	phone Number	Credit Card Holder's Email Address			
Credit Card Information				-00	
Credit Card Number	Credit Ca	Mas	MasterCard		Payment Amount
Credit Card Expiration Date (mm/yyyy)		_	erican Express		

■|| 配送性水域治域治域治域治域炎炎炎炎炎炎炎炎炎炎炎炎炎炎炎炎炎炎炎炎



# Request for Evidence (RFE) and Hold for Security

- RFEs are formal requests from USCIS for more information to process an immigration application
- Please note that if an RFE is received, ISSS will require an additional 3 months to process, which may delay the start date.
- USCIS is implementing background checks in select H-1B cases. This background check is causing delays in the adjudication process. ISSS is working closely with University leadership to review the impact of these security checks. The Department will be informed if your H-1B applicant is selected for a background check during the processing of the petition.



## **USCIS Processing Times**

- As of March 2025, USCIS processing times to adjudicate an approval notice without premium processing is as follows:
  - Change of Status: 4 months
  - Extension: 4.5 months
  - Initial, Consular: 4.5 months
- USCIS processing times are available on their website.

# H-1B Approval Notice

H-1B Type	Portability (Start date)
Initial	Approval notice
Amendment	Receipt notice
Extension	Receipt notice - 240 days
	Receipt notice or start date,
	whichever comes later (contact
Transfer	ISSS in the preliminary stages)
Concurrent	Receipt notice - 240 days
Concurrent	Receipt hotice - 240 days

10-day & 60-day grace periods



#### CHIEL NICED STATES OF AMERICA

#### I-797A | NOTICE OF ACTION | DEPARTMENT OF HORELAND SECURITY U.S. CITIZENSHIP AND IMMOGRATION SERVICES

Receipt Number WAC1234567890		Case Type 1129 - PETITION FOR A NONIMMIGRANT WORKER		
Received Date 07/11/2018	Priority Date	Petitioner UNIVERSITY OF MARYLAND,		
Nutice Date 07/23/2018	Page 1 of 2	MOUSE, MICKEY		

UNIVERS IT OF MARYLAND c/o CONN JESSE LIRA 1126 H J P TTERSON HALL COLLEGE PARK MD 20742

Notice Type: Approval Notice Class: H1B Valid from 08/05/2018 to 06/06/2020

#### Receipt Number

e been approved. The status of the named foreign worker(s) in this classification ioner, but only as detailed in the petition and for the period authorized. Changes in aployment or training may 1. Since this employment or training authorization stems from the filing of this petil required. The I-94 attached below may contain a grace period of up to 10 days before, and up to 10 days after classifications: CW-1, E-1, E-2, E-3, H-1B, H-2B, H-3, L-1A, L-1B, O-1, O-2, P-P-2, P-3, TN-1, and TN-2. period of up to one week before and 30 days after the petition validity period. The gree period is a period of

n, separate employment or

aumonized stay but does not provide the beneficiary authorization to work beyond the petition validity period. The decision to go at a grace period and the length of the granted grace period is discretionary, final and cannot be contested on motion or as

withholding.

The petitioner should keep the upper portion of this notice. The lower portion should be given or her Form I-94, Arrival-Departure Record. The I-94 portion should be given to the U.S. Cu States. The left part is for his or her records. A person granted a change of status who leaves t before returning. The left part can be used in applying for the new visa. If a visa is not require documentation, when applying for reentry in this new classification at a port of entry or pre-ft 1-824, Application for Action on an Approved Application or Petition, to request that we notif

**Employment Dates** 

The approval of this visa petition does not in itself grant any immigration status and does not to be eligible for a visa, for admission to the United States, or for an extension, change, or adjust

THIS FORM IS NOT A VISA AND MAY NOT BE USED IN PLACE OF A VISA.

Please see the additional information on the back. You will be notified separately about any other cases you filed.

California Service Center U. S. CITIZENSHIP & IMMIGRATION SVC P.O. Box 30111

Laguna Niguel CA 92607-0111

Customer Service Telephone: 800-375-5283



PLEASE THAN OFF FORM 1-94 PRINTED BELOW AND STAPLE TO ORIGINAL 194 IF AVAILABLE

Detach This Half for Personal Records

Receipt# WAC1234567890 I-94# 98765432109 NAME MOUSE, MICKEY CLASS HIB VALID FROM 08/05/2018 UNTIL 06/16/2020

PETITIONER

UNIVERSITY OF MARYLAND, 1126 H J PATTERSON HALL COLLEGE PARK MD 20742

369084852 30

Receipt Number WAC1822751017

US Citizenship and Immigration Services

194 Departure Record

Petitioner: UNIVERSITY OF MARYLAND

14, Family Name MOUSE

15. First (Given) Name MICKEY

16. Date of Birth 11/28/1928

17. Country of Citizenship

FRANCE

## **Grace Periods**

#### **10-Day Grace Period**

- Allows CBP or USCIS to admit an H-1B Temporary Worker for the duration of the I-129 petition and up to 10 days before and/or 10 days after the validity period of the petition
- May be indicated on original bottom I-94 of I-797 or on I-94 record upon entry to the US. Always check your I-94 when you return to the US after traveling abroad.

#### **60-Day Grace Period**

- DHS will not consider the worker and his or her dependents "to have failed to maintain nonimmigrant status solely on the basis of a cessation of the employment on which the alien's classification was based."
- 60 consecutive days after the cessation of work OR the petition end date, whichever comes first.
- If someone works to the end of their petition, they do not get a 60-day grace period at the end



### Impact of Modernization Ruling

# The Department of Homeland Security published a final rule, *Modernizing H-1B Requirements*, which became effective January 17, 2025.

- A material change to the LCA facts, including a change in the worker's place of employment (work site), requires the filing of an amendment before the change takes place.
- When USCIS adjudicates an I-129 petition, USCIS will defer to the prior I-129 approval. This change provides employers greater predictability when filing an extension.

- Third-party placement: evidence of a job offer and contracts are required and the requirement to provide an itinerary is eliminated.
- DHS is granted authority to conduct site visits at locations where the H-1B employee works, has worked, or will work, including third-party worksites. Refusal to comply with a site visit could result in the denial or revocation of a petition.



# Department Responsibilities: Audits & Early Termination

#### USCIS, FDNS, DOL, DOS audit

- Assign department representative and backup to meet with officer
- Notify ISSS and get officer's badge information & contact
- Will ask to talk to or see employee or supervisor
- Verify position, title, duties, salary, location, and requirements
- Whether employee paid/reimbursed any money related to H-1B
- Respond to all questions—do not guess
- Employee will need to provide paycheck stubs

USCIS Fraud Detection and National Security Unit has reinstated its review and audit of H-1B petitions. The university should expect more audits in the coming year

#### **Early Termination**

- Update Workday
- Reasonable cost of travel to their home country
- H-1B Early Termination request in iTerp



# Department Responsibilities, Continued

#### Report Change in Employment Conditions

Ensure that your H-1B employee's job duties remain in compliance with USCIS regulations. Substantial changes in job duties may require ISSS to file an H-1B amendment

- Promotions creating "significant" change in job duties
- Demotions
- Decreases in hours, salary, benefits
- Changes in physical location

#### Initial, Extension, & Amendment Petitions

Ensure that H-1B petitions are filed in a timely manner, 6 months before end date

#### **Part-Time Employees**

Maintain timesheets, daily start time AND end time need to be tracked

#### **Actual Wage Determination**

Documentation to support how the department determined the actual wage for the H-1B worker



# H-4 Dependents

Married spouses and legal children under the age of 21 are eligible for dependent status.

- H-4 dependents may:
  - Enroll in full- or part-time study
  - Volunteer in a traditional volunteer capacity (e.g., PTA at child's school, server at a soup kitchen)
  - Not eligible for employment
    - Limited exceptions apply
- The I-539 is the responsibility of the H1B employee. ISSS will include the forms with their petition as a courtesy.

For all cases, the dependent status is tied to the primary visa holder's status. This means their start and end dates correspond, and if the primary ends their status, the dependent's status ends.



# H-4 Dependents

 Effective January 17, 2025, USCIS will no longer be required to adjudicate applications for dependent status or employment authorization at the same time as the principal H-1B case. USCIS has not released any guidance on whether they will extend this benefit. ISSS is monitoring this development closely. This decision will impact the ability of H-4 dependents' ability to travel, seek employment authorization or to extend their driver's license. We encourage departments to submit H-1B extension requests as early as 6 – 7 months before the end date. This will help to minimize the impact on H-4 dependents.

For all cases, the dependent status is tied to the primary visa holder's status. This means their start and end dates correspond, and if the primary ends their status, the dependent's status ends.



## Resources

- Chat online with us for quick inquiries
  - M-F, 10:30am-12:30pm
- Our <u>website</u> contains most information you need to process requests with ISSS
- Make an appointment with an ISSS advisor





# When in doubt, ask the experts!

#### **Connie Jesse**

Assistant Director, Faculty/Scholar Immigration

- 301-314-5823
- cjl@umd.edu

#### **Last Names A-J:**

#### **Wrenna Dorrer**

Scholar & Faculty Advisor

- 301-304-7749
- wmd@umd.edu

#### **Carly Park**

Scholar & Faculty Program Specialist

capark@umd.edu

#### **Last Names K-R:**

**Julie Choe** 

Scholar & Faculty Program Specialist

jchoe126@umd.edu

#### **Last Names S-Z:**

Yetnayet "Mimi" Lemma

Scholar & Faculty Advisor

- 301-405-7152
- <u>ylemma@umd.edu</u>

#### **Beth Floyd**

Scholar & Faculty Program Specialist

• efloyd@umd.edu