



To: MSU International Faculty/Staff

From: Human Resources

Re: Approval of H-1B on Form I-797

Enclosed is a copy of the H-1B approval with the original H-1B approval. Note that the form states the original upper portion of the I-797A is to remain with the employer. Human Resources and the International Center staff recognize that a photocopy may not be sufficient in the event you need to travel and obtain a visa. If the original form is lost, contact Human Resources. (See section on replacement of forms – you will be responsible for the replacement costs.) Please check the H-1B approval to ensure your name, birth date, and dates of employment are correct. Notify Human Resources immediately if you note an error.

Please read the important information below.

Tax status (W-4, “Payroll Tax Residency Information Form”, and Social Security card)

All new employees will be required to complete a W-4 form. If you were already an MSU employee in F-1, J-1, or other visa classification and changed to H-1B, you must complete a new W-4 form. You will also need to complete a “Payroll Tax Residency Information Form.” You may be in a non-immigration visa category yet if you’ve been in the U.S. for over 5 years; you may be considered a “resident” for tax purposes. Please contact Human Resources for the W-4 form and instructions; the tax residency form is attached to this notice (please return to Human Resources). If this is your first time in the U.S. as an employee, you must apply for a Social Security card/number in person with your immigration documents (passport, H-1B approval) at the Social Security Administration District Office, 12 Civic Center Plaza, Suite 1550, Mankato (phone: 345-4822).

Proof of employment eligibility

The H-1B approval is proof of work authorization. Note the I-797A and I-94 indicates the dates you are legal to work. MSU is required to ensure that all employees have the appropriate documents for legal employment.

Address notification to US Citizenship and Immigration Services (formerly INS)

Please be aware that under current immigration law, all non-citizens of the U.S. are required to notify the US Citizenship and Immigration Services (USCIS) of their change of address on Form AR-11 within 10 days of any such change. The USCIS has been lenient about this for years, but now, post-9/11, the USCIS is requiring strict compliance, so it is important that you take care of this whenever necessary. The form is available on the USCIS website: <http://www.uscis.gov/>

Terms of employment

The terms of employment for the H-1B visa are very specific. The Department of Labor (DOL) and the USCIS forms previously submitted on your behalf state the exact department, title, salary, duties, and dates of your position. If there is a significant change in the terms of your employment prior to the end of your H-1B period, a new H-1B petition must be filed. You are not authorized to accept employment from another employer without filing an additional H-1B petition; this restriction includes working for a different department within MSU.

Extension of H-1B

Please note the end date of your H-1B approval (Forms I-797A and I-94). The process for extension is similar to the initial H-1B petition – Human Resources must complete a DOL Labor Condition Application (LCA) and the USCIS

HUMAN RESOURCES

336 WIGLEY ADMINISTRATION CENTER • MANKATO, MN 56001

PHONE 507-389-2015 (V) • 800-627-3529 OR 711 (MRS/TTY) • FAX 507-389-2960

A member of the Minnesota State Colleges and Universities System. Minnesota State University, Mankato is an Affirmative Action/Equal Opportunity University.

(over)

Form I-129, and enclose additional supporting documents and a fee payable to the USCIS. A timely extension is considered to be submitted to the USCIS no more than 4 months and no less than 45 days before the expiration of the current H-1B. Please contact Human Resources well in advance of the end date noted on the I-797A and I-94.

Replacement of forms

If you lose the original H-1B approval, Human Resources will need to file Form I-824 to the Regional USCIS. A fee of \$405 must be included, which we expect you will pay. These requests are considered “low priority” for USCIS and take 6 or more months to be processed.

Use of H-1B approval for travel & inviting dependent family members

The original H-1B approval (Form I-797A) may be required for the issuance of H-1B and H-4 (dependent) visas. Please contact Julie Rabaey, Assistant Director within the International Center for more information well in advance of your intended travel out of the U.S. and prior to any visa application.* Human Resources can provide you with a complete copy of your H-1B petition from your file to provide supporting documentation for visa issuance.

Status of dependent family members

An H-4 dependent is defined by USCIS as a spouse and/or child. Your dependents in H-4 status are not eligible to work. Please note that if you extend your H-1B status, your dependents in H-4 status will also need to complete a form for extension (I-539) and include a fee of \$290 payable to USCIS. The form can be obtained on the USCIS website at: <http://www.uscis.gov/>

Permanent Resident referral and review

“Permanent Residence” is a status granted by the U.S. government to citizens of other countries. It allows an individual to remain permanently in the U.S. The process is also known as obtaining a “green card” or “immigrant visa.” Permanent residence is not the same as U.S. citizenship, although permanent residents may become eligible to become “naturalized” U.S. citizens after a certain number of years as a permanent resident.

An application for permanent residence involves filing numerous forms and extensive documentation in several steps. Some aspects of the permanent resident petition are “employer-based” and require Human Resources to be involved in submission. There are other aspects that are more related to your own situation as a non-immigrant requesting to adjust to an immigrant. Human Resources will provide you with the stages that MSU are required to be directly involved. Other aspects you may complete on your own and/or can hire an immigration attorney to provide guidance/assistance (see HR website for details: <http://www.mnsu.edu/humanres/international.html> then click on Update & Reminders Regarding International Faculty/Staff Visa Processing). Human Resources can provide a list of immigration attorneys in this area (or you may seek a qualified attorney of your choice). Human Resources will serve as the liaison between your attorney and Minnesota State University, Mankato if there are required employment signatures/supporting documents required in the PR process.

Note: If you are a newly hired teaching faculty member (probationary appointment), you have 18 months to complete the first stage of the application process (through the Department of Labor) for employment-based permanent residence. The time period is determined by the date you were offered a position at MSU, as listed on your original contract. Failure to meet this deadline may result in your not being able to obtain permanent residence based upon your current position. The department may be required to conduct a complete new search (with a national print advertisement) for the position.

If you or your department has further questions or concerns about the H-1B visa, please contact:

Human Resources
Minnesota State University, Mankato
336 Wigley Administration Center
Mankato, MN 56001
Phone: (507) 389-2015 Fax: (507) 389-2960
E-mail: julie.rabaey@mnsu.edu *

** International Center staff will work with Human Resources on visa/immigration related issues. Files for international faculty and professional staff in H-1B and TN non-immigrant categories will be retained in the Office of Human Resources.*