

TO BE COMPLETED BY
VISITING PROGRAM
PARTICIPANT

H-1B Petition Worksheet

Information: This worksheet provides the Division of International Services (DIS) with details needed for preparation of the H-1B petition that the National Institutes of Health will file on your behalf.

Instructions: Please complete this form, answering every question, and return it to your Administrative Officer with all required supporting documents. If you need additional space to provide answers, include your answers on a separate page.

I. SCIENTIST PERSONAL INFORMATION

Family Name:	Given Name:
All Other Names Used:	Date of Birth (MM/DD/YYYY):
U.S. Home Address:	
Telework Address (if any):	
Telework Schedule (e.g. ad hoc, weekly, etc.)	
Home Country Address:	
Current Salary or Stipend:	

II. IMMIGRATION INFORMATION (COMPLETE ONLY IF CURRENTLY INSIDE THE U.S.)

Most Recent Arrival Date to the United States (MM/DD/YYYY):
Do you or your dependents have any plans to travel outside of the U.S. in the next 12 months? <input type="checkbox"/> Yes <input type="checkbox"/> No IF YES: list dates of travel (even if they are tentative): _____
Note: Consult with your DIS Immigration Specialist before finalizing any travel plans.

III. U.S. ENTRY VISA APPLICATION INFORMATION (COMPLETE EVEN IF CURRENTLY IN THE U.S.)

Specify the City and Country of the U.S. Embassy/Consulate where you will apply for an entry visa. (Canadian citizens, list the port of entry or preflight inspection city): _____
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IV. FAMILY INFORMATION (CHECK ONE, ALL APPLICANTS MUST ANSWER)

<input type="checkbox"/> I do not have dependents in the U.S.	<input type="checkbox"/> My dependents do not require H-4 (dependent) status
<input type="checkbox"/> I do have _____ (number) dependents that require H-4 status. Note: H-4 status is only available for your legally married spouse and unmarried children under age 21. If any dependents are currently in the U.S., download " Form I-539 " from the USCIS website and see DIS checklist for additional information.	

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V. H-1B PETITION INFORMATION

1. Have you ever been in J status (J-1 or J-2)? Yes No
2. IF YES TO 1: Are you subject to the 212(e) two year home residence requirement? Yes No
3. IF YES TO 2: Have you fulfilled the requirement by obtaining a waiver or by going home for two years? Yes No
4. IF YES TO 3: Which method did you use to fulfill the requirement? obtained a waiver returned home for two years
5. IF NO TO 3: If you have already applied for a waiver, enter your waiver case number: _____

Note: If you have obtained a waiver of 212(e), you will need the USCIS waiver approval notice (Form-I-797) to apply for an H-1B entry visa at a U.S. Embassy or Consulate abroad. If you are still subject to 212(e), you are not eligible for a change of status to H-1B.

Have you been granted H-1B or L-1 status during the last seven years? Yes No
IF YES: List your and any dependents' any such prior periods of stay. Include name, relationship to you, USCIS case # if known, and dates of approval. Provide copies of approval notices & I-94s.

Have you been denied H-1B status during the last seven years? Yes No
IF YES, please explain (required):

1. Have you been absent from the U.S. while in H-1B Status? Yes No
2. Have you been present in the U.S. in another immigration status at any time while approved for H-1B status? Yes No
3. IF YES to either, list dates and circumstances:

Are you in exclusion or deportation proceedings? Yes No

Do you have a lawful permanent resident petition (green card) approved or pending with USCIS? Yes No
If YES, indicate which applications are approved or pending: Form I-140 I-485 I-765 I-131

Provide A# (if applicable):

VI. ATTESTATION

I certify that I have read all information on this worksheet. The information above and documents submitted as they relate to this petition are true and correct. I understand that any misrepresentation of information or document fraud may result in termination of my employment at NIH. I understand that information and materials submitted with this worksheet may be shared with other government agencies. I understand that my application could be delayed as a result of mandatory Department of Homeland Security (DHS) security checks. To the best of my knowledge, there is no adverse information that would negatively affect the H-1B petition. I understand that DHS determines final approval of the H-1B petition.

Scientist Name:

Date (MM/DD/YYYY):

Scientist Signature:

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H-1B Petition Worksheet Required Documents

Instructions: Submit all documents to your Administrative Officer (AO), **even for extensions**. Previously submitted copies are permanent records and cannot be reused. **Documents not in English must include a certified translation.**

I. DOCUMENTS

Credential and Immigration Information

- Copy of doctoral degree (e.g. M.D., Ph.D.)
- Copy of transcript if your field of study is not clearly indicated on diploma (highly recommended)
- Credentials evaluation of doctoral degree if earned abroad
List of evaluators: <http://www.naces.org/members.html>
- Current Curriculum Vitae
- Unaltered Original Document & Translation form (see pg. 4)
- Copy of passport biographical information page
- If currently in the US:
 - Copy of most recent Form I-94 record
 - Copy of most recent U.S. entry visa
 - Copy of immigration documents, listed in Section II by status

If Medical Doctor and Full Patient Care is involved:

- Copy of M.D. degree
- Copy of license to practice medicine in home country or in any state in the U.S. (if applicable)
- Copy of ECFMG Certificate
- Copy of USMLE (Steps, 1,2,& 3) or NBME (Parts I,II,& III) or FLEX (Components I & II)

Optional

- Premium Processing Fee (do not submit until notified by DIS). See [USCIS website](#) for current fee amount.

II. INCLUDE THESE DOCUMENTS ACCORDING TO CURRENT IMMIGRATION STATUS

If in H-1B, H-4, or O-1 status:

- Copies of all previous Form I-797 Approval Notice(s)
- DO NOT SUBMIT UNTIL NOTIFIED BY DIS – copies of two most recent pay slips
- If in H-1B status with another U.S. employer, read and sign the “H-1B Portability” confirmation (see page 5)
- If in H-4 status, submit copies of H-1B’s Form I-94 and evidence of H-1B’s maintenance of status (copies of two most recent pay slips).

If in F-1 or F-2 status:

- Copies of all previous Form(s) I-20 pages 1 & 2

- Copies of all Employment Authorization Documents (EAD), if applicable
- If currently in F-2 status, submit a copy of F-1’s Form I-94

If in J-1 or J-2 status:

- Copies of all previous Form(s) DS-2019
- If applicable and available, copy of J-1’s USCIS Form I-612 waiver approval notice (I-797) of two-year home residence requirement (212e) and/or U.S. Department of State No-Objection Letter & J-1 waiver application (Form DS-3035)
- If currently in J-2 status, submit copy of J-1’s Form I-94
- If currently in J-2 status and employed, submit copy of Employment Authorization Document (EAD)

III. DEPENDENT(S)

SPOUSE AND/OR UNMARRIED CHILDREN UNDER 21 IN THE U.S. AND APPLYING FOR AN EXTENSION OR CHANGE TO H-4 STATUS

- Completed Form I-539 with original signatures (available from the USCIS website: www.uscis.gov). Form I-539 is completed *only* by your dependents; do NOT include your name or your information. Contact DIS for additional guidance.
- Copies of evidence of qualifying relationship, for example, marriage certificate or birth certificate
- Copies of dependents’ previous immigration document(s), if applicable (Form I-797 Approval Notice, Form I-20, Form DS-2019)
- Copies of dependents’ Form I-94(s), entry visa(s), passport information page(s), and any other evidence of entering legally and maintaining status.
- Evidence of financial support (letter from H-1B worker indicating job title, department, salary, and dates of new H-1B petition as well as a statement that they will support their dependent for duration of their stay.
- DO NOT SUBMIT UNTIL NOTIFIED BY DIS - I-539 Filing Fee. Check or money order in U.S. dollars, from a U.S. bank, payable to “Department of Homeland Security”. See USCIS for fee amount: www.uscis.gov.

UNALTERED ORIGINAL DOCUMENTS

TO THE UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES/NIH:

Copies of documents submitted are exact copies of unaltered original documents. I understand that I may be required to submit original documents to an Immigration or Consular official at a later date.

Printed Name of H-1B Worker: _____

Signature of H-1B Worker: _____

Date Signed: _____

TRANSLATION OF FOREIGN LANGUAGE DOCUMENT(S)

Note: Translations must be done by someone other than yourself or immediate family members.

I, _____, hereby certify that I am competent to translate from the _____ language into English and that the attached is the accurate translation of the original document(s).

Print Name & Title of Translator: _____

Signature of Translator: _____

Date Signed: _____

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H-1B Petition Worksheet H-1B Portability Employee Confirmation of Eligibility

Instructions: Complete only if you are currently an H-1B Temporary Worker with another U.S. employer and wish to invoke “H-1B Portability” for your employment. Attach this signed form to your completed H-1B Petition Worksheet. For questions on H-1B portability, contact the Immigration Specialist assigned to your case.

EMPLOYEE CONFIRMATION OF ELIGIBILITY

I understand that the American Competitiveness in the Twenty-first Century Act (AC21) provides for portability from one employer to another for those persons who hold H-1B status and meet three criteria specified in the law. Those criteria are, “a nonimmigrant alien –

- A. who has been lawfully admitted into the United States;
- B. on whose behalf an employer has filed a non-frivolous petition for new employment before the date of expiration of the period of stay authorized by the Attorney General; and
- C. who, subsequent to such lawful admission, has not been employed without authorization in the United States before the filing of such petition.” [AC21, Section 105(a) (2)]

I meet these criteria and am eligible for portability of my H-1B status based on the portability provision of AC21. I wish to use this provision and confirm the following for that purpose:

- 1. I was lawfully admitted into the United States.
- 2. I have maintained my current H-1B status and such status had not expired at the time of the filing of the new H-1B petition.
- 3. I have not been employed without authorization in the United States since my admission or before the filing of the new H-1B petition.
- 4. **I understand that if the new H-1B petition is denied, I will no longer be authorized to work at the NIH and thus my employment must be ended.**

By my signature below I confirm that these statements are true to the best of my knowledge and belief.

Employee Name: _____

Employee Signature: _____

Date: _____