

Implementation Guidelines of the H-1B Policy for Postdoctoral Scholars

H-1B Process: Departments are responsible for initiating and following through Stanford's procedures for H-1B petitions.

1. **The process requires review and approvals by the Office of Postdoctoral Affairs and by the Bechtel International Center.**
 - a. The department initiates the H-1B process by uploading to the existing Recommendation Web Form the form titled H-1B/E-3 Employment Visa Request Form for Postdoctoral Scholars http://postdocs.stanford.edu/admin/pdf-forms/H-1BReqFormFacultyStmt_2013.pdf and its required supporting documents, and sending an email notification of the uploaded documents to Tammy Wilson at the Office of Postdoctoral Affairs, tjwilson@stanford.edu. Upon review of the petition at the OPA or by the H-1B Review Board, OPA will then communicate the university's decision to the Department and to the Bechtel International Center.
 - b. The department initiates the H-1B online workflow form with the information necessary for Bechtel to start the petition. Tammy Wilson of OPA will approve that online petition which is then sent to Bechtel. The department must initiate contact with Bechtel in order to identify and follow through on the assembling of the additional required documentation and submit the Stanford petition to USCIS.
2. **Processing Fee:** An internal processing fee of \$900 will be charged to a department PTA for any approved H-1B petition that does **NOT** meet one of the following three criteria:
 - a. The postdoctoral scholar is currently in valid H-1B status (submit copy of H-1B I-797 Approval Notice);
 - b. The postdoctoral scholar has pending United States permanent residence as evidenced by an I-485 document (submit copy of I-485); or
 - c. The postdoctoral scholar is married to a US citizen or a US permanent resident (submit copy of marriage certificate).

The processing fee must be paid by a department PTA. This fee does not determine nor predict the outcome of the petition with USCIS, approval at the US embassy abroad nor is it refunded if the scholar declines the postdoc offer.

Duration of H-1B visa requests: must coincide with the duration of the postdoctoral appointment at Stanford. Appointment of scholars is a considerable commitment by the faculty mentor and by the university. Stanford cannot sponsor an H1B visa for a scholar to whom a commitment of appointment is not made.

Timing for requesting exceptions: Petitions **MUST** be submitted at least 3 months prior to the requested start date of the H-1B, in particular for requests outside of the established policy provisions to approve H-1B sponsorship.

Late petitions: OPA will make every effort to review petitions for appointments that start within less than a 3 month period. However, there is no guarantee that the H-1B Review Board will be available to decide on petitions on an ad hoc basis. As a result, departments must make every effort to ensure the timeliness of submissions.

Start Dates: If the postdoctoral scholar will be out of status, the appointment/extension may not take effect without a valid H-1B approval. The start date of the appointment/extension may not be a date prior to the H-1B approval start date.

Paperwork: A complete request to sponsor the H-1B for a postdoctoral scholar must be submitted to OPA by the published deadline for consideration of the petition. The request must include the following documents—based on the applicable scenario from the list below:

I. If the scholar currently holds a Stanford appointment and is in H-1B status sponsored by Stanford, i.e., this is a request for an extension of the H-1B (does not require Review Board decision):

Submit:

1. Signed and completed H-1B/E-3 Employment Visa Request Form for Postdoctoral Scholars available online at http://postdocs.stanford.edu/admin/pdf-forms/H-1BReqFormFacultyStmt_2013.pdf;
2. Complete Postdoc Change Request Web Form via AXESS;
3. Complete the Employment Visa Request Web Form via AXESS.

II. If the scholar currently holds a Stanford appointment and is not in H-1B status:

Submit:

1. Signed and completed H-1B/E-3 Employment Visa Request Form for Postdoctoral Scholars available online at http://postdocs.stanford.edu/admin/pdf-forms/H-1BReqFormFacultyStmt_2013.pdf;
2. Complete Postdoc Change Request Web Form via AXESS;
3. Documents supporting the basis for requesting the H1B:

EITHER under one of the four policy provisions (**does not require Review Board decision**):

- a. The scholar is currently in valid H-1B status (submit copy of H-1B I-797 Approval Notice);
- b. The scholar is pending United States permanent residence as evidenced by an I-485 document (submit copy of I-485);
- c. The scholar is married to a US citizen or a US permanent resident (submit copy of marriage certificate); or
- d. The scholar is currently completing six months of optional practical training at Stanford or elsewhere (submit copy of EAD card).

OR as an exception (**requires Review Board decision**):

- a. The scholar has obtained a J-1 waiver from USCIS (submit copy of the notification letter), or is otherwise ineligible for a J-1 visa because of the 5 year limit or 24-month repeat participation bar (submit copy of most recent DS-2019); OR
 - b. Supporting documentation demonstrating Stanford's interest in sponsoring this petition:
 - I. A letter from the faculty sponsor describing the case;
 - II. Proof of unique contributions/skill sets possessed by the proposed trainee as demonstrated through a formal application and selection process for the postdoctoral scholar position;
 - III. Statement of significant hardship on the progress of the project in case of the postdoc's departure;
 - IV. Documented evidence of the absence of other suitable candidates for the appointment supported by a search process of application and selection for the postdoctoral scholar position. A summary letter with information on the search/application process must be provided including position posting and locations, durations, number of applicants, and assessment of qualifications of possible candidates.
4. Complete the Employment Visa Request Web Form via AXESS.

III. If the scholar is incoming to Stanford and meets one of the four criteria (does not require Review Board decision):

- A. The scholar is currently in valid H-1B status;
- B. The scholar is pending United States permanent residence as evidenced by an I-485 document;
- C. The scholar is married to a US citizen or a US permanent resident; or
- D. The scholar is currently completing six months of optional practical training in the US.

Submit:

1. Signed and completed H-1B/E-3 Employment Visa Request Form for Postdoctoral Scholars available online at http://postdocs.stanford.edu/admin/pdf-forms/H-1BReqFormFacultyStmt_2013.pdf;
2. Evidence for one of the four criteria above, such as a copy of H1B Approval Notice, copy of the I-485; marriage certificate to US citizen/PR; or EAD card for the OPT period;
3. Complete Recommendation Web Form with all supporting documents via AXESS. Include the appropriate language that the offer is contingent upon approval of visa status to be appointed as a scholar in the United States;
4. Complete the Employment Visa Request Web Form via AXESS.

IV. If the scholar is incoming to Stanford and does not meet one of the four policy provisions described above (requires Review Board decision):

Submit:

1. Signed and completed H-1B/E-3 Employment Visa Request Form for Postdoctoral Scholars available online at http://postdocs.stanford.edu/admin/pdf-forms/H-1BReqFormFacultyStmt_2013.pdf;
2. Supporting documentation demonstrating Stanford's interest in sponsoring this petition:
 - a. A letter from the faculty sponsor describing the case;
 - b. Proof of unique contributions/skill sets possessed by the proposed trainee as demonstrated through a formal application and selection process for the postdoctoral scholar position;
 - c. Statement of significant hardship on the progress of the project in case of the postdoc's departure;
 - d. Documented evidence of the absence of other suitable candidates for the appointment supported by a search process of application and selection for the postdoctoral scholar position. A summary letter from the faculty mentor petitioning for the H1B on behalf of the scholar should contain information on the search/application process must be provided including position posting and locations, durations, number of applicants and assessment of qualifications of possible candidates.
3. Complete Recommendation Web Form with all supporting documents via AXESS. Include the appropriate language that the offer is contingent upon approval of visa status to be appointed as a scholar in the United States;
4. Complete the Employment Visa Request Web Form via AXESS.