H-1B Document Checklist
(change of U.S. employer)

Documents used to establish eligibility for position:

☐ Copy of latest C.V.

☐ Copy of diploma/certificate of highest degree earned that is relevant to position

☐ Copy of academic transcript associated with degree (can be an unofficial transcript)

Documents used to prove current nonimmigrant status:

☐ Copy of your most recent I-94 card

☐ Copy of H-1B approval notice issued for current employment (Form I-797) (If applicable)

☐ Copy of H-1B petition receipt notice if an H-1B petition has been submitted on your behalf and is still pending with the USCIS

☐ Copy of passport data page(s) (page(s) containing picture and expiration date)

☐ Copy of the most recent machine readable visa stamp in your passport that was issued in conjunction with your current visa status or, if you have changed status while in the U.S., a copy of the MRV issued for your original status

☐ Copies of the most recent payroll records (last three months) for current employment

NOTE: If you are unable to prove that you have maintained legal, H-1B nonimmigrant status at the time of the filing of the H-1 petition, you might be required to obtain your H-1B status outside of the U.S. through consular processing.

Additional documents required for physician providing direct patient care:

☐ Copy of North Carolina medical license

NOTE: The Service will not approve an H-1B petition until a copy of the North Carolina license is provided.

☐ Copy of the M.D. degree or equivalency

☐ Copy of MLE test results (Steps 1-3)
ECFMG certification

Proof of any board certifications and/or fellowship completion certificates

**Documents for dependents currently in H-4 status:**

- One Form I-539 can be filed for all dependents
- Documents proving citizenship, nonimmigrant status, etc. will need to be included for each dependent listed on Form I-539

Completed form I-539

Copy of passport data page(s) containing picture and expiration date

Copy of the most recent machine readable visa stamp in your passport that was issued in conjunction with your current visa status or, if you have changed status while in the U.S., a copy of the MRV issued for your original status

Copy of most recent Form I-94

Copy of H-4 approval notice (Form I-797) (If applicable)

I-539 filing fee

**NOTE:** Please be aware of the fact that Form I-539 is considered to be a personal application. Wake Forest University/Wake Forest University Health Sciences can not assume any type of administrative/institutional responsibility as it pertains to the filing or adjudication of this form.

Once your dependent(s) are granted H-4 status, please be mindful of the fact that WFU/WFUHS can not be responsible for maintaining, extending, etc., their nonimmigrant status. This will be the responsibility of the H-1 principle.

**Rules of Portability**

Under the rules of portability, a nonimmigrant, H-1B employee who is maintaining proper status is eligible to begin work with the new sponsoring employer as soon as the H-1B petition is received by the USCIS Service Center. The employee is not required to wait for the USCIS to adjudicate the petition.

**60-day Rule for Employees Already in H-1B status**

From the start date listed on the H-1B petition, the new employer has exactly 60 days before it is required to put the H-1B employee on payroll. *This rule only applies to those employees who are already in H-1B status and are changing employers within the U.S.*
Filing Fees (as of 07/22/2008)

1. Form I-129: $320

2. Fraud and security prevention fee: $500

3. Premium processing fee: $1000 (optional)

*Premium processing is an optional fee. Absent of any type of request for additional evidence, payment of this fee ensures that the petition will be adjudicated by the Service within 15 days of receipt.*

4. Form I-539: $300 (dependents)

*NOTE:* Fees can not be combined on one check. *All fees must be paid using separate checks.* All checks must be made payable to the following:

Department of Homeland Security

If your department will be paying the fees on your behalf, the following is the address of the payee:

*U.S. Citizenship and Immigration Services*
*California Service Center*
*24000 Avila Rd, Room 2312*
*Laguna Nigel, CA 92677*

The checks should be sent or given to Pam Redmond of WFUHS Human Resources.

All inquiries and questions pertaining to H-1B petitions filed on behalf of employees of WFUHS should also be directed to Ms. Pam Redmond

Tel: (336) 716-1194
e-mail: predmond@wfubmc.edu

Petition Processing Time

All cap-exempt H-1B petitions are filed with the California Service Center. Please be advised that normal processing for this type of petition can vary anywhere from 3-6 months. However, adjudication, on average, is usually made within 2-3 months of receipt. This can, of course, be delayed if a request for evidence is received. Keep in mind that these processing times are *estimates* and can lengthen significantly without prior notice from the Service.