



Department Checklist International Scholar Immigration Document Processing

Documents required for initial and extension requests – all immigration classifications

- Form A:** completed and signed by department
- Letter of Appointment:** from the dean of the school or college on the Charles River Campus, or Office of Human Resources on the Medical Campus.
- Form B:** completed and signed by the prospective scholar.
- Supporting Documentation from Scholar** (see checklist on Form B)
- Additional Items*:** those required for the specific visa classification as listed below.

* Additional Items for Specific Classifications

J-1 Exchange Visitor Requests

- Financial Documentation:** if the prospective scholar will not be paid by BU or if needed to supplement the income from BU.
- No Patient Care Letter:** from the Dean for scholars with a medical degree.

H-1 Temporary Worker Requests

- H-1 Supplement Form**
- H-1 Letter of Support**
- \$1225 Check:** made payable to "U.S. Department of Homeland Security" if department wishes to request Premium Processing expedite service.

TN (Trade NAFTA) Employee Requests

- TN Supplement Form**

O-1 Persons of Extraordinary Ability Requests

- O-1 Supplement Form**



International Students & Scholars Office ♦ 888 Commonwealth Avenue, Second Floor ♦ Boston, Massachusetts ♦ 02215
Telephone: 617/353-3565 ♦ issosch@bu.edu ♦ www.bu.edu/isso ♦ Facsimile: 617/358-1170

A. BU Host Department Information

Form section A containing fields for School / College, Department or Administrative Office, Department / Office Address, BU Host / Supervisor Name, Department / Office Contact Name, BU Host / Supervisor Title, Department / Office Contact Title, BU Host / Supervisor Phone, BU Host / Supervisor Fax, Department / Office Contact Phone, Department / Office Contact Fax, BU Host / Supervisor E-mail, and Department / Office Contact E-mail.

B. Requested Visa Classification (please select one)

Form section B containing checkboxes for J-1, Professor, Research Scholar, Short-term Scholar, Specialist, Student Intern, H-1B, TN, O-1, F-1 STEM OPT, and EXTENSION of checked status.

C. Scholar Personal Information

Form section C containing fields for Name Prefix, Last Name / Family Name / Surname, First Name / Given Name, Middle Name(s), Date of Birth, Gender, BU ID#, Is the scholar currently in the U.S., and Does the scholar have a medical degree?

D. Academic Appointment/Employment Information

Form section D containing fields for Boston University Academic Appointment or Job Title, Appointment/Employment Start Date, Appointment/Employment End Date, Field of Teaching, Research, Employment or Specialization, Brief nontechnical description of research / teaching / work, What type of work will the job involve?, Tenure Status, Employment Status, and Does the position require a state license or other certification?

Please continue on Page 2

E. Location(s) of Employment/Activity		
Primary address where this scholar will teach, research, or work (include city, state and zip code):		
Will scholar engage in collaborative research or related activities at any locations other than the principal address listed above?	<input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, provide all addresses at which teaching, research or employment activity may occur (include city, state and zip code for each). Attach separate sheet if needed.
Will scholar work/be placed at any secondary work locations for more than <u>five</u> days?	<input type="checkbox"/> Yes <input type="checkbox"/> No	

F. Funding Information		
Total annual salary and/or other funding:	Scholar's <u>principal</u> source of funding is: <input type="checkbox"/> BU salary <input type="checkbox"/> BU per diem, stipend or housing (in lieu of salary) <input type="checkbox"/> Boston Medical Center salary <input type="checkbox"/> Personal funding <input type="checkbox"/> Other - Please explain: _____	If J-1 scholar sponsorship requested: <input type="checkbox"/> The host department has reviewed the financial documents of this scholar and the funding meets the minimum requirement established by BU per: http://www.bu.edu/isso/scholars/minimum-funding.html

G. Handling Instructions <i>(please select one)</i>	
<i>For <u>Initial J-1 and TN Requests Only</u>:</i>	
<input type="checkbox"/> Email department contact for pick up. <input type="checkbox"/> Express to scholar (<u>requires</u> a completed and signed Fedex or DHL air bill)	

H. Attestations and Certifications:
 In requesting immigration sponsorship for the above-named individual, WE CERTIFY THE FOLLOWING:

1. We have read all of the information on both sides of this form as well as on the corresponding Supplement form (Supplement H, TN, O or J Student Intern) and it is, to the **best of our knowledge**, true and correct.
2. We understand that, pursuant to Boston University policy, neither we, nor our employees, are authorized to retain **private counsel** (attorneys/lawyers) to represent BU's interests. All nonimmigrant petitions (i.e. H, O, TN) must be channeled through the International Students and Scholars Office (ISSO); and all immigrant petitions (i.e., permanent residence, also known as "green card") require approval of the Provost on the Charles River Campus.
3. If the **terms this scholar's employment** (or activity, if not employed) change in any way, or if the scholar ceases to be employed before the expiration of the approval documentation, we will immediately notify the ISSO in advance via the appropriate departure or change of activity form as found at: <http://www.bu.edu/isso/administrators/index.html>
4. **Timing of requests:** We understand that this department must submit requests for initial appointments, extensions, and changes in the scholar's employment/activity in accordance with the ISSO's processing timelines as published on the ISSO web site (www.bu.edu/isso). We understand that failure to comply with the timeline specific to this scholar's immigration status (visa type) could result in one of the following (**NOTE:** this is particularly important for time-sensitive petitions such as TN, H-1B and O.)
 - a. A significant delay in beginning employment/activity (for new scholars).
 - b. A period of time in which the scholar must stop employment/activity without any possibility of compensation (retroactive payments are not permitted).
 - c. Require the scholar (and her/his dependents) to travel to her/his home country.
5. We understand that the **immigration category** petitioned for is determined by the International Students and Scholars Office (ISSO) in accordance with University policy and government regulations.
6. We understand that other provisions and restrictions may apply before employing/hosting the scholar based upon the prospective employee's **individual circumstances and visa history**. For example: individuals who are currently or have been recently in the U.S. in "J" nonimmigrant status may be subject to a home country physical presence ("residence") requirement which may prevent a change of status.
7. We understand that **noncompliance with federal and state regulations** to which we are attesting through this and other documentation we have and will submit can result in significant fines and will jeopardize BU's ability to sponsor international scholars in the future.
8. Change in **date of arrival:** if the scholar will not arrive by the appointed start date, we understand that we are required to report this to the ISSO immediately as it may require additional immigration processing.
9. We understand that we **may not make the following changes** unless the ISSO files a new or amended petition and receives approval (retroactive payments are not permitted) pursuant to U.S. law and related procedures:

a. Promotion or other change in job title or rank.	c. Any decrease in salary/benefits.	e. Change in location of work
b. Substantial changes in job duties/responsibilities.	d. A substantial increase in salary/benefits.	
10. Boston University (including the ISSO, the Offices of Human Resources, or individual host departments) may be subject to **audits or on-site compliance reviews** pertaining to the sponsorship of nonimmigrant employees. These audits and on-site inspections may be made by agents or designates from U.S. Department of Homeland Security (Immigration and Customs Enforcement), U.S. Department of State, U.S. Department of Labor or other agencies, as applicable. Any questions related to audits or compliance visits should be referred immediately to the ISSO.

If sponsorship in H-1B or O-1 category is requested, then WE FURTHER CERTIFY/ATTEST TO THE FOLLOWING:

11. If the scholar will obtain H-1B or O-1 status, this **department attests** to the following:
 - a. Employment of this individual will not adversely affect the working conditions of workers similarly employed. Further, this employee will be afforded working conditions on the same basis, and in accordance with the same criteria, as offered to similarly employed U.S. workers.
 - b. The department **will pay at least the higher of either the actual wage** to be paid by the department to all other individuals with similar experience and qualifications for the specific employment in question **or, the prevailing wage** as determined by the Department of Labor for those in similar occupations in the Boston area. (Note: ISSO will seek a determination of the prevailing wage in accordance with U.S. Department of Labor standards.)

 In cases where an employee may work at more than one distinct work site, the employer must obtain a prevailing wage for each work site and the employee must then be paid (at minimum) the highest of the required wages – either the actual wage or the highest of the prevailing wage assignments received for the multiple work locations.
 - c. By requesting H-1B sponsorship on behalf of this employee, this department will agree to, and **will abide by, the terms of the labor condition application (LCA)** for the duration of the employee's authorized period of stay for H-1B employment.
 - o We certify that we will maintain a valid employer-employee relationship with the employee at all times.
 - o If the beneficiary is assigned to a position in a new location, we will notify the ISSO in advance in order to post an LCA prior to the employee's reassignment.
 - o We further understand that the employee cannot be charged the ACWIA fee and that any other required reimbursements will be considered an offset against wages and benefits relative to the LCA.
 - d. If employee will be placed at any location other than the one(s) listed on page one of Form A, for a period longer than five (5) days, the ISSO must be notified in advance by completing a [Change in H-1B Employment Form](#).
 - o If the new location is deemed a "short-term placement" then the employer must cover all actual expenses (travel, housing, living) for work and non-work days spent by the employee on site.
 - o If the new location is deemed to be a "work site," then filing of a new Labor Condition Application and amended H-1B petition may be required.
 - e. **If the employee is terminated** by Boston University prior to the expiration date of the approved petition, the department will pay the reasonable travel expenses necessary for the employee to return to her/his home country or country of last legal residence.
 - f. There is **no strike or work stoppage** in the department at the time of signing this form.
 - g. The scholar will **not be placed on unpaid leave** or any type of non-pay status at any time without ISSO approval.
12. We understand that the University must **certify that the scholar does not need a license** from the U.S. Department of Commerce or the U.S. Department of State **to have access to technology and data** in connection with his or her research at the University and we understand that the University will rely on this certification for that purpose. Specifically, this academic Department understands that it is essential that the Department maintain the University commitment to openness in research and by ensuring that the scholar does not:
 - a. Formally or informally agree to keep confidential technology or data that is export controlled; or
 - b. Formally or informally agree to restrictions on the scholar's ability to disseminate and publish the results of his or her research; or
 - c. Travel outside the U.S. in connection with his or her work for the University without seeking the advice of the Office of Sponsored Programs.
13. We understand that all members of the academic Department, and the University are obliged to comply with **export control laws**. In addition to affirming the statements in Paragraph 10, the Department Host certifies that:
 - a. The research in which the Host expects the scholar will be involved does not involve activities related to the proliferation of nuclear, chemical or biological weapons or missile technology.
 - b. The research in which the Host expects the scholar will be involved does not involve materials, technology or services listed on the **Commerce Control List**: http://www.access.gpo.gov/bis/ear/ear_data.html or the **Munitions List**: <http://www.fas.org/spp/starwars/offdocs/itar/p121.htm>
14. For Department Hosts (Principal Investigators or Supervisors) from the College of **Engineering**, the Departments of **Earth Science, Computer Science, Computational Science, Cognitive and Neural Systems, Math, Physics**, and the Centers for **Remote Sensing, Space Physics and Photonics**, the attestation below includes an individual certification of the following:
 - a. I work, or will work with the scholar, should he/she be granted permission from the U.S. Government to work within the University. I will work with the International Scholar in a capacity that enables me to anticipate the particulars of his/her research and work at the University.
 - b. I affirm that the contents of the [Request for Visa-Related Documents for an International Scholar \(Form A\)](#) are true, to the best of my knowledge, information and belief. I confirm that I have reviewed the Munitions List (<http://www.fas.org/spp/starwars/offdocs/itar/p121.htm>) and I do not expect that the International Scholar's work will involve technology or technical data on that list.
 - c. If at any time during the International Scholar's employment I become aware that technology or technical data have/are/or will be released to the International Scholar in ways that were not anticipated, or that work in the International Scholar's lab is governed by a confidentiality agreement of any kind, I will immediately notify the Office of Research Compliance. I will notify the Office of Research Compliance before the International Scholar begins work activity outside my control or knowledge.

Department Host *

Department Chair *

Dean

Signature

Print Name

Date

* Requests for sponsorship for graded staff positions require signature from (1) employee's direct supervisor and (2) administrative department director.

F. Basis for Claim of Extraordinary Ability in the Sciences, Education, Business, or Athletics

If this scholar does not qualify for O-1 status based on a Nobel-caliber prize, BU must demonstrate extraordinary ability based on at least three of the following eight categories. Please give brief summaries regarding how this individual qualifies under at least three – and preferably more – of the following categories. If the individual's field is in Arts, please skip this section and complete section G. Please be informed that if BU proceeds with O-1 sponsorship, you will be asked to supply documentation to support the information you provide below.

1. Receipt of nationally or internationally recognized prizes or awards for excellence in the field of endeavor:

2. Membership in associations in the field which require outstanding achievements of their membership, as judged by recognized national and international experts in their disciplines or fields:

3. Published material in professional or major trade publications or major media about the alien, relating to the alien's work in the field, which shall include the title, date, and author of the published material.

4. The scholar's participation on a panel, or individually, as a judge of the work of others in the same or in an allied field of specialization.

5. Original scientific, scholarly, or business-related contributions of major significance in the field.

6. The scholar's authorship of scholarly articles in the field, in professional journals, or other major media.

7. The scholar has been employed in a critical or essential capacity for organizations and establishments that have a distinguished reputation.

8. The scholar has either commanded a high salary or will command a high salary or other remuneration for services, evidenced by contracts or other reliable evidence.

If the criteria in numbers one through eight above does not readily apply to the scholar's occupation, please summarize comparable evidence that might be submitted in order to establish the scholar's eligibility.

G. Basis for Claim of Extraordinary Ability in the Arts.

If this scholar does not qualify for O-1 status based on an Academy Award-level prize, BU must demonstrate extraordinary ability based on at least three of the following six categories. Please give brief summaries regarding how this individual qualifies under at least three – and preferably more – of the following categories. If the individual's field is something other than the Arts, completion of this section is not necessary. Please be informed that, if BU proceeds with O-1 sponsorship, you will be asked to supply documentation to support the information you provide below.

1. The scholar has performed, or will perform, services as a lead or starring participant in productions or events which have a distinguished reputation as evidenced by critical reviews, advertisements, publicity releases, publications contracts, or endorsements:

2. The scholar has achieved national or international recognition for achievements evidenced by critical reviews or other published materials by or about the individual in major newspapers, trade journals, magazines, or other publications:

3. The scholar has performed, and will perform, in a lead, starring, or critical roll for organizations and establishments that have a distinguished reputation evidenced by articles in newspapers, trade journals, publications, or testimonials.

4. The scholar has a record of major commercial or critically acclaimed successes as evidenced by such indicators as title, rating, standing in the field, box office receipts, motion picture or television ratings, and other occupational achievements reported in trade journals, major newspapers, or other publications.

5. The scholar has received significant recognition for achievements from organizations, critics, government agencies, or other recognized experts in the field. Such testimonials must be in a form which clearly indicates the author's authority, expertise, and knowledge of the scholar's achievements.

6. The scholar has either commanded a high salary or will command a high salary or other remuneration for services in relation to others, evidenced by contracts or other reliable evidence.

If the criteria in numbers one through six above do not readily apply to the scholar's occupation, please summarize comparable evidence that might be submitted in order to establish the scholar's eligibility.