H-1B Visa Compliance Basics
A Workshop for VCU HR Associates
Intended Audience

• The information and guidance provided in this Workshop is for use by VCU Human Resource Associates (HRA) and other hiring officials, such as deans, chairs, and search committees.

• International employees seeking information about VCU’s H-1B visa program should not rely on this Workshop for guidance. They should instead email GEOIS@vcu.edu for further information.
What is an H-1B visa?

An H-1B visa is a common US employment (work) visa. It is an employer visa, meaning:

- The employer (VCU) must obtain the H-1B visa for the employee.
- Some H-1B compliance responsibility falls on the employee.
- But some H-1B compliance responsibility falls on the employer.
What kind of jobs are eligible for H-1B visas?

Per US government regulations:

- The job must require at least a Bachelor’s degree, but a higher degree may be required.
- The qualifying degree must be in relevant field.
- The employer must pay the wage required by the US government for the position.
What kind of employees are eligible for H-1B visas?

H-1B visas are most appropriate for...

- Full-time employees who are paid a salary and benefits
- Employees who do not have access to an alternate work visa
- T&R faculty and researchers, but also some postdocs and staff
What is VCU’s H-1B visa process?

The basic steps of VCU’s H-1B process are:

1. The hiring unit HRA contacts GEO by email to initiate the H-1B visa process for an employee.
2. GEO gathers information and supporting materials from the HRA and from the employee.
3. GEO prepares the H-1B visa application and submits it to DHS.
4. DHS sends the H-1B approval to GEO.
What are H-1B visa processing times?

- GEO processing time: 1-2 months
- DHS processing time: 3 months (normal) or 2 weeks (premium)
- New H-1B visa: Cannot start to work for VCU until DHS approves the H-1B application submitted by GEO.
- Renewal H-1B visa: Can continue to work for VCU while DHS processes the H-1B application submitted by GEO.
- Transfer H-1B: Can start to work for VCU while DHS processes the H-1B application submitted by GEO.
How much does an H-1B visa cost?

H-1B visas can be costly:

- **New** H-1B visa total costs: $1,860-$4,360
- **Renewal** H-1B visa total costs: $1,360-$3,860
- **Transfer** H-1B visa total costs: $1,860
- As a rule, all H-1B costs must be paid by the employer (hiring unit).

Total costs include GEO and USCIS processing fees.
What are some H-1B compliance issues?

DHS H-1B visa approvals are specific to...

- The employer (VCU)
- The employee
- Specific work conditions: start date, job duties, department (work site), wage, and end date.

Changes to approved H-1B visas must be reported to DHS before taking effect at VCU.
Do HRAs play a role in H-1B compliance?

Yes! Because changes to approved H-1B visas must be reported to DHS before taking effect at VCU, HRAs plays a critical role in H-1B visa compliance.

- HRAs must report anticipated changes to GEO by email.
- GEO will update DHS and authorize the change by email to the HRA.
- DHS update processing times range from a few days-1 month
- DHS update processing costs range from $0-$1,360
Are there other work visa options?

Other work visa options vary by position type and employee circumstance. Common H-1B visa alternatives include:

- Employment Authorization Card (EAD) for Optional Practical Training (OPT) or STEM OPT, J-2, DACA, Asylum, etc.
- TN for citizens of Canada and Mexico
- O-1 for “extraordinary ability”
- J-1 visas permit employment but they are not work visas.

Please contact GEO to discuss alternative work visa options.
VCU H-1B Visa Contact

For more information about H-1B visas, contact:

The Global Education Office (GEO)
GEOIS@vcu.edu (general email)

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