

## H-1B Temporary Worker in "Specialty Occupation" Employment Status

Most international scholars come to The Scripps Research Institute in Exchange Visitor (J-1) status. TSRI Labs must discuss potential H-1B cases with the International Office **BEFORE** beginning the H-1B process.

### GENERAL INFORMATION

- ❖ H-1B status is for persons in a "specialty occupation" requiring a theoretical and practical application of highly specialized knowledge.
- ❖ H-1B status is obtained by TSRI, the *petitioner* applying to the U.S. Citizenship & Immigration Service (USCIS) on behalf of the employee, or, *beneficiary*.
- ❖ H-1B petitions require a great deal of paperwork. Prior to filing the H-1B petition, the International Officer must obtain a prevailing wage determination for the position and have a Labor Condition Application certified by the Department of Labor.
- ❖ Labs may initially request H status for an employee for up to three years of employment and later request extensions for a maximum of three additional years.
- ❖ If for any reason the Lab dismisses the H-1B employee before the end of the authorized period of employment, the Lab is responsible for offering to pay reasonable costs of return transportation to the employee's last place of foreign residence.
- ❖ H-1B status is employer specific. The employee can be employed only by the H-1B sponsor employer. An H-1B worker can have multiple employers if each employer has obtained H-1B status on his/her behalf.
- ❖ Dependents of H-1B workers obtain H4 status. H4s cannot obtain permission to work in the U.S. under any circumstances.

### H-1B STATUS AT TSRI

- ❖ All H-1B petitions must be for full-time employment.
- ❖ Appropriate employment titles for H-1B workers include Staff Scientist, Research Assistant series, Scientific Associate, Research programmer series.
- ❖ There are no federal tax breaks for H-1B workers. They pay taxes like any regular U.S. employee. If someone changes from J-1 or F-1 to H-1B status, their tax status changes also. Consult the payroll office for more information.
- ❖ Only designated International Office staff is authorized to prepare and sign a TSRI H-1B petition.

To begin the process to obtain H1-B status for an employee, the Lab must contact the International office at 784.8120 or [tsriglobal@scripps.edu](mailto:tsriglobal@scripps.edu) to obtain the H1-B request forms.