



University of
Massachusetts
Medical School

Department of Human Resources
University of Massachusetts Medical School
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Immigration Services Office

H-1B INTAKE FORM, PART 1

Hiring department should complete this form and return it to Immigration Services as part of the H immigration packet

INFORMATION ABOUT THE APPOINTMENT

Beneficiary's Name: _____
(FAMILY NAME, Given name(s))

UMMS Position Title: _____

UMMS Department: _____

Name / Title of Supervisor: _____

Name of HR Recruiter for Department: _____

Have you already contacted your HR Recruiter regarding this position? Yes No Not applicable

Address(s) where applicant will work: UMMS Worcester Campus

Other location(s): _____
(specify address of all work locations – use additional sheet if necessary)

Proposed dates of employment (may not exceed 3 years): From _____ to _____
month/day/year month/day/year

Percentage appointment: _____ % If position is part-time, list hours per week: _____ Hours per Week

Please provide a simple job description, 3-4 sentences long, in laymen's terms, describing the work to be performed in H1B status (job description). Attach additional page if necessary.

Please provide 2-4 sentences describing any qualifications an applicant must have to perform these job duties:

Please provide 2-4 sentences describing any special skills or techniques that the beneficiary will use to conduct this work:

POSITION'S BACKGROUND REQUIREMENTS:

Minimum education and experience required for the position as if you were advertising for the position and did not have a specific candidate in mind. **Do not simply list the applicant's qualifications.** (Requiring more education and experience will require the department to pay a higher wage).

Required Degree(s): _____ Field(s) of Study: _____

Number of years of post-degree experience needed (check only one): 0 1 2 3 4 5 6 or more

Number of Employees Supervised by Applicant : 0 1 2 3 4 5 6 or more
(do not include training / oversight of students)

List other special requirements for the position, if any: _____

INFORMATION ABOUT THE SALARY

UMMS salary as of proposed start date for H-1B (note that any salary changes for the duration of the H-1B dates requested, must be cleared by Immigration Services):

Full-time rate: \$ _____ per year [part-time rate, if applicable: \$ _____ per _____]

LABOR CONDITIONS APPLICATION (LCA)

Labor Conditions Applications are now electronically posted at <http://www.umassmed.edu/jobs/> under the "Department of Labor Required Postings" heading. LCA's are listed under the "Notices of Intent to Hire H-1B employees". It is no longer necessary for the department to post LCA's internally.

STATEMENTS BY THE EMPLOYER

By signing below, the sponsoring UMMS Department understands and agrees to the following:

The minimum requirements and salary listed above reflect the requirements and wage level paid to all other individuals with similar experience and qualifications working in this department. If applicable, the individual is compensated at the highest prevailing wage rate of all work sites indicated on page 1. If required to do so, I am able to explain the reason(s) for any differential in wage rates listed above and/or provide documentation including the names and payroll records of similarly employed individuals to the Department of Labor to verify these statements.

The department will comply with the terms of the labor condition application for the duration of the alien's authorized period of stay. The department will notify the Immigration Services before any promotion, lateral transfer or other change in the terms of the position, as listed on this form, are affected.

The department is liable for the reasonable costs of return transportation abroad for the individual for whom this H request has been made, if this employee is dismissed from employment by UMMS before the end of the authorized stay, per the requested dates on page 1.

For persons not currently in H-1B non-immigrant status, the employer understands that the prospective employee may not be employed by or in volunteer status at UMMS until the H-1B is approved (unless the person is already in a valid status that allows employment at UMMS).

Signature of PI / Department Chair (or someone with hiring authority)

Today's Date

GUIDELINES TO DETERMINE IF REQUESTED H SPONSORSHIP IS SUBJECT TO EXPORT CONTROL REGULATIONS

Please read the summary below carefully prior to completing the required Export Control Attestation.

At the University of Massachusetts Medical School the Principal Investigator conducting research is the most knowledgeable with regard to whether or not certain research is subject to Export Control Regulations.

Export control regulations apply to:

- The transfer of specified items or information to people or entities outside the U.S.;
- The disclosure of certain information to certain foreign nationals inside the U.S. (aka "deemed export");
- The training or offering of services involving controlled equipment or information to foreign nationals; and
- Transactions with, or providing services to, certain foreign countries or individuals who are on embargo lists.

Research and teaching activity at the University of Massachusetts Medical School generally falls within one or more of the following exemptions to the Export Administration Regulations (EAR) and International Traffic in Arms Regulations (ITAR):

- The **Fundamental Research Exclusion** exempts from coverage basic and applied research in science and engineering performed by institutions of higher learning in the U.S. as long as the research is carried out openly and without restrictions on publication or access to or dissemination of the research results.
- The **Education Exclusion** exempts from export controls the sharing of information commonly taught in colleges and universities (ITAR) or educational information released by instruction in catalog courses and associated teaching laboratories (EAR). Therefore, in general, no license is required to share information as part of a course being taught. Note, however, that the education exclusion does not apply to proprietary information and certain information deemed classified or sensitive by the federal government.
- The **Public Domain Exclusion** exempts the sharing of technical data or information with a foreign national inside the U.S. as part of a class, laboratory, or conference or seminar, if the same technical data or information has already been widely published or is available in libraries or through newsstands, bookstores, subscriptions or free web sites or is disclosed in published patent applications.

The majority of exports and deemed exports from UMMS will not have a "dual use" or military application and should therefore fall under one or more of the broad exceptions to the licensing requirement listed above. However, if the item or information involves one or more of the following general categories, or if you are unsure as to whether or not the research is covered by an exclusion, consult with Immigration Services.

- Nuclear materials, information and equipment;
- Chemicals, microorganisms or bio-toxins which could be used for terrorist purposes;
- Materials processing (anti-friction bearings, crucibles made of materials resistant to liquid actinide metals, valve bearings, generators and equipment related to nuclear material handling, piping, fittings and valves, explosives or detonators, chemical vapor deposition furnaces, robots, etc.);
- Computers (generally, CTPs bigger than 190,000MTOPs), encryption software, telecommunications and information security;
- Lasers and sensors (mono- or multispectral imaging sensors designed for remote sensing, specified direct view imaging equipment, certain cameras with specified frames, readout and pixels, etc.);

To view the full Export Administration Regulations (EAR), please see <http://www.access.gpo.gov/bis/index.html> and the International Traffic in Arms Regulations (ITAR) located at:

http://www.pmddtc.state.gov/regulations_laws/itar_consolidated.html

EXPORT CONTROL ATTESTATION FOR H-1B PETITION

Beneficiary's Name: _____
(FAMILY NAME, Given name(s))

UMMS Position Title: _____

I certify as follows (please check all that apply):

1. I have reviewed the guidelines (page 3) on the EAR / ITAR Export Control Regulations Yes No
2. I have export controlled projects and understand that restrictions may apply to add foreign nationals to such a project or to have foreign nationals in the vicinity of any such project.

No, given the nature of the activities to be engaged in by the beneficiary, no Department of Commerce license is required because the technology to be released to the beneficiary is limited to technology that is NOT subject to the EAR. (stop here and sign below)

Yes – please continue below

For assistance with any questions regarding these regulations contact Immigration Services. You may be referred to the Office of General Counsel or the Office of Research.

To avoid inadvertent or unauthorized releases to any beneficiary, appropriate supervision and limits on access to laboratories and computers are essential. Guidance is available on how to avoid an unlawful release of export controlled technology to a foreign national within the United States (deemed export) under the EAR regulations at:

<http://www.bis.doc.gov/deemedexports/deemedexportsfaq.html>

The beneficiary referenced above will engage in work for a national security agency (DOD, ONR, DARPA, etc.), however, no Department of State license is required because the technical data to be released to the beneficiary is limited to technical data that is in the public domain. ITAR-controlled technical data generally pertains to that which is directly related to defense articles (namely, items or test models specially designed, developed, modified or configured for military use).

A license is required to permit the release of technology or technical data to the beneficiary. A “release” includes access by means of visual inspection or by means of oral exchange. A release could take place when the fundamental research exclusion does not apply because publication restrictions apply to research projects to which the applicant referenced above is assigned. [If this item is checked, Immigration Services will direct you to Institutional Staff who will assist in the determination the specific license requirements].

Please note all H petitions for individuals located in an embargoed country (for example, Cuba, Iran, Sudan, Syria, North Korea) will be subject to increased scrutiny and review to ensure that the scope of the proposed activities are appropriate and do not require an export license.

Signature of PI / Department Chair (or someone with hiring authority)

Today's Date

Name of PI/Department Chair