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## STEPS FOR USING AN OUTSIDE ATTORNEY FOR H-1B or O-1

Submit the H-1B/O-1 Initiation form to one of the following persons as requested:

**Elizabeth Leibach (Director)**, 204 Bradley Hall, 545 Rose Street, Lexington, KY 40506

Ph: 257-3782 – FAX: 323-102 E-mail: [elizabeth.leibach@uky.edu](mailto:elizabeth.leibach@uky.edu)

**William Arnold**, 203 Bradley Hall, 545 Rose Street, Lexington, KY 40506

Ph: 257-6685 – FAX 323-1026 E-mail: [William.arnold@uky.edu](mailto:William.arnold@uky.edu)

**EXPORT CONTROL ATTESTATION:** The Form I-129 form includes a section pertaining to export control regulations. In order to complete Part 6 of the I-129, it is necessary to perform a review to determine if the H-1B/O-1 applicant will have access to export controlled technologies or data. Export control regulations are quite complex and the Office of Sponsored Projects Administration has a licensed software product that is a helpful tool for review. This office will perform a review of the information provided by the department and contact the supervising professor if further input is needed.

**Please complete the following steps to facilitate the Export Control Attestation processing:**

- Complete the “I-129 Export Compliance Questionnaire” (sent under separate attachment).
- Return completed form to one of the H-1B/O-1 advisors listed above.

**H-1B ONLY (Public Access File):**

**The hiring department will return all documentation to the attorney as requested and when the Public Access file is complete, the attorney will then forward it to one of the advisors listed above.**

- Verification of benefits
- Actual wage memorandum explaining how the salary was determined
- **Original** certified ETA 9035E Labor Condition Application
- Evidence that a copy of the LCA was given to the H-1B employee
- Copy of ETA 9035CP containing the full text of the attestations agreed to on the LCA
- Copy of the documentation used to establish the prevailing wage set forth on the LCA
- Copy of the notice indicating that the LCA was posted for the required 10 business days

Upon receiving complete documentation for the public file, clearance will be given for signing the Form G-28, *Notice of Entry of Appearance as Attorney or Representative*.

**SIGNATURES, FEES and PROCESSING GUIDELINES:**

Attorney sends the **Form G-28, Form I-129 and/or Form ETA-9035** for signatures to an ISSS staff member listed above or his/her designate who will review and provide permission for the attorney to represent UK.

**Government filing fees** must be paid by the department unless otherwise stated and made payable to the Department of Homeland Security:

\$460 Form I-129 application

\$500 Anti-fraud fee (for new H-1B only)

\$1440 Premium processing fee (optional in some cases)

UK departmental business managers must request checks and approve them through the PRD system. The department should attach this form to the PRD system request to serve as supporting evidence. Departments will request the check using the vendor number for “**US Citizenship & Immigrat**” which is **127559**. Using this specific code will automatically allow the check to be delivered to our office.

**Attorney fees** are the responsibility of the UK department. However, attorney fees must not be paid directly from the department without first notifying General Counsel. All invoices related to legal work, or attorney fees, must be approved by General Counsel, including immigration services. General Counsel will process the invoices when provided a cost center account number. Contact Kris Gilbert at [krisgilbert@uky.edu](mailto:krisgilbert@uky.edu) before paying any attorney fees. Employees should be reimbursed by their departments in any case where fees are paid by the employee.

When an H-1B or O-1 petition is filed by an outside attorney, all subsequent extensions of status or amendments must also be filed by the attorney. A courtesy copy of all approved petitions must be sent to Elizabeth Leibach or William Arnold.

**WITHDRAWAL of H1B and O-1 APPROVALS:** If an employee leaves the University prior to the ending date on the H-1B or O-1 approval, one of the advisors above must be contacted so that USCIS and/or the Department of Labor can be notified and the approval withdrawn. This removes all liability for payment of any further wages.

### **H-1B / O-1 Initiation Form**

**TODAY’S DATE:**

**ATTORNEY**

**Name:**

**Law Firm:**

**E-mail:**

**Phone:**

**CANDIDATE**

**Name:**

**Date of Birth:**

**Gender:** \_\_\_ F \_\_\_ M

**Country of Birth:**

**Country of Permanent Residence:**

**Country of Citizenship:**

**Current non-immigrant status:**

**Expiration date of current status:**

**Highest degree held:**

Present position at UK, if applicable:

Telephone #:

E-mail:

If candidate has been in J status under the 2-year home-residency requirement, has a waiver been obtained?

\_\_\_\_\_ YES \_\_\_\_\_ NO

## POSITION

Title:

Specify Specialty (Ex: Plant Science with Agronomy):

Summary of duties:

Degree required:

Salary:

Beginning date:

Ending date:

## DEPARTMENT

Name of Department:

Name of Candidate's immediate supervisor:

Title:

E-mail:

Name of hiring official (if different than Supervisor):

Title:

E-mail:

***I SUPPORT THE PETITION FOR H-1B or O-1 petition and I understand that the department is responsible for all fees and regulatory requirements in connection with the filing of an H-1B or O-1 petition.***

I will be responsible for adhering to the regulations which state that **the employer is responsible for the cost of return transportation abroad** if the employee is dismissed before the termination of the application period. This obligation must be met for all terminations of all employees, even if the cause is loss of funding or unacceptable performance by the worker. Furthermore, I understand that I must notify the advisor or director in the Office of International Students and Scholars (ISSS) so the **approval can be withdrawn and reported** to Department of Homeland Security to remove the university from liability for payment of any further wages.

Name of Supervisor, Dean, Chair, Director or designee:

Signature: \_\_\_\_\_

Date:

Revised 1/2020