

MEMORANDUM

TO: Deans, Department, Laboratory and Center Heads, AOs and FOs

FROM: Claude R. Canizares, Vice President for Research and Associate Provost
Charlene Placido, Assistant Provost for Research
Penny Rosser, Director, International Scholars Office

SUBJECT: MIT policy regarding payment of fees associated with employment-based visas

DATE: March 1, 2012

After consultation internally, including the Office of the General Counsel, and in order for MIT's immigration processing procedures to be consistent with best practices, MIT is formalizing its policy regarding the payment of fees for employment-based visa petitions on behalf of international scholars.

What is the policy?

Effective May 1, 2012 MIT will require US Citizenship and Immigration Services (USCIS) petition filing fees for employment-based visas to be paid by the department, laboratory or center (DLC) in which the international scholar will work.

Which types of visa petitions will this affect?

The types of petitions MIT typically files for teaching and research positions include: H-1B Specialty Worker, O-1 Alien of Extraordinary Ability, Permanent Resident, and others.

This policy does not apply to petitions by international scholars requesting change of status to J-1 Exchange Visitor.

Why is MIT formalizing this policy?

USCIS considers petition filing fees for employment-based visas to be employer business expenses. Following numerous recent visits and file inspections by the US Department of Homeland Security, a decision was made to formalize the policy.

How should the fees be paid?

Departments, labs and centers are already familiar with the USCIS mandate that the "anti-fraud" fee associated with H-1B Specialty Worker petitions be paid by the employer.

Standard filing fees for international faculty and researcher petitions should now be handled in the same way.

Checks made payable to US Department of Homeland Security should be issued from department accounts (please follow specific instructions from the International Scholars Office). Consult with your department financial officer if you have questions about whether particular fund accounts can be used to pay these fees. Filing fees may not be passed on to international scholars. Departments may not deduct filing fees from salaries or stipends or require reimbursement from international scholars.

How much are these fees?

USCIS fees are subject to change, at the discretion of the US Department of Homeland Security. Current filing fees are as follows:

- I-129 petition for H-1B, O-1 or other employment-based non-immigrant status - \$325
- Anti-fraud fee \$500 (H-1B only)
- I-140 petition for permanent residence - \$580
- I-907 request for premium processing service - \$1225 (optional, see below)

Can certain fees still be paid by the international scholar?

Fees for derivative petitions by scholars' family members (H-4, O-3, etc.) may be paid personally by the international scholars.

Fees for the final, personal step in permanent residence, known as "adjustment of status," for scholars and family members may be paid by the scholars.

Of course, departments may offer to pay any or all of these "personal" fees on behalf of international scholars, if they wish.

What about the premium processing fee?

USCIS expedited service, known as "premium processing" is available for certain employment-based petitions.

If premium processing is required for employment purposes, the fee should be paid by the department. However, if premium processing is being requested by the international scholar because he/she needs to travel for personal reasons in the imminent future and needs an approval in order to secure a visa stamp at a US consulate abroad, or for some other personal reason, the premium processing fee may be paid by the scholar.

To whom should the department, laboratory or center address questions about filing fees?

HR administrators in the DLCs who work closely with the International Scholars Office on visa processing may be able to answer your questions. If further information is needed, you may contact the International Scholars Office directly at 253-2851 or iso@mit.edu.