

**Date:** November 16, 2015

**To:** Kelechi Kalu, Vice Provost of International Affairs, and  
Paul D'Anieri, Provost and Executive Vice Chancellor

**Cc:** David Bergquist, Chief Campus Counsel  
Jake Hurley, Employee and Labor Relations Analyst

**From:** Kimberly Gentile, Director of the International Scholar Center

**RE:** H-1B Visa Fees

Fees paid for the H-1B visa and by whom should be a critical concern to the university.

### **H-1B - Background**

Certain filing fees are considered an employer's expense and not an expense of the H-1B employee. As such, the Department of Labor (DOL) regulations are restrictive on who can pay fees associated with H-1B applications and states that the employee cannot pay for any of the following:

- Government filing fees;
- Attorney fees (similarly in-house recharge fees should not be paid by the employee);
- Typical business expenses that occur during the H-1B application.

### **Problem:**

1. Currently out of compliance with DOL by allowing H-1B employees to incur the fees identified above.
2. H-1B employees have paid approximately 10% of filing fees since 2008.

### **Risk:**

1. DOL will consider UCR to be a "willful" violator and can subject the university to fines that could run as much as \$100k for each offense.
2. DOL will restrict the university from obtaining H-1B visas for an unknown timeframe.

### **Recommendations:**

1. Based on conversation with campus counsel, employee relations, and UCOP, UCR must discontinue its current practice effective immediately.
2. Communication from the VPIA office of changes in fee structure to campus senior leaders – Chancellor, Provost and Executive Vice Chancellor, and Deans.

### **Other Recommendations:**

1. Consider having Colleges/Schools pay for all fees related to an H-1B application. Cost of an individual application ranges from \$2875 - \$4385\* (\*\*). Or
2. Consider having Colleges/Schools pay filing fees only, while ISC's service fees/operational costs are provided by central funding. Cost for filing fees range from \$325 - \$2135. Cost for ISC's operational fees derived from each application range from \$1150 - \$2250.

\* Fees above are not inclusive of dependent's visa fees. H-1B employees are responsible for fees associated with processing their dependent visa.

\*\* Does not include other visa fees (J-1, TN, green cards etc.)