Process Overview

- Once a decision has been made about hiring a foreign national, the hiring department should consult with FSIS as soon as possible to determine the appropriate immigration status and/or type of employment authorization [1].

- Once a determination has been made regarding the required status, the department must submit a H-1B/ TN/ E-3 Authorization Form [2] to FSIS. Upon review of the form, the case will be assigned to one of the FSIS advisers.
  - The FSIS adviser will serve as the main adviser to the department and the foreign national and will prepare and submit the relevant petition to the appropriate agency for approval. As indicated in the SPG, only FSIS may prepare and submit immigration-related petitions on behalf of the University of Michigan.

- Once a case has been assigned to an adviser, a case will be set up in the university’s immigration case management system (INSZoom). Through the case management system, the department and the foreign national will receive several communications, including several questionnaires. Departments and foreign nationals alike can also follow the progress of a given case.

- After all the required information for a given case has been received, FSIS will determine the minimum required wage for a position [3] (if applicable). If the offered wage is too low and it cannot be increased, the immigration petition may not be able to move forward. For some immigration status applications, including H-1B, E-3 and some green card applications, the department will be required to post information on the position and salary in a public space for 10-15 days. This posting is required before FSIS can proceed with the required steps involving the U.S. Department of Labor.

- Through the case management system, the hiring department will be asked to certify whether or not an export license [4] will be required for the foreign national. If an export license is required, that does not mean that the immigration petition cannot move forward. However, the department will need to work with the Office of Research to obtain this license. In some instances, it may not be immediately clear whether an export license will be required. In such cases, please consult with the Office of Research.

- The hiring department will be requested to provide the necessary checks for the application. The department will also be billed an internal processing fee. Please refer to the Fees and Checks section [5] for current rates. The cost of the filing and processing fees must be paid by the employer and may not be recouped from the employee in any way.

- Before FSIS submits a given immigration petition, both the foreign national and the hiring department will be given an opportunity to review the petition that will be submitted. Once the information on the petition has been confirmed, FSIS will finalize the application and submit it to USCIS for adjudication.

- Some case work, particularly O-1 and certain green card petitions, is done by external immigration attorneys who are part of the University’s retained immigration counsel program [6]. Only FSIS can assign a given case to retained immigration counsel. The immigration attorney working on a given petition may or may not use a case management system similar to the university’s. However, he or she
will advise the hiring department as well as the foreign national of the steps in a required process.
• Once a given petition has been approved and the foreign national makes him or herself available for the position, the department must complete an I-9 form for the foreign national. A new I-9 will likely also be required when an extension petition is pending for a foreign national. Please consult with HR about the University of Michigan’s I-9 process.

Source URL: https://internationalcenter.umich.edu/fsis/process-overview

Links
[1] https://internationalcenter.umich.edu/fsis/immigration-statuses-processes
[3] https://internationalcenter.umich.edu/fsis/required-wage