

H-1B Request SAMPLE EMPLOYER LETTER

Instructions: The letter below is a sample letter of employment for an H-1B petition. It is intended to demonstrate a specific degree required for the FTE position and that the scientist (“beneficiary”) has the required degree and necessary experience. If patient care is involved, refer to page 3 for the appropriate patient care statement. Do NOT follow verbatim or type what is written in italics. These are instructions for the person preparing the letter. Use “plain English” or “laymen’s terms” as much as possible. The letter should be printed on NIH letterhead and signed by the Institute/Center(IC) Director or IC Scientific Director.

April 19, 2010

United States Department of Homeland Security
United States Citizenship and Immigration Services
California Service Center
24000 Avila Road, Room 2312
Laguna Niguel, CA 92677

Re: H-1B Petition of the National Institutes of Health (NIH),
on behalf of **Sanchez, John**

Dear Adjudications Officer:

This letter is in support of the petition to classify Dr. John Sanchez, a Norwegian national, as an H-1B nonimmigrant in a specialty occupation, to serve as an employee occupying a full-time equivalent (FTE) position. The employee will be a Research Fellow (*list position title*) in our Institute/Center (*list full name and initials of IC*) on a temporary basis. The intended period of employment is two years. (*This must match the period of time requested on Form 829.*)*

The Position Offered

*(Describe the degree required for the position and the job duties. This must match the description from the Form 829.)**

Dr. Sanchez is being offered temporary employment as a Research Fellow with expertise in foreign biomedical research methods, to serve as coordinator of basic scientific biomedical research and mentor fellows and other trainees. The position will be located in the Laboratory of XYZ, Initials of IC, under the supervision of Dr. Jane Smith, Laboratory Chief. The position of Research Fellow requires a doctoral level degree, as do all research positions at the NIH. In addition, we expect the holder of the position to analyze, compile and interpret data. We expect the individual to possess enthusiasm and energy to motivate post-doctoral candidates and attract them into our institute’s research program. Finally, we expect knowledge of contemporary methods and business practices of the countries with extensive research facilities. These are all areas necessary for growth of our Institute charged with the study of basic biomedical research methods.

The Beneficiary

*(This paragraph is needed to demonstrate that the applicant meets the minimum requirements for the position offered.)**

Dr. Sanchez received his Ph.D. from the University of Southern California in 1999 in research technology, with a specialization in research reactions and a dissertation on research technology applications. A copy of his degree is included. His work before and since the Ph.D. has included an adjunct professorship in the School of Research at Indiana University and a position as research applications consultant for the Research at Home

Society. His scholarly publication and participation in professional conferences since the Ph.D. has been impressive, including articles in Research Today (The Research Home) and papers read at national conventions of the Research Association and the American Council on the Creation of Research Topics. He has served as annotator and co-editor for Research textbooks with publishers Research Today Inc. and Wiley Research Inc. His energy and enthusiasm have been well attested. These credentials make Dr. Sanchez especially well suited to assist us in strengthening our research program.

Terms of Employment

We intend to employ Dr. Sanchez for a two-year period (see I-129 for dates) in the FTE position offered. A shorter period would not provide the necessary momentum and continuity for program development. We understand the temporary scope of Dr. Sanchez's employment and have informed him of this condition. He is being compensated at the rate of \$47,235 per year. In the event that we are unable to continue his employment, we will pay the reasonable cost of Dr. Sanchez's transportation back to Norway.

Sincerely,

*(Signature of IC or Scientific Director.)**

Name of IC or Scientific Director
Name of IC
National Institutes of Health

** Reminder: This letter is intended to demonstrate a specific degree required for this FTE position and that the beneficiary has the required degree and necessary experience. Do NOT follow verbatim or type what is written in italics. These are instructions for the person preparing the letter.*

H-1B Request

To be completed by the
Institute/Center

Patient Care Statement for Medical Doctors

INSTRUCTIONS: Submit one of the following **Patient Care Statements** if the prospective employee has earned an M.D. degree abroad **and** the degree is being used to qualify for the H-1B petition.

I. NO PATIENT CARE INVOLVED

A. If the alien physician is coming to NIH for the purpose of observation, consultation, teaching or research, submit the following statement on letterhead signed by the scientific director or designee.

“This certifies that the program in which (*name of the alien physician*) is to be engaged is solely for the purpose of observation, consultation, teaching, or research, and that no element of patient care services is involved.”

B. If the alien physician is coming to NIH for the purpose of entering into, enrolling or participating in a public health or preventative medicine program which does not require any clinical activities involving direct patient care, submit the following statement on letterhead signed by the scientific director or designee:

“This certifies that the program in which (*name of the alien physician*) is to be engaged does not include any clinical activities involving direct patient care.”

II. PATIENT CARE INVOLVED

A. If incidental patient contact is involved in the alien physician’s duties, submit a patient care statement on letterhead signed by the scientific director or designee. The statement must include the following:

"This certifies that no patient care will be performed, except that which is incidental to (*name of alien physician*)'s teaching or research."

B. If full patient contact is involved, i.e. for **medical residents** and **physicians** with patient care duties, in lieu of a patient care statement, the following documents are necessary:

For **foreign medical graduates**:

1. copy of M.D. degree and license, if any;
2. ECFMG Certificate; and
3. USMLE (Steps 1, 2, and 3) or FLEX (Components I and II) or NMBE (Parts I, II, and III).

For **U.S. medical school graduates**: a copy of M.D. degree and license, if any.