

INTERNATIONAL FACULTY & SCHOLARS

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Maintaining Your H1B Status

H-1B status is a temporary "nonimmigrant" status that allows you to perform services in a specialty occupation for a specific employer. It is important to remember that H-1B status authorizes you to work only as stated in the I-129 petition and Labor Condition Application. The following information is intended to assist you in maintaining legal status while employed by The University of Arizona {UA}.

Documentation When Traveling Abroad:

While in the US your Approval Notice serves as your proof of legal status. To enter the US you will need to obtain a visa from a US consulate abroad. You need to make arrangements to obtain a visa in your home country, the country you are traveling to or make an appointment with a US Consulate in Mexico or Canada (if permissible) prior to your departure.

Changes in Employment:

H-1B employees are only authorized to perform the duties stated in the petition & LCA filed by UA. A new LCA and H-1B amending your status is required before any changes in duties, salary, hours, and/or job location, including departments, can be made. Contact IFS before any changes are made.

Occasional Lectures:

H-1B employees are authorized to give occasional lectures and attend academic conferences at other institutions. You may not receive compensation or any monetary gain for these activities but may be reimbursed for travel expenses and receive per diem.

Part-Time H-1B Employees:

H-1B employees are only authorized to work the number of hours indicated on the I-129 petition. DOL regulations require that employers keep records of the actual hours worked by the part-time H-1B employee, regardless of whether or not they are paid on an hourly or annual salary basis. Contact IFS before adjusting FTE.

Leave of Absence:

H-1B employees must be paid the salary stated on the LCA & I-129 petition during their entire period of employment. An H-1B employee may only take unpaid leave if it is truly voluntary and for reasons unrelated to employment (maternity leave, family emergency, etc.). Contact IFS before any unpaid leave of absence.

Extending your H-1B Status:

You must begin the extension process early (4-6 months before the expiration of your current status). DOL and USCIS processing times frequently change and on average take 3 or more months to process. While petitions submitted to USCIS can be expedited, DOL does not expedite and operates on a strict "first in - first out" rule.

Termination:

When H-1B employment ends, you must contact IFS immediately. H-1Bs are only authorized to stay in the U.S. through the expiration date listed on their I-94 or their termination date, whichever is sooner. When changing employers, be sure that the new employer has submitted a petition with USCIS before terminating your employment with UA.

There should not be any gaps in dates when changing employers. There is no grace period for H-1Bs. H-1Bs may receive 10 additional days if recorded on their I-94 by the consular officer at the time of entry into the United States. The 10 additional days are not automatic.

H-4 Dependents:

Dependents of H-1B nonimmigrants who are in H-4 status are not authorized to work, but are allowed to attend school.

Maintaining Records:

It is important to maintain careful records

{Receipt & Approval Notices and evidence of time spent outside the U.S.) of your nonimmigrant H-1B status. This information could be required of you if you change employers or apply for an adjustment of status in the future. For the same reasons, you should always maintain compliance with immigration laws and DOL regulations.

AR-11, Change of Address Card

If you have filed an immigration benefit request with USCIS, you must notify us of any changes of address as soon as possible to ensure you receive all correspondence and benefits without delay. If you are a alien in the United States, you must report any change of address to USCIS within 10 days of moving. This reporting requirement does not apply to A and G visa holders and visa waiver visitors. <https://www.uscis.gov/ar-11>