**Information for Persons with Approved H-1B Petitions**

Enclosed is your H-1B Approval Notice as well as a copy of the Labor Condition Application filed on your behalf. If an application for H-4 dependents was submitted with your petition, the H-4 approvals for your family member(s) are also enclosed.

**Be sure to keep this document in a secure location. You will need it for any travel outside the U.S. Replacement copies can be requested from the USCIS (fee required), but they take many months to be issued.**

If this petition approval includes a change of visa status for you after prior employment at IUPUI, please provide a copy of your approval notice to the IUPUI Payroll Office, UN 442, to ensure that any necessary changes in your tax withholding status are made.

**H-1B restrictions**

Please be aware that the H-1B petition approval is for a *specific position* at a *minimum specified salary* for a *specific employer* in a *specific geographical area*, as outlined by your Labor Condition Application. Any changes in your employment status—such as a change in job duties, change in job title, transfer of department, or change in full-time vs. part-time status—require the *prior* review of the Office of International Affairs. Additionally any work exceeding 10 business days at a geographical location not included on your LCA must be discussed with the OIA. Consultation with International Affairs to determine whether a new H-1B petition is required should occur several months prior to the anticipated change in employment status to allow sufficient time for any necessary processing which must take place. Engaging in employment or duties not covered in the H-1B petition approval could be considered a violation of status by the U.S. Department of Homeland Security (DHS), which oversees all U.S. immigration agency functions.

**Maintenance of status**

U.S. immigration regulations require H-1B workers to maintain legal status by performing the employment described in the approved H-1B petition. Upon termination of employment, legal H-1B status ends. Although the regulations provide for a 10-day grace period, this period is not normally added to the I-94. To be safe, therefore, *you should assume that no grace period exists for departure from the U.S. at the end of employment or for making application for a change to a different visa status.*

**Address Notification Requirements**

The Department of Homeland Security requires all non-U.S. citizens residing in the U.S., to report their new physical address to the U.S. Citizenship & Immigration Services (USCIS) within ten (10) days of moving to a new address, *for every change of address*. The USCIS form for completing this requirement is the [AR-11](http://www.ins.gov/graphics/formsfee/forms/ar-11.htm). It is available from the USCIS web site: <http://www.uscis.gov> Make sure you sign the form, and send it to the address indicated on the USCIS web site. We suggest that you send the form using a method that allows you to verify delivery, such as certified mail through the U.S. Postal Service, to ensure that you have a record of your compliance with this requirement. If you are subject to Special Registration, be sure to use Form AR-11 **SR.**

**Travel Outside the U.S.**

Persons with approved H-1B petitions who travel outside the U.S. must have a valid H-1B visa stamped in their passport by a U.S. Consulate in order to re-enter the U.S. in H-1B status, *except for travel to Canada or Mexico for 30 days or less for persons eligible for automatic visa revalidation.*

## Persons who have changed employers and still hold a valid, unexpired H-1B visa issued for the prior employment do not need to obtain a new visa in order to re-enter the U.S. Canadian citizens never require a visa to enter the U.S. in H status.

## Visa appointments at many consulates take several weeks or longer to obtain, and some persons are subject to security clearances that may take considerably longer, so planning ahead is essential. We suggest that you obtain an updated “Checklist for Traveling Outside the U.S” from the Office of International Affairs before you travel. This handout is updated whenever significant changes occur and provides more detailed information about potential travel and visa complications for persons of certain nationalities and/or persons engaging in research or advanced study in fields involving sensitive technologies.

 **Applying for an H-1B Visa**

H-1B visas can only be obtained from a U.S. Embassy or Consulate located outside of the U.S. The Department of State encourages all H-1B visa applicants to apply in their home country. Links to information about consular posts and local interview procedures are available at <http://usembassy.state.gov>.

Before issuing an H-1B visa, US consulates must first verify the approval of the petition in PIMS (Petition Information Management Services), even if the visa applicant has a paper Form I-797 approval notice. This means that it may not be possible to receive an H-1B visa on the same day as your visa interview.

Many consulates issue H-1B visas upon review of only the first two items of the following list of documents, but you could be required to produce any of the listed documents. Therefore, we recommend that you have all of the listed documents for the visa application:

* Original H-1B Approval Notice
* Current letter from your department confirming that you are still employed and verifying your position title, current salary, and job duties
* Complete photocopy of H-1B I-129 petition (will be provided by OIA per request)
* 1-2 of your most recent pay records from payroll verifying rate of pay (can be printed out from OneStart using Employee Services)
* Documentation of having resided legally in the U.S. (e.g., previous I-20, DS-2019, I-797A H Approval Notice from other employers, as applicable)
* USCIS Waiver Approval Notice (for persons previously in J status, if applicable)
* Original diplomas & transcripts (recommended only if you are from a country where review of applications for visa issuance is particularly stringent)
* Passport valid for at least 6 months
* Completed  [online DS-160](file:///C%3A%5CUsers%5Cllebeau%5CDesktop%5C%20online%20DS-160)at <https://ceac.state.gov/genniv/> Also check with the nearest U.S. consulate website for required forms, fee payment procedures, and visa processing requirements. U.S. embassies and consulates are listed at <http://www.usembassy.gov/>
* Completed DS-157 (required of all males aged 16 to 45 plus all persons aged 16 or older from countries designated as state sponsors of terrorism: North Korea, Cuba, Syria, Sudan, Iran, Iraq, and Libya)
* [Photos](file:///C%3A%5CUsers%5Cllebeau%5CDesktop%5CPhotos). Please follow guidelines for producing high qualify photographs for U.S. travel documents – for visa online applications  <https://travel.state.gov/content/visas/en/general/photos.html>
* U.S. visa application fee —verify requirements for payment with local consulate:  <https://travel.state.gov/content/visas/en/fees/fees-visa-services.html>
* Applicable H-1B fee for persons of your nationality (check the listing for your country at <https://travel.state.gov/content/visas/en/fees/reciprocity-by-country.html>
* If requesting H-4 dependent visas, proof of family relationship (original documents)

**H-1B visa applications in Canada**

Scheduling a visa appointment in Canada may be a good option for persons who are planning a future trip of short duration overseas and want to ensure their ability to return to the U.S. without delay. Applicants can obtain information for scheduling a visa appointment online at: <https://ais.usvisa-info.com/en-ca/niv> . Please refer to the enclosed “Checklist for Traveling Outside the U.S.” for further information about possible security clearances you may encounter.

**Re-entry to the U.S.**

H-1B visa holders must present the original H-1B petition Approval Notice along with their passport and H-1B visa stamp for re-entry to the U.S. A current letter from your department verifying your position title, salary, job duties, and confirming continued employment also is recommended.

In cases where the H-1B visa in the passport expires prior to the end date of the Approval Notice, immigration officers sometimes err by noting the earlier expiration date on the I-94 Arrival/Departure Record. If this occurs, please consult with International Affairs immediately upon return for assistance in correcting this end date.

*On re-entry to the US, always check the I-94s (*[*https://i94.cbp.dhs.gov/I94/#/home*](https://i94.cbp.dhs.gov/I94/#/home)*) for yourself and any H-4 dependent family members to make sure that the proper departure date matching the expiration date of your I-797 has been noted. Notify OIA immediately of any discrepancies.*

**H-1B Extensions**

H-1B status can be extended up to maximum period of six years. Persons who have had a labor certification or other immigrant visa application (I-140) filed on their behalf at least 365 days prior to the expiration of their 6 years of H-1B status are eligible for additional H-1B extensions. Persons in H-1B status who have filed I-485 (Application to Adjust to Permanent Resident Status) as a beneficiary of the principal applicant are not eligible for additional H-1B extensions. They must apply for an EAD (Employment Authorization Documentation) through USCIS on the basis of the I-485 receipt to continue their employment.

H-1B extensions can be requested up to six months in advance of the expiration of the current approval period. If you will need an extension, we recommend that you initiate this process through your department at least 4-5 months prior to the expiration date, especially if you have travel plans. After your expiration date, you can continue to work on the basis of a timely filed H-1B extension petition, but you cannot travel and re-enter the U.S. until the extension is approved and you have obtained a new visa.

**Permanent Residence (Green Card)**

The IU-Bloomington Office of International Services (OIS) provides permanent residence advising to IU departments and their employees, determines the most appropriate route to pursue for permanent residency, provides instructions on how to proceed, and facilitates the process of engaging outside legal counsel when necessary through approved mechanisms.

Full assistance with the immigrant process is provided by OIS for teaching faculty (actual classroom teaching must be involved) and for employees who qualify as Outstanding Researchers or Professors. **If you qualify as a teaching faculty, it is very important that you initiate your permanent resident process with OIS within 15 months of receiving the offer letter for your faculty position.** For most other positions, IU policies require that

you be employed at the University for at least one year before qualifying for sponsorship for permanent residence. For academic and professional positions with no required classroom responsibility, the position must be considered permanent with at least three years of secure funding to be eligible for IU employment-based permanent residence. Positions designated “post-doctoral” are not considered permanent positions.

To initiate the permanent resident process on your behalf, your department must complete the formal intake procedure described at <http://www.indiana.edu/~intlserv/scholars/pr/>. It is an electronic process and the department contact will first need to request access to iStart. Scholars are free to submit their own self-petitioned cases for permanent residence including National Interest Waiver and Alien of Extraordinary Ability without the assistance or oversight of IU.

**USCIS Administrative Site Visit and Verification Program (ASVVP)**

Under the ASVVP, FDNS conducts unannounced pre-and post-adjudication site inspections on randomly-selected H-1B applications and petitions to verify information contained in those petitions. ASVVP site inspectors’ tasks are

* Verify the information submitted with the petition
* Verify the existence of a petitioning entity
* Take digital photographs
* Review documents
* Speak with organizational representatives to confirm the beneficiary’s work location, employment workspace, hours, salary and duties.

Site inspectors routinely visit the IUPUI campus and in addition to visiting OIA, may stop by your department and ask to meet with you and view your worksite. They will usually request proof of employment such as a copy of your paystub.

**Residency for Tuition Purposes**

Persons who have resided in Indiana in H-1B and/or H-4 status for at least one year may be classified as a resident for Indiana University fee-paying purposes, provided he/she has otherwise satisfied all Indiana residency conditions while in that status. More information is available at <http://registrar.iupui.edu/resident.html>.

**Employee Benefits**

Information related to full-time employee benefits including health insurance, tax saver benefits, and IU Tuition benefits can be reviewed at this website: <http://www.iu.edu/~uhrs/benefits/index.html>

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