

## Employment for H-1B Scholars

### H-1B Status is Employer-Specific

H-1B status is employer-specific and is valid ONLY for the position and employment conditions stated in the approved H-1B petition. (While the petition is submitted under Yale University, your hiring department/unit listed within the petition is your H-1B “employer.”) In order to remain in legal H-1B status the employee must fulfill each appointment/position element listed within the original application including, but not limited to:

- Appointment Dates
- Salary/Compensation
- Work location(s)
- Full-time status (Yale visa sponsorship is only for full-time positions)
- Appointment title
- Job duties/responsibilities
- Hiring department/unit
- Other work conditions

**If the hiring department/unit wants to change any of these conditions** (including any addition of teaching), they must consult with their [OISS adviser](#) [1] first. In some cases an entire new H-1B application and fees are required to make changes to the employment.

An employee may work for more than one employer, but each employer must file a separate H-1B application. Your Yale appointment must be full-time with one hiring department/unit.

### Additional Compensation

H-1B employees may not accept compensation, including honoraria, from any other employer or entity other than those named in the original H-1B petition or for an activity outside of the approved H-1B, even if this additional activity is with Yale. Yale scholars/employees in H-1B status who are invited to give a lecture off-campus, collaborate or conduct research with other schools can receive reimbursement for reasonable travel costs only.

### [H-1B Employer Inspections](#) [2]

Be aware of the possibility of USCIS inspections. See [H-1B Employer Inspections](#) [2] for more information.

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### Change of Employment

Any possible change of employment conditions must be reviewed by an OISS adviser **PRIOR TO** any change. This includes if the H-1B employee is removed from Yale payroll for any reason and is continuing their duties on Yale premises employed by a non-Yale organization.

- Your legal H-1B status ends the day after your employee status with Yale ends.
- The H-1B is “employer specific,” which means that if a scholar/employee changes employers, the new employer (including a new department at Yale) must prepare an entirely new H-1B petition, which takes advanced planning and a process that could take several months. The new employer’s H-1B petition must be filed with USCIS before your previous H-1B employment ends.
- The H-1B regulation known as “portability” allows individuals already holding H-1B status to begin

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employment with a new employer once the new petition is filed with USCIS and its filing can be confirmed. USCIS may take several months to adjudicate a new petition under the portability provision.

- Please let your [OISS adviser](#) [3] know if you plan to leave Yale before the end of your H-1B approval notice (Form I-797). Federal regulations requires Yale to notify the U.S. Department of Labor and US Citizenship and Immigration Services of the termination of H-1B employment **if** the termination date is “prior to” the end date noted on the H-1B approval notice (Form I-797).
- If there will be a gap between ending work with Yale and starting work with the new employer, the employee may have to leave the U.S. and then return once the new H-1B is approved.
- Please review the [Leaving Yale](#) [4] section for additional information.

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### Source

URL:<https://oiss.yale.edu/employment-taxes/employment-for-international-scholars/employment-for-h-1b-scholars>

### Links

[1] <https://oiss.yale.edu/about/connect-with-oiss> [2] <https://oiss.yale.edu/for-departments/visa-options-for-international-faculty-and-researchers/about-h-1b-visas/h-1b-employer-inspections> [3] <https://oiss.yale.edu/about/contact-oiss> [4] <https://oiss.yale.edu/immigration/h-1b-temporary-worker/maintaining-legal-status/leaving-yale>