Employment for H-1B Scholars

H-1B status is like a contract, it is **specific to one employer** (appointment) and to the **specific dates** and activities as listed on the petition.

**The Appointment/Position**

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:

- 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

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

H-1B status is employer-specific, and is valid ONLY for the position and employment conditions stated within the H-1B petition and for the period approved. See the above “The Appointment/Position” section for examples of elements that require attention. While the petition is submitted under Yale University, your hiring department/unit listed within the petition is your H-1B “employer.”

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.

**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 by being 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 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 employment with a new employer once the new petition is filed with USCIS and its filing can be confirmed. Nevertheless, it is important to understand that filing a new petition under the portability provision may sometimes take several months to be approved by USCIS.

Please let your OISS adviser know if you plan on leaving Yale before the end of your H-1B approval notice (Form I-797). Federal law requires Yale to conduct record keeping on the H-1B petition. Upon your departure, OISS is required 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 scholar/employee may have to leave the U.S. and then return once the new H-1B is approved.

Please review the Leaving Yale section for additional information.

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
[3] https://oiss.yale.edu/about/contact-oiss