

## Next Steps for H-1B

### General Considerations

- Consult with your [OISS adviser](#) [1] to determine whether or not H-1B is the best visa for the employee and/or the offered appointment/position. Please review information about [eligibility](#) [2] and [associated fees](#) [3].
- **Processing time:** Allow sufficient time for the preparation, submission and adjudication of an H-1B petition. Review [H-1B processing time](#) [4] to ensure there is sufficient time before the start date to prepare and submit the petition. Your [OISS adviser](#) [1] may recommend a different start date if the requested petition start date doesn't allow sufficient time to prepare and submit the H-1B petition.
- **H-1B may be granted for a period of up to three years** and can be extended to a maximum of six years (regardless of the number of employers). OISS recommends departments request the H-1B petition for a full three years at one time if there is a likelihood the position will be extended; however, departments must understand the return airfare obligation rule below.
- **The hiring unit is responsible for return transportation costs** for any H-1B employee who is terminated prior to the approved H-1B end date and who chooses to return to their home country. This includes not renewing one-year increment appointments and appointment termination in the middle of a contract term, and the rule applies to any position classification. The hiring unit notifies the plan of discontinuation of the H-1B employee's employment while the discussion is in progress, and must submit the signed Early Termination Form to OISS.

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### Application Procedure for H-1B

OISS is now using an electronic method to collect the required documents for your H-1B sponsorship request and is no longer collecting documents via email. OISS Connect is not used to collect and submit the required documents. The application process differs depending on whether the H-1B request is for a new or current H-1B employee.

### Requests for the First-Time H-1B at Yale: New Hires and Current Employees Changing to H-1B

For new hires and current employees on another visa, the department must submit a [New Sponsorship Request](#) [5] (NSR) via OISS Connect. Once the submitted NSR is accepted, your OISS adviser will inform the department and prospective H-1B employee, by email, of the next steps, which include access to a cloud folder to upload the required documents. Your OISS adviser is automatically notified when you upload documents to this folder. OISS Connect is not used to collect and submit the required documents.

### Requests for Current Yale H-1B Employees: Extensions, Title or Department Changes, Other Petition Amendments

Do not create a New Sponsorship Request (NSR) in OISS Connect for an H-1B extension, title or department change or any other amendment to the original petition. Please contact your [OISS adviser](#) [1] for further instructions. OISS will create a new record in the system according to the department request. Your OISS adviser will then inform you and H-1B employee, by email, of the next steps including access to a cloud folder for you to upload the required documents. Your OISS adviser is automatically notified when you upload documents to this folder. OISS Connect is not used to submit and collect the required documents.

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### Required Documents for the H-1B Petition

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1. The [H-1B Support letter \(click for instructions\)](#) [6]
2. [Actual Wage Form](#) [7]: Per Department of Labor (DOL) regulations, this form is to document how the H-1B employee's actual wage is determined by documenting the conditions of other similarly employed workers in the work unit. Examples of "similarly employed workers in the work unit" are: (1) All Postdoctoral Associates in the same lab/on the same grant of the PI, (2) All Associate Professors in the department. If your department does not have sub work units (labs, sections, units, etc.), you may count all appointees with the same title who have the same years of service: e.g. PGY 3 Postdoc Associates, Year 1 Associate Research Scientist, etc. If you have questions, contact your [OISS adviser](#) [8].
3. [Prevailing Wage Form](#) [9]: Per DOL regulations, this form is to document the terms and conditions of the offered position, e.g. required job duties, degree level and field requirements, prior professional experience requirement, etc. to hold the position, essentially as they would be reflected in a position announcement. This form is NOT to outline the H-1B employee/beneficiary's credentials.
4. [Deemed Export Control Form](#) [10]: The hiring department must complete the [Export Control Form](#) [10], and either submit the completed signed form directly back to OISS, or forward the form to the Office of Corporate Contracts and Export Licensing.
5. **Most recent offer letter** (or equivalent) for the position that H-1B sponsorship is requested, e.g., appointment/reappointment letter, promotion letter, etc.

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## H-1B Worksite(s)

The H-1B worksite(s) must list all physical street address(s) where the employee will conduct their position duties (e.g. teaching, research, clinical work, etc.). It is **not** the sponsoring department's main administrative office address (if that is not the physical worksite). **An incorrect worksite address or the need to add worksite(s) will result in a requirement to submit another petition (with fees) to USCIS.**

If the employee is assigned to work at more than one work location, then the [Multiple Worksite Information Form](#) [11] must also be uploaded.

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## Fees and Courier Label

You must also complete the following and submit to an [OISS adviser](#) [8]:

- [Application Fees Form](#) [12] (**Note: USCIS increased the premium processing fee rate in February 2024. Unless otherwise advised by your OISS adviser, please make a check request for premium processing with the new increased rate of \$2,805.**) Please use the most recent Application Fees Form for your check requests, otherwise it will cause further delays in processing.
- **A courier label** in order to send the application to immigration services (USCIS)
  - eShipGlobal requires airway bills to be used within 14 days of creation to avoid billing issues. If the shipment is not made within 14 days, the order must be canceled and a new label must be recreated. Your OISS adviser will notify you of the best timing for creating a label when the petition gets to the stage of being ready to be submitted.
  - The address can be found on the [Application Fees Form](#) [12]. *Note: Filing H-1B petitions with USCIS is a time sensitive matter. OISS only uses FedEx and UPS so please select one of those two couriers.*

Contact the scholar/employee and ask them to begin work on the 'H-1B Scholar Application' materials. [These materials can be found on the Scholar Application Instructions page](#) [13].

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## After OISS Receives the Required Documentation

OISS will send you a complete **Notice of Filing Labor Condition Application** with the employment information already filled in. Please follow the instructions in the email and make any corrections as requested. OISS will then prepare the rest of the H-1B application (with all the materials provided by the department and beneficiary). Upon receiving approval from the DOL (the first step), OISS will file the H-1B petition with the U.S. Citizenship and Immigration Services (USCIS). OISS will confirm filing of the H-1B petition by email with both the department

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and beneficiary.

**?When OISS receives the approval notice** from the USCIS, the OISS adviser will contact the department and the beneficiary by email. If the beneficiary is overseas, OISS will send the approval notice to the beneficiary who must then apply for an H-1B visa stamp to use to enter the U.S. The department is responsible for sending the approval notice to the beneficiary, via courier service. The beneficiary must complete or update the I-9 Form which can be done at the [Yale I-9 Center](#) [14].

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**Source URL:**<https://oiss.yale.edu/for-departments/inviting-a-scholar/next-steps-for-h-1b>

### Links

[1] <https://oiss.yale.edu/about/contact-oiss> [2] <https://oiss.yale.edu/immigration/h-1b-temporary-worker/understanding-h-1b-status> [3] <https://oiss.yale.edu/immigration/h-1b-temporary-worker/scholar-resources/fee-requirements> [4] <https://oiss.yale.edu/immigration/h-1b-temporary-worker/department-overview/h-1b-processing-time> [5] <https://oiss.yale.edu/for-departments/inviting-a-scholar/completing-the-new-sponsorship-request> [6] <https://oiss.yale.edu/for-departments/inviting-a-scholar/next-steps-for-h-1b/guide-for-h-1b-faculty-support-letter> [7] <https://yale.box.com/s/vhfjc0kw96bxgm47b6pj1aak37affihk> [8] <https://oiss.yale.edu/about/connect-with-oiss> [9] <https://yale.box.com/v/prevaling-wage-form> [10] <https://yale.box.com/s/bx36549dpxa0ens0xdlm6s6i2gbfh3d7> [11] <https://yale.box.com/v/multiple-worksite-info> [12] <https://yaleedu.sharepoint.com/:b:/s/OISS2/EdcaVQLKsahEuUXPhQnoKFQB3lytLtCydTqh5N2tLyQrPw?e=vAGOrL> [13] <https://oiss.yale.edu/immigration/h-1b-temporary-worker/scholar-resources/scholar-application-instructions> [14] <https://your.yale.edu/work-yale/support/employee-services/submitting-your-i-9-form>