

Waiting for the Approval

The Department of Labor (DOL) and US Citizenship and Immigration Services (USCIS) processing **will take several months**. Review the [H-1B processing time](#) [1] information for details. Your [OISS adviser](#) [2] will provide additional guidance on the current processing time frames if they have changed. Once the DOL steps and the H-1B petition (Form I-129) are complete, the OISS adviser will submit the petition to USCIS.

- Approximately two weeks after the petition is received by USCIS, OISS should receive a receipt notice providing a case number. At that time employees may contact the OISS adviser handling their case to request their case number so they may [monitor their case online](#). [3]
- Please check the receipt immediately for any errors in the spelling of the name(s) and call the customer service number on the form to request a correction if an error has been made.
- OISS will email the employee and department contact with next steps information as soon as the USCIS approval notice (Form I-797) is received. If you are monitoring the case status online, please note it will take up to two weeks for OISS to receive the official approval notice in the mail.
- **For scholars/employee currently outside the U.S.**, once USCIS approves the petition, OISS will send the approval notice and petition copy to the scholar by courier. These materials will be used to apply for the H-1B visa for U.S. entry at the American Embassy designated by the scholar.

Additional Information

[Premium Processing](#) [4]

If the original petition was filed without premium processing and you want to add it to shorten the processing time, please speak to an [OISS adviser](#) [5] for details.

Dependents

If the Forms I-539/I-539A were filed for dependents (in the U.S.), all related documents to the application (receipt/approval notice, etc.) will be sent to the address noted on their application form.

Change of Status to H-1B

- In order to continue employment, employees must receive approval of the change of status to H-1B by the expiration date of your current work authorization/status .
- [Employees should not plan travel during the pending petition process](#) [6]. If an emergency arises and travel is required during the processing period contact your [OISS adviser](#) [5] who will provide guidance, which may include the use of [Premium Processing](#) [7].

Change of H-1B Employer to Yale

- Employees may begin Yale employment as soon as OISS confirms receipt of the official USCIS receipt notice with case number.
- Employees may work according to the '240-day rule' while awaiting final approval of the petition. The '240-day rule' authorizes the scholar to work up to a period of 240 days from the date immigration receives the petition (or up to the new expiration date, whichever is earlier), while pending, per 8 CFR#274a.12.
- [Employees should not plan travel during the pending petition process](#) [6]. If an emergency arises and travel is required during the processing period contact your [OISS adviser](#) [5] who will provide guidance, which may include the use of [Premium Processing](#) [7].

[H-1B Extension Petitions](#) [8]

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Scholars may continue working for up to 240 days (past the current H-1B expiration date) while the H-1B extension application is pending as long as the all conditions below are met:

- OISS has received the new USCIS H-1B extension receipt notice (I-797)
- The H-1B extension requested is for the exact same position

If an emergency arises and travel is required during the processing period contact your [OISS adviser](#) [5] who will provide guidance, which may include the use of [Premium Processing](#) [7].

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

Links

[1] <https://oiss.yale.edu/immigration/h-1b-temporary-worker/department-overview/h-1b-processing-time> [2] <https://oiss.yale.edu/about/connect-with-oiss> [3] <https://egov.uscis.gov/casestatus/landing.do> [4] <https://oiss.yale.edu/for-departments/inviting-a-scholar/next-steps-for-h-1b/fee-requirements> [5] <https://oiss.yale.edu/about/contact-oiss> [6] <http://oiss.yale.edu/immigration/visa-stamp-and-immigration-status> [7] <http://oiss.yale.edu/immigration/h-1b-temporary-worker/department-resources/h-1b-processing-time> [8] <https://oiss.yale.edu/for-departments/updates-requests-for-current-scholars/h-1b-extensions>