

About H-1B Visas

H-1B temporary worker status is designated for individuals coming temporarily to the U.S. to work in a specialty occupation. A specialty occupation is defined as one that requires *“theoretical and practical application of a body of highly specialized knowledge, and attainment of a bachelor's or higher degree, or its equivalent, as a minimum requirement.”* Further, the U.S. Citizenship and Immigration Services (USCIS), the federal H-1B petition adjudication authority, adds that *“the ‘degree’ means not just any degree, but one in a specific specialty that is directly related to the offered position.”*

The H-1B is an 'employer specific' status. This means that the H-1B employee may only be paid by the specific H-1B petitioner and only according to the terms in the H-1B application. Scholars in H-1B status cannot accept funds from another employer or source other than the employer listed in the H-1B application. At Yale, H-1B status is typically used for faculty appointments.

At Yale, H-1B status is most often used for faculty and academic positions such as, Assistant Professor, Instructor and Associate Research Scientist. Occasionally, postdoctoral associates will be eligible for H-1B, but they most commonly use the J-1 status.

Maximum Duration

H-1B status is initially granted for a maximum period of **three years** and [can be extended to a total of six years](#) [1] (regardless of the number of employers). Because the application process is lengthy and complex, requesting a full-three year H-1B status (providing the intention is to retain the scholar for that long) is recommended and advantageous.

Yale H-1B Sponsorship Eligibility Basic Criteria

- Faculty level academic appointment (see [Faculty sponsorship policy](#) [2])
 - M&P Appointment (see [M&P sponsorship policy](#) [3])
 - Full-time (100% FTE)
 - Must be considered a Yale employee (e.g. Postdoctoral *Fellow*, not considered a Yale employee. Also, postgraduate trainees are not eligible for H-1B or any other employment-based Yale visa sponsorship and use a J-1 visa instead.)
 - At least one year sponsorship commitment, up to three years with appointment renewal intention and foreseen secured funding
 - Work location(s) MUST be on Yale campus(es)
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[The H-1B Application Process](#) [4] and [Fee Requirements](#) [5]

The H-1B process is more complicated than other immigration statuses and the processing time is long and sometimes unpredictable. The **hiring department at Yale must initiate the H-1B application process on behalf of the scholar** they wish to sponsor, and then provide (in coordination with the scholar) the required documentation to OISS. There are two separate government agencies involved in H-1B visa sponsorship: the U.S. Department of Labor (DOL) and the United States Citizenship and Immigration Services (USCIS).

The H-1B filing fees, which must be paid by the hiring unit, include a petition a \$460 petition filing fee, a \$500 anti-fraud fee and an optional but highly recommended \$2805 premium processing fee.

[Processing Time](#) [6]

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Published on Office of International Students & Scholars (<https://oiss.yale.edu>)

The total processing time for an H-1B application, involves three stages: Yale preparation (OISS adviser, host department and international scholar), the DOL step, and USCIS review. The entire process can take up to four months using premium processing (an additional \$2805 fee), or as long as **four to six months** without premium processing. While the Department of Labor will not allow H-1B processing to begin earlier than six months prior to the start date, OISS recommends submitting all materials to OISS **at least seven months in advance** to be officially part of the OISS processing queue. OISS advisers prioritize all H-1B requests in order of the beneficiaries' current status end dates and the dates of their request submission to meet timely petition submission deadlines.

Other Considerations

[Prevailing Wage](#) [7]

The department is required to pay a salary to the H-1B beneficiary that meets the “prevailing wage” as determined by the DOL. Because of these strict DOL requirements (as well as Yale compensation policies for specific appointment type), **part-time positions are not eligible** for Yale H-1B sponsorship.

[Use of Outside Counsel](#) [8]

All H-1B requests must be processed through OISS. [Yale policy](#) [8] does not allow outside attorneys to represent Yale in the preparation of the H-1B petition for any Yale employee without written consent from the OISS.

Hub Page View:

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[Inviting an H-1B Scholar](#)

[Starting the application process for a new H-1B employee.](#)

[4]

Source

URL: <https://oiss.yale.edu/for-departments/visa-options-for-international-faculty-and-researchers/about-h-1b-visas>

Links

[1] <https://oiss.yale.edu/immigration/h-1b-temporary-worker/department-overview/extensions> [2] <https://oiss.yale.edu/for-departments#studfacres> [3] <https://oiss.yale.edu/for-departments#mandp> [4] <https://oiss.yale.edu/for-departments/inviting-a-scholar/next-steps-for-h-1b> [5] <https://oiss.yale.edu/for-departments/inviting-a-scholar/next-steps-for-h-1b/fee-requirements> [6] <https://oiss.yale.edu/for-departments/inviting-a-scholar/next-steps-for-h-1b/h-1b-processing-time> [7] <https://oiss.yale.edu/for-departments/inviting-a-scholar/next-steps-for-h-1b/prevailing-wage> [8] <https://oiss.yale.edu/outside-counsel>