 Extensions

An H-1B extension is possible if a Yale employee is in H-1B status and is seeking to remain at Yale for a longer period of time. The extension processing time is exactly the same as an initial H-1B. The scholar and department are responsible to **begin the application process at least 6 months prior to the current H-1B expiration date**. If OISS does not receive complete and accurate materials in a timely fashion the scholar may have to cease employment with Yale and depart from the U.S. Please follow the steps on the H-1B Application [1] page.

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Is Anything Different With an H-1B Extension?

**Approval Review:** Just because the employee has been approved for H-1B status previously, it does not mean that an extension of H status is guaranteed. Each extension application is evaluated as if it is the very first H-1B request.

**Risk During Period Between Current H and New H Approval:** The United States Customs and Immigration Service (USCIS) review process of H applications is constantly changing. While there is a legal provision to allow continued employment while waiting for the new H extension approval notice (see “Getting Paid” below) in some cases there is some risk of the application being questions which could in extreme cases lead to the scholar having to depart temporarily from the U.S. The OISS advisers will evaluate each H extension case to try to determine to the best of our ability the risk factor. Filing the H extension early, and/or paying for the expedited premium Processing so that the H extension approval is received before the current H status expires will eliminate this risk. Please speak to your OISS adviser about the best course of action for each H extension case.

**Travel:** If the scholar travels during the extension process, that action can “abandon” the extension request. Please disclose any international travel plans before the extension process begins.

**Getting Paid:** In some cases the scholar can start to be paid during the extended time even before the approval notice is issued. If the extension application is filed with USCIS in a timely manner (before the expiration of the current H-1B status) then the scholar does not have to wait for the USCIS H-1B paper approval notice. Regulations allow the scholar to continue to work and be paid for up to 240 days after the expiration of his/her current H-1B status. Therefore, in some cases “Premium Processing” is not necessary. However please speak to your OISS adviser about any risks in utilizing the 240 day rule (see above notice.)

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Source URL: https://oiss.yale.edu/immigration/h-1b-temporary-worker/department-overview/extensions

Links:
[1] https://oiss.yale.edu/immigration/h-1b-temporary-worker/department-resources/department-application-instructions