

Maintaining Legal Status

Throughout your Yale appointment, it is your responsibility to be aware of the requirements of the H-1B status and maintain valid H-1B status. The information below outlines the steps you need to take to make certain your status remains valid.

General Requirements?

The following sections provide the information you need to maintain your H-1B status. If you have recently arrived at Yale, please refer to the [Your First Two Weeks](#) [1] page for new employee requirements.?

Report any Address or Phone Number Changes?

By law, you are required to report your new U.S. residential address within 10 days of the address change.???

- [Update your address with USCIS at by completing the online AR 11 form](#) [2]
- You should also [update your address with OISS](#) [3]?and in your [Workday](#) [4] account

Your Immigration Documents

Passport

- Make sure your passport remains valid throughout your H-1B appointment.
- If your passport is lost or stolen, be sure to obtain a police report and notify your home country consulate. Replacing a U.S. visa stamp requires traveling outside the U.S. and an appointment at a U.S. Embassy or consulate. Talk with [your OISS adviser](#) [5].

I-797

- Verify that all information in your I-797 is correct.? If anything changes, you must notify OISS and have the form updated.?
- Safeguard this H-1B approval notice. Replacement of a lost Form I-797 requires filing a USCIS application with a significant replacement fee. The process can take more than 6?months.

I-94

- With each entry to the U.S a new [Form I-94 Arrival/Departure Record](#) [6] will be created by the Department of Homeland Security. This record confirms that you have been legally admitted to the U.S. in a specific visa status, and for a duration of time.?
- Be sure to check your I-94 record every time you enter the U.S. to make sure there are no errors. Remember to download and print a new I-94 record each time you exit and return to the U.S. The I-94 record is your evidence that you entered the U.S. legally, so it is important to keep the most current printed version with your passport at all times. [Learn more about the I-94 here](#) [6].?
- Pay close attention to your most recent I-94 record (the one attached to the I-797 approval notice or electronic version issued upon entry to the U.S. from a trip abroad after the H-1B is approved). The I-94 end date may be different than the approved H-1B period end date. **If the dates do not match, an H-1B employee may work under the approved H-1B conditions until the petition end date or I-94 end date, whichever comes first.** If an [H-1B extension](#) [7] is needed, it must be filed with USCIS before the I-94 end date.

Save Copies

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- Save copies of all your immigration documents, including the original I-797 notices. You may need them in the future to document your employment history and your compliance with U.S. immigration regulations, as well as for future USCIS and/or visa applications. Organizing documents is easy with Google Drive, iCloud, Box.com, and many other electronic options.

[Employment Requirements \[8\]](#)

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

Change in H-1B Conditions

The H-1B is an “employer-specific” status which means that you may only be employed only by the H-1 B petitioner and only according to the terms in the H-1B application., i.e. the specific dates and activities listed on the petition. If the hiring department/unit wants to change any of these conditions (including any addition of teaching), they must consult with their [OISS adviser \[5\]](#) first. In some cases, an entire new H-1B application and fees are required to make changes to the employment.

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 within Yale. This can be construed as unauthorized employment and a violation of your H-1B status.

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 but is continuing their duties on Yale premises employed by a non-Yale organization.

H-1B Employer Inspections

Be aware of the possibility of USCIS inspections. See [H-1B Employer Inspections \[9\]](#) for more information.

Learn More

[Learn more about the conditions and requirements of H-1B employment here \[8\]](#).

[Traveling in H-B Status \[10\]](#)

The Form I-797 Notice of Action is NOT an alternative document to the U.S. entry visa stamp. If you travel abroad during the approved H-1B period, you must have a valid H-1B visa stamp in your passport to reenter the U.S. (see [Traveling in H-1B Status \[10\]](#)). If there is no valid H-1B visa in your passport for reentry to the U.S., the visa must be applied for and obtained through a U.S. consular office while abroad. A visa stamp cannot be obtained within the U.S.

If your passport expiration date is before the approved H-1B petition end date, it is strongly advised to renew your passport before reentry to the U.S. on the H-1B visa.

Note: For all international travel, individuals must retrieve their electronic [I-94 record \[6\]](#) from the CBP online system upon entry or re-entry into the U.S. Please email your new I-94 record to [your OISS adviser \[5\]](#) upon any entry to the U.S.

Plan Ahead for After H-1B Status Ends

The H-1B has a limited duration of a 6-year cumulative total time. For those who might want or need to stay longer than this it is important to communicate with your [OISS adviser](#) [5] at least a year or two in advance of the expiration. See [After H-1B](#) [11] for more details.

[Extending Your H-1B Status](#) [12]

An H-1B extension is possible if a Yale employee currently in H-1B status is seeking to remain in the same job for a longer period of time. Extensions can be granted in increments of three years for a cumulative total of six years, as long as the application is received by the United States Citizenship and Immigration Services (USCIS) before the expiration of the current H-1B status noted on the most current I-94 record. An extension application includes all of the same steps (DOL, USCIS, etc.) as an initial H-1B application, and takes approximately three months for processing before being filed with USCIS.

Should your employment at Yale be extended, OISS must be notified of an H-1B extension request from your hiring department well in advance, ideally 6-7 months prior to the current petition end date. See [H-1B Processing Time](#) [13] for details.

For more details and instructions, please see the Extensions page.

[Ending Your H-1B Status](#) [14]

As H-1B status is an employment-based status, it immediately ends on the date of termination of employment. Although Form I-797 (USCIS Approval Notice) may indicate a date well into the future, it will become invalid upon termination of employment. See [Leaving Yale](#) [15] for more information, and consult with your [OISS adviser](#) [5] when you must leave the U.S. in this situation.

[After H-1B](#) [11]

The maximum period of stay under H-1B status is 6 years from initial date of approval of the status. For those who might need to stay longer than the 6 year period, it is important to communicate with your [OISS adviser](#) [5] at latest 6-7 months in advance in order to examine potential options, if any. See [After H-1B](#) [11] for more details.

[H-4 Dependents](#) [16]

H-4 derivative visa status is for children under the age of 21 and legally married spouses. H-4 dependents' status is valid only when the H-1B employee maintains their legal status and are physically in the U.S. If the H-1B employee is absent from the U.S. for a long period time (e.g. longer than an approved vacation period) H-4 dependents should not remain in the U.S. They would not be considered in legal status without the H-1B employee's presence in the U.S.

Source URL: <https://oiss.yale.edu/immigration/h-1b-temporary-worker/maintaining-legal-status>

Links

[1] <https://oiss.yale.edu/getting-started/new-scholars/your-first-two-weeks> [2] <https://egov.uscis.gov/coa/displayCOAForm.do> [3] <https://forms.office.com/r/9vXvUL6KX9> [4] <https://www.myworkday.com/yale> [5] <https://oiss.yale.edu/about/connect-with-oiss> [6] <https://oiss.yale.edu/travel/for-scholars/traveling-to-the-us/i-94-record> [7] <https://oiss.yale.edu/for-departments/updates-requests-for-current-scholars/h-1b-extensions> [8] <https://oiss.yale.edu/employment-taxes/employment-for-international-scholars/employment-for-h-1b-scholars> [9] <https://oiss.yale.edu/for-departments/visa-options-for-international>

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[faculty-and-researchers/about-h-1b-visas/h-1b-employer-inspections](https://oiss.yale.edu/immigration/h-1b-temporary-worker/maintaining-legal-status/traveling-in-h-1b-status) [10] <https://oiss.yale.edu/immigration/h-1b-temporary-worker/maintaining-legal-status/traveling-in-h-1b-status> [11] <https://oiss.yale.edu/immigration/h-1b-temporary-worker/maintaining-legal-status/after-h-1b> [12] <https://oiss.yale.edu/for-departments/visa-options-for-international-faculty-and-researchers/about-h-1b-visas/extensions> [13] <https://oiss.yale.edu/for-departments/inviting-a-scholar/next-steps-for-h-1b/h-1b-processing-time> [14] <https://oiss.yale.edu/immigration/h-1b-temporary-worker/maintaining-legal-status/leaving-yale> [15] <https://oiss.yale.edu/immigration/o-1-extraordinary-ability/o-1-application-preparation> [16] <https://oiss.yale.edu/immigration/h-1b-temporary-worker/maintaining-legal-status/spouses-children>