Extensions

An H-1B extension can be requested for a Yale employee whose current appointment has been extended. Extensions can be granted in increments of three years for a cumulative total of six years, regardless of the number of employers.

When to Start the Extension Process

- An extension application includes all of the same steps (DOL, USCIS, etc.) as an initial H-1B application, and takes at least four months for processing before being filed with USCIS.
- Contact your department administrator six to eight months prior to the expiration of your current H-1B status to discuss the extension of your H-1B status and begin the process with OISS six months before the current stay ends. If the process is delayed, it may be necessary for the H-1B employee to go on unpaid leave, depart from the U.S., and wait for the new H-1B petition to be approved.
- The application must be 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.
- H-1B employees 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 H-1B extension requested is for the exact same position and OISS has received the new USCIS H-1B extension receipt notice (I-797).

When Does the Current H-1B Status Expire?

Generally, the H-1B status expires on the end date on the approved petition. However, it is important to pay close attention to the 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 is needed, it must be filed with USCIS before the I-94 end date.

See the table below for more details:

<table>
<thead>
<tr>
<th>I-94 end date is earlier</th>
<th>H-1B status AND work authorization in the U.S. will end on the I-94 end date, and you are required to leave the U.S. by the I-94 end date. If H-1B extension [1] is needed, the extension petition must be filed with USCIS before your I-94 end date.</th>
</tr>
</thead>
<tbody>
<tr>
<td>H-1B petition period end date is earlier</td>
<td>Work authorization will end on the petition end date, and the H-1B employee is required to leave the U.S. by the I-94 end date. If H-1B extension [1] is needed, the extension petition must be filed with USCIS before the petition end date in this case.</td>
</tr>
</tbody>
</table>

Traveling?


H-1B Extension Process

Please review and follow the instructions on the Applying from Inside the U.S. [4] page.
Source URL: https://oiss.yale.edu/immigration/h-1b-temporary-worker/maintaining-legal-status/extensions

Links