Applying from Inside the U.S.

The following instructions are for individuals who are currently in the U.S. and will be starting or changing to H-1B employment at Yale.

Sponsorship

Discuss with the hiring department whether they support sponsoring you in H-1B status.

H-1B Application

When applying for H-1B visa status, Yale University must first establish you will be working temporarily at the University in a specialized occupation on a full-time basis (100% FTE). OISS will work with the hiring department to make sure the appropriate documentation is collected.

After you are contacted by OISS, you must complete the “Beneficiary” tab in your OISS Connect account, and submit by email the two forms below along with additional materials to your OISS adviser [1]:

- [H-1B Additional Information Form][2]
- [I-129 Attestation Form][3]  (Review the Public Charge [4] information on the OISS website)

Additional Materials

You must provide your OISS adviser [1] (preferably by email) with the following document copies scanned to PDF:

- Your C.V.
- Your highest degree certificate. If not in English, an English translation is also required. If the degree is from outside the U.S., it is required to have a credential evaluation completed. (Contact the company of your choice, or [review the information provided here][5].)
- Your I-94 record [6].
- Copy of the personal data and expiration page in your passport.
- Current visa stamp.

Further Documentation Required If You:

- Are in F-1 student status (or on F-1 optional practical training); copies of all of your Forms I-20 (both sides) and EAD.
- Are in J-1/J-2 status or have ever been in J-1/J-2 status copies of all your Forms DS-2019, J-1/J-2 visa stamps and a copy of the waiver of the two-year home residence requirement (if applicable). If J-2, a copy of EAD if applicable.
- Have ever been in H-1B status, copies of all previous Forms I-797 Notice of Action issued by the USCIS.
- Currently hold H-1B status with another employer inside the U.S., please provide copies of your pay stubs for the most recent three months.
- If you have green card application pending, provide any documents related to that application (e.g. I-797 receipt/approval notice for I-140/I-130, I-797 receipt notice for I-485, EAD/Advanced Parole, etc.)

For MD Patient Care Clinicians:

If you are applying for H-1B status that includes clinical responsibilities and patient care, you must also provide:
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- Copies of your unrestricted State license, registration or certificate, if required by your specialty.
- Copies of your ECFMG certification (if your medical degree is from overseas), or a copy of your U.S. or Canadian medical degree certificate.
- Copies of your USMLE 1, 2, 3 results (except the U.S. medical degree holders).
- Copies of your Board Certification (if applicable).

Accompanying Dependents Only

OISS includes family member Forms I-539 and the I-539A along with Yale’s petition for university work visa sponsorship as a courtesy. Forms I-539/539A are considered individuals’ personal applications (in other words, it is NOT Yale University’s application to the government); therefore, OISS staff do not verify for the accuracy or completeness of the forms and supplemental evidence. The I-539/539A applicants (your family members) are responsible for fully and properly complying with all laws and regulations regarding respective dependent visa status, and documenting in their I-539/539A applications with all necessary evidence. In extreme cases it may be necessary for them or you to seek assistance from an immigration attorney. Please ask OISS if you need clarification on any of the questions within the Forms I-539 or I-539A. OISS will help if we are able or may suggest alternate resources.

If you have a spouse or unmarried children under the age of 21, and wish their H-4 status application to be included in Yale’s H-1B petition packet, please submit the following to your OISS adviser [1] (you may also submit paper copies in person at the OISS office). Do not use the “File Online” option:

- An original signed (blue ink) Form I-539 [7]. Please note the following:
  - Thoroughly review “Instructions for Form I-539” on the USCIS I-539 website
  - Select “Form I-539” for the correct form.
  - Review the Public Charge [4] information on the OISS website
  - For more information about Public Benefits and/or Public Charge, visit the USCIS websites [here, here] [8,9]. The rule effective date is February 24, 2020.
  - This is completed and signed by the dependent family member, not the H-1B beneficiary.
  - If there are multiple H-4 applicants, the oldest family member should complete and sign this form as the primary applicant.
  - If the primary applicant is under 14 years of age, a parent or legal guardian may sign on behalf of the minor applicant.
  - If the parent/legal guardian completes the I-539, Parts 5 and 7 must be completed accordingly.
  - Please sign the I-539 and I-539A with blue ink.

- Two individual checks payable to “U.S. Department of Homeland Security” for $370 and $85 for the I-539 applicant.
- An original signed (blue ink) Form I-539A [10][s] for each-any additional family member. Please note the following:
  - Thoroughly review “Instructions for Form I-539A” on the USCIS I-539 website
  - Select “Form I-539A” for the correct form
  - This is completed and signed individually by each dependent family member included in the application, not the H-1B beneficiary. The primary applicant of the Form I-539 is not required to complete the Form I-539A.
  - If the applicant is under 14 years of age, a parent or legal guardian may sign on behalf of the minor applicant.
  - If the parent/legal guardian completes the I-539A, Parts 3 and 7 must be completed accordingly.

- Check payable to “U.S. Department of Homeland Security” for $85 for each Form I-539A.
- Passport personal data and expiration page for each family member.
- A copy of the marriage certificate (spouse applicants) and birth certificates for each child (if applicable). If the original document is not in English, English translation is required.

?IMPORTANT: USCIS currently requires all I-539 and I-539A applicants, who are 14 years of age or older, to complete biometrics [11] (fingerprinting) which typically takes place in East Hartford [12] for most Connecticut residents. Those applicants will receive a biometrics appointment notice from USCIS with instructions to:
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- Go to the Application Support Center on the assigned date/time, OR reschedule the appointment.
- Complete fingerprinting and photographing at the Center.

Only once the biometrics background check has been cleared will the I-539 applications be approved, and the I-797 approval notice for the application mailed out. Note that failure to attend the biometrics appointment may result in denial of application. Processing time for the I-539/I-539A is often longer than for Yale’s H-1B sponsorship petition.

Further Documentation Required if Any of Your Dependents Have:

- Ever previously been in H (i.e. H-1B or H-4) status, copies of all previous forms I-797 Notice of Action issued by the USCIS; if applicable, include a copy of the EAD
- Ever previously been in J (i.e. J-1 or J-2) status, copies of all Forms DS-2019, visa stamps and a copy of the waiver of the two-year home residency requirement (if applicable). If J-2, a copy of EAD (if applicable).
- Currently hold F-1 or F-2 status (including F-1 optional practical training); copies of all Forms I-20 (both sides) and EAD (if applicable)
- A green card application pending, provide any documents related to that application (e.g. I-797 receipt/approval notice for I-140/I-130, I-797 receipt notice for I-485, EAD/Advanced Parole, etc.)

Once your OISS adviser [1] has received all required materials for the H-1B application and processed the application packet, you will get an email confirming that the application has been sent to USCIS.

Source URL: https://oiss.yale.edu/immigration/h-1b-temporary-worker/scholar-overview/application-instructions/applying-from-inside-the

Links:
[1] https://oiss.yale.edu/about/contact-oiss