

## Maintaining Legal Status

### [Employment \[1\]](#)

H-1B status is like a contract, it is **specific to one employer** (appointment) and to the **specific dates** and activities as listed on the petition. [Learn more about employment here \[1\]](#).

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### I-94 Validity and Petition End Date

Those in H-1B status must pay close attention to their most recent [I-94 record \[2\]](#) (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. See the table below for more details:

I-94 and H-1B End Date Comparison

I-94 end date is earlier

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 \[3\]](#) is needed, the extension petition must be filed with USCIS before your I-94 end date.

H-1B petition period end date is earlier

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 \[3\]](#) is needed, the extension petition must be filed with USCIS before the petition end date in this case.

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### [Traveling in H-B Status \[4\]](#)

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 \[4\]](#)). 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 \[2\]](#) 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.

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## Extending or Ending H-1B Status

### Extending H-1B Status

Please pay careful attention to the expiration date noted on the Notice of Action and your most recent [I-94 record \[2\]](#) if you traveled abroad since the last H-1B approval. See [Extensions \[6\]](#) for guidance on extension of status. 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 \[7\]](#) for details.

### [Ending H-1B Status \[8\]](#)

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H-1B status is an employment-based status. As such, it immediately ends as of 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](#) [9] for more information, and consult with your [OISS adviser](#) [5] when you must leave the U.S. in this situation.

### [After H-1B](#) [10]

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](#) [10] for more details.

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## Additional Considerations

### Report any Address Changes

By law, you are required to [report your new U.S. residential address](#) [11] within 10 days of the address change. You will also need to update your address in your [Workday](#) [12] account.

### Safeguard Your H-1B Approval Notice

As with all Immigration documents, it is important to safeguard your H-1B approval notice. Replacement of a lost Form I-797 requires the filing of an application with the USCIS, including payment of a significant replacement fee. The process can take more than 6 months.

### [H-4 Dependents](#) [13]

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/scholar-overview/maintaining-legal-status>

### Links

- [1] <https://oiss.yale.edu/employment-taxes/employment-for-international-scholars/employment-for-h-1b-scholars>
- [2] <https://oiss.yale.edu/travel-visas/for-students/traveling-to-the-us/i-94-record>
- [3] <https://oiss.yale.edu/immigration/h-1b-temporary-worker/scholar-resources/scholar-application-instructions#extensions>
- [4] <https://oiss.yale.edu/immigration/h-1b-temporary-worker/scholar-overview/maintaining-legal-status/traveling-in-h-1b-status>
- [5] <https://oiss.yale.edu/about/connect-with-oiss>
- [6] <https://oiss.yale.edu/node//749>
- [7] <https://oiss.yale.edu/immigration/h-1b-temporary-worker/department-overview/h-1b-processing-time>
- [8] <https://oiss.yale.edu/immigration/h-1b-temporary-worker/scholar-overview/maintaining-legal-status/leaving-yale>
- [9] <https://oiss.yale.edu/immigration/o-1-extraordinary-ability/o-1-application-preparation>
- [10] <https://oiss.yale.edu/immigration/h-1b-temporary-worker/scholar-overview/maintaining-legal-status/after-h-1b>
- [11] <https://oiss.yale.edu/immigration/report-your-address/h-1b-o-1-tn-and-us-permanent-residents>
- [12] <https://workday.yale.edu/>
- [13] <https://oiss.yale.edu/immigration/h-1b-temporary-worker/scholar-overview/maintaining-legal-status/spouses-children>

