After H-1B

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 at least 6 months in advance. Please review the following points and speak to your OISS adviser.

Reclaiming H-1B Time

If during your H-1B stay in the U.S. you have taken vacation or business trips outside of the U.S., you may be able to “reclaim” this time in the form of an H-1B extension application through OISS.

Restarting the H-1B Time Period

If you have H-1B status but then leave, and live outside the U.S. for 12 months or more, you can apply to return to the U.S. in a new H-1B status that includes a new 6 year maximum.

Extending H1-B Beyond 6 Years

There is a legal provision that allows some people to extend their H-1B beyond 6 years, as long as they have submitted a non-frivolous application for Legal Permanent resident status (LPR/ green card) at least one year prior to the end of the H-1B. Please speak to your immigration attorney and your OISS adviser about this option.

Changing to Other Visas

Normally the only visa option is the O-1. Many people do not qualify for the O-1 since it requires a very high standard of achievement.

Legal Permanent Residency (LPR)

If it is your desire to apply for LPR status you need to plan several years in advance. Some scholars/employees will qualify to have Yale sponsor them for LPR and others will not. In your 4th year of H-1B status you should ask Uma Shankar in OISS to evaluate whether or not you qualify. If you don’t qualify for Yale sponsorship, you should ask an immigration attorney about a Self Sponsored application.

Source URL: https://oiss.yale.edu/immigration/h-1b-temporary-worker/scholar-overview/maintaining-legal-status/after-h-1b

Links:
[1] https://oiss.yale.edu/about/connect-with-oiss
[2] https://oiss.yale.edu/immigration/o-1-extraordinary-ability-overview
[3] mailto:uma.shankar@yale.edu