Changing Employers

- Your legal H-1B status ends the day after your employee status with Yale ends.
- The H-1B is "employer specific," which means that if a scholar/employee changes employers, the new employer must prepare an entirely new H-1B petition, which takes advanced planning and a process that could take several months. The new employer's H-1B petition must be filed with USCIS before your previous H-1B employment ends.
- The H-1B regulation known as "portability" allows individuals already holding H-1B status to begin employment with a new employer once the new petition is filed with USCIS and its filing can be confirmed. Nevertheless, it is important to understand that filing a new petition under the portability provision may sometimes take several months to be approved by USCIS.
- Please let your OISS adviser [1] know if you plan on leaving Yale before the end of your H-1B approval notice (Form I-797). Federal law requires Yale to conduct record keeping on the H-1B petition. Upon your departure, OISS is required to notify the U.S. Department of Labor and US Citizenship and Immigration Services of the termination of H-1B employment if the termination date is "prior to" the end date noted on the H-1B approval notice (Form I-797).
- If there will be a gap between ending work with Yale and starting work with the new employer, the scholar/employee may have to leave the U.S. and then return once the new H-1B is approved.
- Please review the Leaving Yale [2] section for additional information.

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

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