Waiting for the Approval

The Department of Labor (DOL) and US Citizenship and Immigration Services (USCIS) processing will take several months. Review the H-1B processing time information for details. These timeframes will change, and your OISS adviser may provide guidance on the current processing time frames.

- Once the DOL steps and the H-1B petition (Form I-129) is complete the OISS adviser will submit the petition to USCIS.
- Approximately two weeks after the petition is received by USCIS, OISS should receive an official receipt notice providing a case number. At that time scholars/employees may contact the OISS adviser handling their case to request their case number so they may monitor their case, online.
- OISS will send an email notice to the scholar and department representative as soon as we receive the USCIS approval notice (Form I-797) with the next step information.
- If you are monitoring your case status online, please note it will take as long as two weeks for OISS to receive the official approval notice in the mail.

Additional Information

Please note that your Yale University H-1B sponsorship gives you employment permission ONLY for the specific job/appointment at Yale described in the petition. For further instructions, please select your H-1B category below:

Premium Processing

- Costs an additional $2500 and shortens the USCIS response time (but does not shorten any other steps) to 15 days (approval or request for evidence). It does not guarantee approval.
- May be requested either at the time of the initial filing or after filing a regular processing application (in order to shorten the processing time). Please speak to an OISS adviser for details.

Dependents

If the Form I-539/I-539A were filed for dependents (in the U.S.), all related documents to the application (receipt/approval notice, biometrics appointment notice, etc.) will be sent to the address noted on their application form.

Please check the receipt immediately for any errors in the spelling of the name(s) and call the customer service number on the form to report if an error has been made.

H-1B Extension Petitions

Scholars may continue working while the H-1B extension application is pending for up to 240 days (past the expiration of their current H-1B) as long as the all conditions below are met:

- OISS has received the new USCIS H-1B extension receipt notice (I-797)
- They are working in the exact same job
- If an emergency arises and travel is required during the processing period contact your OISS adviser who will provide guidance, which may include the use of Premium Processing.

Change of Status to H-1B

Scholars may begin working in their new job/appointment up to 90 days before the petition is approved as long as:

- The petition is filed post green card receipt date
- Filing the petition is required by the Department of Labor
- Employment authorization (I-765) is pending
- The new job/appointment is at the same employer as the existing H-1B job/appointment
- It is not the same job as the job described in the petition
- The OISS adviser is not able to update the I-140

Please contact your OISS adviser for guidance.
- Scholars/Employees should not plan travel during the pending petition process (more information [7]).
- If an emergency arises and travel is required during the processing period contact your OISS adviser [3] who will provide guidance, which may include the use of Premium Processing [6].
- Scholars/Employees must receive approval of the change of status to H-1B by the expiration date of your current work authorization/status to continue employment.

Change of H-1B Employer to Yale

- Scholars/Employees should not plan travel during the pending petition process (more information [8]).
- If an emergency arises and travel is required during the processing period contact your OISS adviser [3] who will provide guidance, which may include the use of Premium Processing [6].
- Scholars/Employees may begin Yale employment as soon as OISS confirms receipt of the official Immigration receipt notice with case number.
- Scholars/Employees may work according to the “240-day rule” while awaiting final approval of the petition. The “240-day rule” authorizes the scholar to work up to a period of 240 days from the date immigration receives the petition (or up to the new expiration date, whichever is earlier), while pending, per 8 CFR#274a.12.

H-1B Cable Notification Petitions

For scholars/employee currently outside the U.S.

- Once USCIS approves the petition, OISS will send the approval notice and petition copy to the scholar by courier.
- These materials will be used to apply for the H-1B visa for U.S. entry at the American Embassy designated by the scholar.

Source URL: https://oiss.yale.edu/immigration/h-1b-temporary-worker/scholar-overview/waiting-for-the-approval

Links
[1] https://oiss.yale.edu/immigration/h-1b-temporary-worker/department-overview/waiting-for-the-approval
[3] https://oiss.yale.edu/about/contact-oiss