MAINTAINING YOUR H-1B IMMIGRATION STATUS

Now, more than ever, it is important for you to maintain valid immigration status while in the United States and at MIT. Please contact the International Scholars Office (ISchO) whenever you have questions.

H-1B = SPECIFIC TO MIT: Your H-1B is only for employment at MIT, and only for the appointment you held at the time of the application to USCIS. If any terms of your appointment/employment are expected to change, please contact the ISchO immediately, before your appointment is changed. These terms may include title, salary, department, lab, or center, full-time/part-time status, or job responsibilities. A new H-1B petition and LCA may be necessary.

MUST BE ON PAID APPOINTMENT: In order to maintain valid H-1B status at MIT, you must remain on a salaried (paid) appointment such as Postdoctoral Associate, Research Scientist / Engineer/Associate. Your appointment cannot be changed to “Fellow,” such as Postdoctoral Fellow. This may restrict your ability to accept fellowship funding. Contact the ISchO if you have questions.

H-1B LIMIT: The H-1B category has a 6-year limit. After the 6-year limit is reached, if you spend a year outside the U.S., you may return on another H-1B and begin a new 6-year period. Under some specific conditions, an H-1B may be extended beyond the 6-year limit. Consult with the ISchO to see if the required conditions apply in your situation, or if you have any questions on your visa options after the 6-year limit.

ADDITIONAL ACTIVITIES AND HONORARIUM PAYMENTS: Do not engage in activities outside MIT. Unless you have received USCIS approval for a “concurrent” H-1B through another employer, you may not work elsewhere. Although you are permitted to make occasional speeches and give lectures at other institutions or conferences, you may not receive compensation for these activities. Under the H-1B category, you are not allowed to receive honorarium payments of any sort. However, you may be reimbursed for “transportation and reasonable, incidental expenses” incurred in connection with travel to other institutions or conferences.

CHANGE OF ADDRESS REQUIREMENTS: If you change your local U.S. address:
1) Change your address through the MIT Atlas portal http://web.mit.edu/atlas. Click on “about me” and click on “personal information”.

2) Notify the ISchO via e-mail at iso@mit.edu

3) Notify USCIS by completing Form AR-11 (or Form AR-11SR, if you are subject to special registration) and submitting it to USCIS within 10 days of your address change.

Form AR-11 can be downloaded or may be submitted electronically from the USCIS website. (Form AR-11SR may not be submitted electronically.) Before you submit your address change to USCIS, please see the ISchO’s website for tips on completing the Form AR-11 and AR-11SR at http://web.mit.edu/scholars/intlscholars/visas/AR11.html. NOTE: If you currently have an application pending at USCIS (e.g. change of status, extension of status, application for permanent residence, or work permission request), consult the ISchO before submitting Form AR-11 or AR-11SR.

EARLY TERMINATION OF H-1B: If you complete, withdraw, or resign from your MIT job/appointment before the expiration of your current H-1B status, please notify the ISchO right away by emailing iso@mit.edu. The ISchO must notify USCIS and Department of Labor. Please provide the exact date
of your last expected day of work and the reason for leaving (your “reason” will not be shared with government agencies).

H-1B EXTENSIONS: 120 days prior to the expiration of your H-1B status, ISchO will contact your department/lab/center to start the extension process, if you have not yet used the maximum six years of H status. Requests for extensions must be received directly from the authorized Administrative Contact. As long as the H-1B extension petition is received by USCIS prior to the expiration date of your current H-1B status, you may remain in the United States and continue your employment for up to 240 days, pending the approval of the extension by USCIS. Contact the ISchO if you have travel plans while your extension is pending.

GRACE PERIOD: Unlike other visa classifications, there is no official “grace period” on the H-1B status. The H-1B status is date-specific.

A person may enter the United States up to 10 days prior to the H-1B effective date. However, a person may not be employed during that period.

Unless properly noted on the admission stamp in your passport given by the Customs and Border Protection (CBP) officer at the time of entry into the United States, you may not remain in the United States after the expiration date noted on the admission stamp in your passport. An additional 10-day period can only be granted by a CBP officer at the time of entry into the United States and it is discretionary. If the extra 10-day period is added, an H-1B holder may remain in the United States during that period, but may not work. An H-1B holder must leave the United States once the period of authorized stay expires or the employment ends, unless a timely application for extension is filed. A person in H-1B/H-4 status is expected to leave the United States, extend, or change status on or prior to the expiration date marked by the CBP officer at the time of admission into the U.S. or the expiration date of your I-94 card attached to the Form I-797.

TRAVEL: You will receive a handout titled “Your H-1B Approval Notice” with your H-1B Approval Notice (Form I-797) containing detailed information about traveling while in H-1B status and how to obtain an H-1B visa stamp. Please take time to read it carefully. Always check with the ISchO several weeks before traveling outside the United States to make sure you have the required documentation and appropriate information for your specific trip. Also, please consult our travel advisory at http://web.mit.edu/scholars/intlstudents/travel/advisory.html.

H-4 DEPENDENTS: May be enrolled in classes, but may not be employed unless they obtain their own H-1B or other qualifying status.

I have read the above information and understand the requirements in order to maintain my immigration status at MIT. I agree to contact the ISchO and/or my Administrative Contact if I have questions or concerns regarding my/my dependent’s H-1B/H-4 status. In addition, I confirm that at the time I received my I-797 Approval Notice, I was also provided with a copy of the I-129 Petition for a Nonimmigrant Worker and Labor Condition Application that were submitted as part of my H-1B petition.

SIGNATURE: ___________________________ PRINTED NAME: ___________________________

DATE: ______________ DEPARTMENT: ____________________________________________