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, job responsibilities, or work location. A new H-1B petition and LCA may be necessary.

Please note: USCIS routinely conducts site visits of H-1B employers to verify the information in specific H-1B petitions on a random basis. If your H-1B petition is selected, both you and the ISchO may be asked to verify the information in your H-1B petition to confirm that you are working under the terms specified in the H-1B petition.

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 one year outside the US, 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 US address:
1) Change your address through the MIT Atlas portal https://atlas.mit.edu. Click on “about me” and then click on “personal information.”
2) Notify the ISchO via e-mail at ischo@mit.edu
3) Notify USCIS by completing Form AR-11 and submitting it to USCIS within 10 days of your address change.

Form AR-11 may be submitted electronically on the USCIS website. Before you submit it, please see http://web.mit.edu/scholars/ntlscholars/visas/AR11.html for tips on completing Form AR-11.

NOTE: If you currently have an application pending at USCIS (e.g. change of status, extension of status, permanent residence application, or work permission request), consult ISchO before submitting Form AR-11.
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 ischo@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: About 6 months 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 some 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, or on your Form I-94 Arrival/Departure record downloaded from https://i94.cbp.dhs.gov/, you may not remain in the United States after the expiration date noted on your admission stamp or I-94 record. An additional 10-day period may be granted by a CBP officer at the time of entry into the US. It may also be granted by USCIS at the time of adjudication of your H-1B petition (you may confirm this by checking the I-94 record attached to your H-1B approval notice). It is discretionary. If the extra 10-day period is added, an H-1B holder may remain in the US during that period, but may not work. An H-1B holder must leave the US 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 US, extend, or change status on or prior to the expiration date marked by the CBP officer at the time of admission into the US 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: 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)’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: _______________________________

Original: ISchO File
Copy: Scholar