H-1B Overview

H-1B is a nonimmigrant visa status for an international worker who will perform services in a specialty occupation. A specialty occupation is one that requires a specialized body of knowledge, meaning that the job requires at least a bachelor’s degree. The regulations pertaining to the H-1B nonimmigrant status indicate the following:

- **H-1B is job specific** - the number of hours, job title, nature of job duties, and salary are all specified within the corresponding H-1B petition. Thus, an H-1B status holder is authorized to work for the employer that sponsored the H-1B position only, and may not work or receive payment from any other employer in the U.S. (including honoraria).
- **H-1B is location specific** - work that will be performed outside of Austin or a change in departments during the approved H-1B status may require an amendment of the H-1B petition.
- **H-1B is time specific** - the H-1B status can initially be granted for a period of up to 3 years, which is renewable for a maximum of 6 years, with few exceptions.

Maintaining H-1B Status

- H-1B employees must maintain H-1B status by: Engaging only in those activities specified within the corresponding H-1B petition. Change in duties, job title or salary must be disclosed promptly to an International Faculty & Scholar Advisor.
- Monitoring the need for appropriate extensions.
- Refraining from unauthorized employment.
- Maintaining a valid passport at all times while in the United States. Copies of new or extended passports should be provided to International Student, Scholar, & Faculty Services (ISSFS).
- Reporting changes of address to the U.S. Citizenship and Immigration Services within 10 days by submitting Form AR-11.

Traveling and H-1B Status

Please refer to the H-1B Travel Information handout for general travel advice. It is important to note that holding a valid H-1B status is not the same as having a valid H-1B Visa. H-1B status holders will need to apply for an H-1B visa to re-enter the country.
For information on obtaining a visa, visit the website of the U.S. Consulate in your home country, found at www.usembassy.gov. International travel plans should account for potential delays when obtaining the visa at the U.S. Consulate post. Questions about traveling or applying for a visa can be addressed by appointment with an International Advisor at ISSFS.

**Extending H-1B Status**

The length of time an individual may remain in the U.S. in H-1B status is indicated on I-94 Arrival / Departure record. Ordinarily, the date on the I-94 should be consistent with the H-1B approval notice on form I-797. Please report any inconsistencies immediately to an International Faculty & Scholar Advisor. If an extension is needed, the department must initiate the process by contacting ISSS at least 180 days before the current H-1B expires. The H-1B status holder will need to provide supporting documentation for the H-1B extension petition, as reflected on the ISSS website.

**Understanding H-1B Immigration Documents**

**Arrival / Departure Record on Form I-94**

This important Department of Homeland Security document allows an individual to remain in the United States in the indicated nonimmigrant visa status up until the date specified on the card. The expiration date follows the phrase “valid until” and is evidence of the H-1B status holder's authorization to accept employment in the U.S. with the petitioning employer. In most cases, the I-94 is surrendered upon an individual's exit from the U.S., and a new I-94 is issued upon re-entry. Each new I-94 should be reviewed for accuracy upon issuance prior to leaving the inspection site.

**H-1B Petition on Form I-129**

The H-1B petition is filed on Form I-129 to the United States Citizenship and Immigration Services (USCIS) to request H-1B status for an individual. ISSFS prepares and files the H-1B petitions for The University of Texas at Tyler. Changes in the details of employment (e.g. salary, job title, job duties, etc.) may require the university to file an amended H-1B petition.

**Labor Condition Application on Form ETA-9035**

The Labor Condition Application (LCA) is filed with the Department of Labor on Form ETA-9035. The LCA outlines the conditions of H-1B employment and The University is required by law to follow these conditions. Changes in employment conditions (e.g. salary, job title, etc.) may require a new LCA.
Notice of Action on Form I-797A

Upon adjudication of an H-1B Petition, the United States Citizenship & Immigration Services issues a Notice of Action on Form I-797A, which reflects the approval of H-1B status for an individual. This document, along with the Arrival/Departure Record on Form I-94, is the official documentation of an H-1B status holder’s authorization to work in the U.S. The original Notice of Action resides with The University of Texas at Tyler, and the H-1B status holder is provided with a copy of the form. For international travel, the H-1B status holder should check out the original Form I-797A to carry along with the passport, visa, Form I-94, and ideally a letter of employment.

H-1B Visa

In order to enter the United States in H-1B status, a valid H-1B visa stamp is required. A U.S. Embassy or Consulate General outside of the U.S. issues the H-1B visa. Please note that H-1B status is not the same as the H-1B visa stamp. Therefore, an H-1B status holder who was granted H-1B status within the U.S. will still need to obtain the H-1B visa upon the first trip outside of the U.S. In addition, expiration of an H-1B visa stamp in the passport does not necessarily mean that H-1B status has expired.

Obtaining H-1B Status at The University of Texas at Tyler

The hiring department must initiate the process of obtaining H-1B status at The University of Texas at Tyler. Our website contains detailed information about the H-1B status and instructions on how to begin,

Ideally, the H-1B process should be initiated at least 6 months in advance of the requested start date of the H-1B employment.

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