H-1B GENERAL INFORMATION

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 Services (ISSS).
- Reporting changes of address to the U.S. Citizenship and Immigration Services within 10 days by submitting Form AR-11 <http://www.uscis.gov/ar-11>.

Traveling and H-1B Status
While traveling in H-1B status, it is important to carry your original I-797 H-1B Approval Notice, valid passport, valid H-1B visa and current proof of your employment. Please note that being in 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 after international travel. For information on obtaining a visa, visit the website of the U.S. Consulate in your home country, found at www.usembassy.gov and review our handout titled "How to Apply for an H-1B Visa". International travel plans should account for potential delays while obtaining the visa at the U.S. Consulate. If you would like to check out your original I-797 H-1B Approval Notice for travel or if you have further questions about traveling or applying for a visa, please schedule an appointment for Faculty & Scholar Advising: http://world.utexas.edu/isss/advising#scholar.

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 6-8 months prior to the current H-1B expiration. The H-1B status holder will need to provide supporting documentation for the H-1B extension petition, as reflected on the ISSS website.
H-1B GENERAL INFORMATION

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 I-94 Arrival / Departure record. The expiration date follows the phrase “valid until” and is evidence of the H-1B status holder’s authorization to accept employment in the United States with the petitioning employer. The I-94 record should be reviewed for accuracy upon each entry to the United States.

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. ISSS prepares and files the H-1B petitions for The University of Texas at Austin. 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-797
Upon adjudication of an H-1B Petition, the United States Citizenship & Immigration Services issues a Notice of Action on Form I-797, 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 Austin, 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-797 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 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. 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 United States. In addition, expiration of an H-1B visa in the passport does not necessarily mean that H-1B status has expired.

Obtaining H-1B Status at The University of Texas at Austin
The hiring department must initiate the process of obtaining H-1B status at The University of Texas at Austin. Our website contains detailed information about the H-1B status and instructions on how to begin, <http://world.utexas.edu/isss/dept/h1b>. Ideally, the H-1B process should be initiated at least 6-8 months in advance of the requested start date of the H-1B employment.