

H-1B FAQ'S

IFS is frequently asked whether a FN in H-1B status may accept compensation from a source other than UA. It is extremely important to remember that H-1B status is employer specific. This means that if the UA is the only sponsor of the H-1B, then the UA can be the only employer of the H-1B. It is imperative that the H-1B maintain the USCIS approved employment with the approved employer.

The following is a list of some acceptable and unacceptable H-1B activities:

1. H-1B(s) cannot and are not permitted to engage in employment for any employer other than the USCIS approved employer. Moreover, H-1B(s) cannot and are not permitted to engage in work other than work approved by USCIS as listed on the I-129 form submitted to USCIS. This is clearly stated on the H-1B Approval Notice.
2. Self-employment is employment and is therefore *not* permitted.
3. Presenting/lecturing on behalf of The University of Arizona is permitted if the presentation/lecture is consistent with the approved employment/position. Costs associated with these types of activities should *not* be paid to the H-1B directly, but made through the employer.
4. H-1B status holders are entitled to per diem and reimbursement as any other UA employee. Therefore, payment directly to the H-1B status holder is appropriate, unlike the situation in #3 above. However, this may be accorded only in situations where it is of the same treatment any other U.S. worker would receive under the same circumstances.

If an H-1B status holder engages in employment that is not authorized by USCIS, they are not maintaining their status. Engaging in unauthorized employment may have serious ramifications on future petitions submitted to USCIS, including petitioning for extensions of H-1B status and permanent residency.

Contact IFS at 520-626-6289 if you have questions regarding permissible H-1B activities. For employment based petitions, you may also contact one (1) of the five (5) UA approved attorneys. The list of approved attorneys is available on IFS website or by contacting IFS directly.