



International Faculty & Scholars  
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<http://global.arizona.edu/international-faculty>

10/2015

# Maintaining Your H-1B Status

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## Maintaining Your H-1B Status

H-1B status is a temporary “nonimmigrant” status that allows you to perform services in a specialty occupation for a specific employer. It is important to remember that H-1B status authorizes you to work only as stated in the I-129 petition and Labor Condition Application. The following information is intended to assist you in maintaining legal status while employed by The University of Arizona (UA).

### Documentation When Traveling Abroad

While in the US, your Approval Notice serves as your proof of legal status. In order to enter the US you will need to obtain a visa from a US consulate abroad. You need to make arrangements to obtain a visa in your home country, the country you are traveling to or make an appointment with a US consulate in Mexico or Canada (if permissible) prior to your departure.

### Changes in Employment

H-1B employees are only authorized to perform the duties stated in the petition & LCA filed by the UA. A new LCA and H-1B amending your status is required before a change in duties, salary, hours, and/or job location, including departments, can be made. Contact IFS before any changes are made.

### Occasional Lectures

H-1B employees are authorized to give occasional lectures and attend academic conferences at other institutions. You may **not** receive compensation or any monetary gain for these activities, but may be reimbursed for travel expenses and receive per diem.

### Part-Time H-1B Employees

H-1B employees are only authorized to work the number of hours indicated on the I-129 petition. DOL regulations require that employers keep records of the actual hours worked by the part-time H-1B employee, regardless of whether or not they are paid on an hourly or annual salary basis. Contact OIFS before adjusting FTE.

### Leave of Absence

H-1B employees must be paid the salary stated on the LCA & I-129 petition during their entire period of employment. An H-1B employee may only take unpaid leave if it is truly voluntary and for reasons unrelated to employment (maternity leave, family emergency, etc.). Contact IFS before any unpaid leave of absence.

### Extending your H-1B Status

You must begin the extension process early (4-6 months before the expiration of your current status). DOL and USCIS processing times frequently change and on average take 3 or more months to process. While petitions submitted to USCIS can be expedited, DOL does not expedite and operates on a strict “first in - first out” rule.

### Termination

When H-1B employment ends, you must contact IFS immediately. H-1Bs are only authorized to stay in the U.S. through the expiration date listed on their I-94 or their termination date, **whichever is sooner**. When changing employers, be sure that the new employer has filed a petition with USCIS before terminating your employment with UA.

There should not be any gaps in dates when changing employers. There is **no** grace period for H-1Bs. H-1Bs may receive 10 additional days **if** recorded on their I-94 by the consular officer at the time of entry into the United States. The 10 additional days are **not** automatic.

### H-4 Dependents

Dependents of H-1B nonimmigrants who are in H-4 status are not authorized to work, but are allowed to attend school.

### Maintaining Records

It is important to maintain careful records (Receipt & Approval Notices and evidence of time spent outside the US) of your nonimmigrant H-1B status. This information could be required of you if you change employers or apply for an adjustment of status in the future. For the same reasons, you should always maintain compliance with immigration laws and DOL regulations.



**Please contact us at 520-626-6289 if you have any questions or concerns.**



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## **About Form AR-11, “Alien’s Change of Address”**

Most non-U.S. citizens must report a change of address within 10 days of moving within the United States or its territories. For instructions on how to report the change of an address to USCIS, please follow this link: [www.uscis.gov/ar-11](http://www.uscis.gov/ar-11). If you are subject to Special Registration, see “Form AR-11 Special Registration”.

You may also change your address online at:  
<https://egov.uscis.gov/crisgwi/go?action=coa.Terms>.

All Completed AR-11 forms should be mailed to the following address:

**U.S. Department of Homeland Security  
Citizen and Immigration Services  
Attn: Change of Address  
1344 Pleasants Drive  
Harrisonburg, VA 22801**





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# Approval Notice Information for H-1B Employee

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## H-1B Approval Notice

You are being provided with the original I-797 Approval Notice issued by USCIS. This is official documentation indicating that USCIS has approved your I-129 petition submitted on your behalf, the Beneficiary, by The University of Arizona, the Petitioner. The dates of authorization are specified on the Approval Notice.

In addition to this brochure, you received a brochure entitled "Maintaining Your H-1B Status." In addition to the information provided in that brochure, we would like to take this opportunity to provide you with the following reminders:

1. The enclosed H-1B Approval is employer specific. You can only work for your sponsoring department at The University of Arizona. If any material changes are anticipated or occur to your job duties and/or responsibilities, you **must** contact IFS immediately. Material changes require that a new LCA be filed and certified and an amended I-129 petition be filed with USCIS. Examples of material changes include, but are not limited to:
  - New job duties that were not identified on the original I-129 petition or supporting LCA;
  - Transfer to a different department within The University of Arizona; and/or
  - Change in location not listed on the I-129 petition or supporting LCA (i.e.: sabbatical leave).
2. A Beneficiary of an approved H-1B petition shall be admitted to the United States for the validity period of the petition. There is no grace period for H-1B status. You may be admitted to the United States up to 10 days before the validity period begins and up to 10 days after the validity period ends. However, this is **not** automatic, and only exists if the immigration officer has recorded it on your I - 94. The Beneficiary may **not** work except during the validity period of the approval notice. 8 CFR §214.2(h)(13)(i)(A).
3. The validity of the H-1B petition ceases on the date of termination of employment, even if that date is before the date listed on the approval notice.
4. If an extension will be requested, at the expiration of the validity period, the sponsoring department must initiate the process no sooner than six (6) months and no later than three (3) months before the expiration of the enclosed approval notice to ensure timely filing.
5. The enclosed approval notice grants status, not a visa. You will need to apply for a visa at a United States Consulate abroad, if:
  - You were present in the United States when you received this approval and you wish to travel outside of the United States and reenter the United States after traveling, or
  - You received your H-1B approval notice while you were outside of the United States and are entering the United States for the first time since receiving the approval notice.

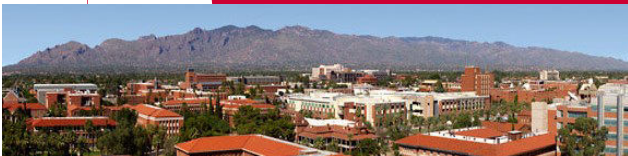
There are certain limited exceptions to visa requirements. For example, Canadians and certain other limited groups do not require a visa stamp. It is your responsibility to confirm and comply with visa requirements.

Additionally, a separate nonimmigrant visa application, Form DS-160, must be filled out for each member of a family, including infants, seeking H-4 status, even if more than one member of your family is included in your passport. Please see [www.travel.state.gov](http://www.travel.state.gov) for more detailed information.



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# Applying for Permanent Residency

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## Applying for Permanent Residency

If you are interested in applying for Employment-based Permanent Residency, you should begin the process no later than the beginning of your 5<sup>th</sup> year in H-1B status. If you decide to begin the Permanent Residency (PR) application process after your 5<sup>th</sup> year has begun, you will be referred to one of the approved outside attorneys. Any Employment-based PR petition that lists The University of Arizona as the Petitioner must be processed by IFS or one of the approved outside attorneys. If you choose to apply for PR that is not employment-based you are free to choose any attorney that you like if The University of Arizona is not listed as the Petitioner.

### Initial Request to Apply for PR

In order to initiate a request to begin the PR process, you must first read the PR Information Packet, which is found at [global.arizona.edu/international-faculty](http://global.arizona.edu/international-faculty).

After you have read the PR Information Packet and have decided which of the two categories you may qualify for, please send the appropriate documentation, as listed in the Information Packet, to IFS. If you do not qualify for one of the two categories that IFS processes, you will need to consult with one of the approved attorneys in order to proceed with seeking PR.

### 6 Year Maximum in H-1B Status

H-1B status is limited to 6 years. After you have used your 6 years in H-1B status you are no longer eligible for an extension of your H-1B status and therefore no longer eligible to work. There are very few exceptions to this federal rule. These exceptions are:

1. Your PR Petition (Form I-140) has been pending for 365 days or more. This is why USCIS must receive your I-140 no later than the last day of your 5<sup>th</sup> year in H-1B status. For example, if you were granted H-1B status from 06/01/2001 through 05/31/2004 and then 06/01/2004 through 05/31/2007, USCIS must receive your Form I-140 no later than 05/31/2006.

2. The Immigrant Visa Bulletin ([www.travel.state.gov](http://www.travel.state.gov)) is not current. This means that you are not eligible to file Form I-485 (Adjustment of Status). You may be eligible for a 3 year extension of H-1B status.

3. You have spent time outside of the United States while you were in H-1B status. If you can document this with passport stamps, plane tickets, etc., you may be able to recapture that time and extend your H-1B by the number of days you were outside of the United States.

4. Return home for 1 full year, which restarts the 6 year clock, and then apply for H-1B status to enter and work in the United States.

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## Scope of Services

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## Scope of Services

Thank you for your interest in visiting and/or working at The University of Arizona. We are delighted to welcome you to our campus and to Tucson. We are also delighted to be able to assist you and your sponsoring department in acquiring lawful immigration status on your behalf. This brochure is intended to outline the scope of services provided by International Faculty & Scholars (IFS).

### Immigration Assistance

IFS is the primary administrative unit on campus providing services to visiting international professors and research Scholars. IFS works closely with UA departments to assist with the administrative processes involved in bringing international scholars and researchers to the campus. Specifically, we facilitate the initial preparation and processing for J-1, H-1B nonimmigrant status, and O-1, as well as Permanent Residency petitions for eligible candidates.

The Advisors in IFS are employed by and are agents of The University of Arizona. Please remember that use of IFS **does not** create an Attorney-Client relationship. Moreover, there is no Attorney-Client privilege. Anything that is stated to a member of IFS staff may be relayed to your sponsoring department, or offices/ departments on campus as appropriate, including, but not limited to the Office of the General Counsel or Human Resources.

The Advisors in IFS are happy to assist with any petition where The University of Arizona is listed as the Petitioner. The Advisors cannot and are legally prohibited from advising on or submitting any petition where The University of Arizona is not listed as the Petitioner. If you require advice or assistance beyond the scope of services provided by IFS, it is strongly recommended that you hire an immigration attorney. Please contact IFS Office for a list of approved immigration attorneys who are authorized to represent The University of Arizona in immigration matters.

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## GLACIER

**What is GLACIER?** GLACIER is a web-based, nonresident alien tax compliance system produced by Arctic International, LLC.

**Who should use GLACIER?** Foreign nationals (except for lawful permanent residents) who receive income from the University of Arizona are generally required to use GLACIER.

Foreign Nationals (except for permanent residents)	Income Type	Payment Method	Administrator
UA Employees (including student employees)	Salaries/Wages	Payroll	Robin Atteberry FSO-Payroll 621-9097
UA Students (scholarship recipients)	Non-service Scholarship/Fellowship	Student Account	International Student Services Office 621-4627
Other visitors (e.g. speakers, consultants, post doc fellows, performers, non-UA students, etc.)	Speaker fee, honorarium, fellowship/scholarship performance fee, royalty, prize, award, etc.	Disbursement Voucher, Check Request	Lisa McLaughlin FSO-Accounts Payable 621-3864

**What can GLACIER do?** A foreign national can create a personal record in GLACIER online. GLACIER collects data from the foreign visitor such as current immigration status, country of citizenship and residence, relationship with the University, income received from the University, and the history of presence in the U.S. (immigration status and length of stay for each visit) Based on the information provided by the foreign national, GLACIER can:

- Determine the tax residency for the foreign national
- Determine the appropriate tax treatment on the foreign national’s income received from the University, including eligibility of tax treaty benefits
- Pre-fill applicable tax forms (W-8BEN, Form 8233, etc.) for the foreign national
- Prepare a tax summary report for the foreign national
- Notify the foreign national by email to update the information

**How to use GLACIER?** GLACIER administrator sets up the account in GLACIER with the foreign national’s name and email address. GLACIER then sends out an email from [support@online-tax.net](mailto:support@online-tax.net) to the foreign national with login information. The foreign national can then go online and create a record in GLACIER, print out the resulting forms and reports, sign them and submit them according to the instructions indicated in GLACIER.





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## **International Faculty & Scholars Receiving Payment from the U of A**

International faculty and scholars who are employed by the University of Arizona may receive an email with login information to create an account in the GLACIER tax software program. The subject line will be "Payments from the University of Arizona".

The email will be from the email address "[support@online-tax.net](mailto:support@online-tax.net)". Please be careful NOT to delete this email. The receipt of this email will depend on the level of security and pop-up blockers set on your email account.

If you receive the email and have difficulty with entering data into the GLACIER system, a staff member from the Financial Services Office (FSO) will be available to assist with any questions you may have.

The payroll listserv is available for international employees to send questions about the process. The email address is: [payrollinfo@listserv.arizona.edu](mailto:payrollinfo@listserv.arizona.edu)

### **Questions should be directed to:**

FSO Operations Customer Service  
Room 402, University Services Building (USB)

Phone Number: 621-9097

Listserve: [payrollinfo@listserv.arizona.edu](mailto:payrollinfo@listserv.arizona.edu)

Website: <http://www.fso.arizona.edu/tax-services/nra-tax/glacier>





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# Visa Application Information For H-1B Employee

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## Visa Application Information

Below is a checklist of required forms and documents for applying for a visa at most United States consulates. Please see [www.travel.state.gov](http://www.travel.state.gov) for the most current information and requirements for applying for a visa at a United States consulate.

### Visa Application Checklist

- I-797 Approval Notice: *Original*
- Copy of I-129 Petition: Contact IFS at least (1) week prior to travel. IFS will scan/email a copy to you.
- DS-160: Available at U.S. Consulate
- I-612 Approval Notice: *Original* (only those who applied for 212(e) waiver.)
- Valid Passport: Validity through visa approved period plus six (6) months.
- Photo(s) - passport size: Not applicable at all consulates. Contact consulate.
- Recent Paystubs: Only if already in the U.S.
- Visa Application Fee: Varies depending on country of Citizenship. Contact consulate.
- MRV Fee: Machine Readable Visa fee for each applicant.

### Visa Application Tips

1. Approval of H-1B status does not guarantee issuance of a visa. Although you have been granted H-1B status, you could be denied a visa and therefore denied entry into the United States.
2. The consular officer will usually issue a visa valid for the dates listed on the 1-797 Approval Notice.
3. If your visa expires before the validity of your H-1B approval, you do not need to apply for a new visa unless you plan on traveling outside of the United States and reentering.
4. Most nationalities may apply for a visa in most countries, which are not their country of citizenship. However, some nationalities may have an easier time applying for a visa in their home country. For more information, please go to [www.travel.state.gov](http://www.travel.state.gov).
5. Most consulates are now requiring a personal interview before issuing a visa. Visa appointments must be requested in advance. You may have as long as one (1) month or more before your scheduled appointment. Therefore, you must preplan for this requirement before making any definite travel plans. Information must be obtained directly from the consulate in the country where you will be applying. Please see <http://usembassy.state.gov> for the most up to date information.
6. Some foreign nationals may be subject to a Security Advisory Opinion (SAO), which may

delay the issuance of your visa. Possible reasons for a SAO may include the field of study or work engaged in is listed on the Technology Alert List (TAL).

The above Checklist and Visa Application Tips are included to assist you in gathering the necessary information and documents to apply for a visa. Due to changing requirements and variance among consulates, IFS is not able to compile and maintain up-to-date information on each consulate and individual nationality requirements. It is strongly recommended that you contact the appropriate agency and/or consulate before applying for your visa.



**Please contact us at 520-626-6289 if you have any questions or concerns.**