

MAINTAINING YOUR H-1B STATUS

Now that the H-1B petition filed on your behalf by the **UNIVERSITY OF COLORADO DENVER | ANSCHUTZ MEDICAL CAMPUS** has been approved, we are happy to provide you with this comprehensive reference document so that you have all the information related to maintaining your H-1B status in one place. We hope you continue to utilize this document as questions arise regarding your rights and responsibilities while you are in H-1B status.

I-797 APPROVAL NOTICE

The original I-797 APPROVAL NOTICE has been or will be shipped to you by the law firm that prepared and filed the University's H-1B petition on your behalf. The petition is valid for the dates indicated on the I-797 APPROVAL NOTICE. You will need this I-797 APPROVAL NOTICE when applying for a new visa or traveling abroad. This is the formal approval notice documenting your H-1B status. The U.S. Citizenship & Immigration Services (U.S.C.I.S.) issued this document after reviewing the H-1B petition we filed on your behalf. This official document from the U.S. government should be retained in your records permanently.

The bottom of the form is a new Form I-94 showing your new status and expiration date. Although the instructions recommend that you tear the form in half, **we advise you to keep the halves together since neither side provides complete information by itself.**

Please note that if you are outside the U.S. when your H-1B petition is approved, your H-1B status will begin when you enter the U.S. in H-1B status after obtaining an H-1B visa abroad. You may enter the U.S. in H-1B status up to 10 days prior to the beginning validity date on your I-797 APPROVAL NOTICE.

H-1B VISA IN PASSPORT AND TRAVEL INTO THE UNITED STATES

At this time, a consular officer must interview most first-time nonimmigrant visa applicants before a visa can be issued. Furthermore, those working in technologically sensitive fields, including biomedical research, may require a separate security check related to this technology.

Be sure to check the U.S. Department of State website at <http://travel.state.gov/links.html> for details on current application procedures. There will be specific instructions for the specific U.S. Embassy or Consulate where you will be applying for a visa. Links to the websites of most U.S. Consulates abroad are available at <http://usembassy.state.gov/>.

You need only apply for an H-1B visa stamp if you travel abroad and do not already have a valid H-1B visa in your passport. You can use a valid H-1B visa to return to the U.S. even if it was originally issued for a different employer.

A change of status or extension of stay in the United States does not result in a new entry visa stamp in your passport. The next time you travel outside the United States, you will need to plan to apply for a new visa in order to return. Your second or subsequent H-1B visa stamp may not require an in-person interview. Please carefully review the instructions on the website of the U.S. Embassy or Consulate where you will apply for your visa.

Applicants are generally required to present the following items when applying for an H-1B visa:

1. A passport valid for at least six months;
2. Original Form I-797 Approval Notice;

International Student and Scholar Services

international.ucdenver.edu/ISSS
 Email: iss@ucdenver.edu
 Phone: 303.315.2230 | Fax: 303.315.2246

Physical Street Address

University of Colorado Denver
 1380 Lawrence Street, Suite 932
 Denver, Colorado 80204 U.S.A.

USPS Mailing Address

P.O.Box 173364
 Denver, Colorado 80217-3364 U.S.A.

Campus Mail Address

Campus Box A005/185

3. Complete copy of H-1B petition as filed with U.S.C.I.S.;
4. Form DS-160 Nonimmigrant Electronic Visa Application: Access the most current forms and the consulates' websites from the Department of State's website at <http://usembassy.state.gov/>;
5. If applying for a visa more than 60 days after the petition was approved, a letter from your employer verifying current employment;
6. Approval notices or other appropriate paperwork for all prior nonimmigrant statuses held in the United States;
7. An updated curriculum vitae including all your publications;
8. A letter from your direct supervisor providing a detailed description of your job duties, in terms that a non-expert would understand; and
9. Evidence of payment of the Machine-Readable Visa (M.R.V.) fee (see consulate's website for instructions about how to pay this fee) and any reciprocal visa fees (see the reciprocity charts at http://travel.state.gov/visa/frvi/reciprocity/reciprocity_3272.html to discover if any additional fees apply in your case).

When applying for **readmission** into the United States after each trip abroad, we recommend that you carry the following documents with you to facilitate your re-entry into the United States:

1. A passport valid for at least six months with a valid H-1B visa stamp;
2. Original Form I-797 Approval Notice;
3. A complete copy of H-1B petition as filed with U.S.C.I.S.;
4. Employment verification letter from your employer; and
5. Copy of your most recent pay stub.

ENTRY STAMP AND I-94 RECORD

There will be a stamp in your passport showing proof of legal entry to the U.S. with information on port-of-entry, entry date, admitted status (H-1B), and status end date (based on H-1B approval notice end date).

It is essential to make sure that the information on your stamp is accurate. Dependents' stamps should be endorsed as "Class: H-4" plus "Until: H-1B approval end date."

When you enter and leave the United States, U.S. Customs and Border Protection (C.B.P.) records your arrival and departure. This arrival and departure information is collected and kept electronically. You can print out your I-94 information from <https://i94.cbp.dhs.gov/i94/#/recent-search>.

You are responsible for ensuring that your I-94 record is accurate and reporting any discrepancies between your I-797 Approval Notice and your I-94 to I.S.S.S. Therefore, please make an appointment with us immediately if the entry stamp in your passport or that of any of your dependents is not accurate so that we can advise you on how to correct this information.

The expiration date and status listed on your I-94 governs your authorized stay in the U.S. A Form I-94 can expire before or after the visa in your passport expires or before the validity date on your H-1B petition. **Please contact our office immediately if your new I-94 is valid for a shorter period than the H-1B petition or has an obvious error.**

TRAVEL INTO THE UNITED STATES IN H-1B STATUS FOR CANADIAN CITIZENS

Canadian citizens are not required to obtain an entry visa in their passports. To enter the United States in H-1B status, a Canadian citizen presents the I-797 Approval Notice along with a valid Canadian passport. Upon entry, U.S. Customs and Border Protection will create an electronic I-94 record for you. All other documentation requirements are the same as in the above section.

H-4 VISA FOR DEPENDENTS

To apply for an H-4 visa for any dependents, in addition to the documents used for your visa application, you will need to provide proof of the dependents' relationship to the H-1B visa holder, such as a marriage certificate for a spouse and/or birth certificate for a child. The consulate's website will explain how to schedule visa appointments for your dependents.

INTERNATIONAL TAX

You are required to meet with the University of Colorado International Tax Office at your earliest opportunity to properly fill out tax forms. You may set your Zoom or phone appointment with International Tax here: <https://booknow.appointment-plus.com/43rspqeg/> (select Remote New Employee as your appointment type). Contact the International Tax Office at IntlTax@cu.edu if you have questions.

APPLYING FOR A SOCIAL SECURITY NUMBER

You will need to apply for a **Social Security Number (SSN)** if you do not already have one. This number is necessary to be paid by the university as well as for tax and retirement purposes by all persons who work in the United States.

The Social Security Administration office must verify your legal status in the U.S.C.I.S. S.A.V.E. database. 10-15 days is the approximate amount of time needed for immigration data to migrate to the database to which the Social Security Office has access. Sometimes the database does not show a person's status immediately. If that happens, the office personnel will explain the process you need to follow. Most applicants receive a receipt for their application the day that they visit the office and their social security card with the number in the mail in a few weeks. To locate the Social Security office nearest you, go to www.ssa.gov and click on the "Find your nearest Social Security office" link at the bottom of the left side of the screen.

Once you apply, it can take a minimum of 2-3 additional weeks for you to receive your Social Security Card with your Social Security Number. It could be a month or more before you obtain the number. You can start your employment at the university before you have your Social Security Number, but usually, the university cannot pay you until the number has been assigned. You will want to plan accordingly.

The Social Security Administration office requires the presentation of the following documents in person:

1. SS-5 application form available at: <http://www.ssa.gov/online/ss-5.html>;
2. A passport valid for at least six months;
3. Print out of I-94 information from <https://i94.cbp.dhs.gov/i94/#/recent-search>;
4. Original Form I-797 Approval Notice;
5. Original Offer Letter or Faculty Recommendation Form;
6. A letter from your employer verifying current employment;
7. Two forms of photo identification, e.g., your passport and your CU Denver or CU Anschutz Identification card (ask your Department Administrator if you don't already have this picture-ID card).

Spouses and children of H-1B scholars who are in H-4 status are not be permitted to apply for a Social Security Number unless they have independent employment authorization from U.S. Citizenship and Immigration Services.

APPLYING FOR A COLORADO ID CARD OR DRIVERS LICENSE

Two types of documents are issued by the State of Colorado Department of Motor Vehicles ("D.M.V."):

- Colorado ID card - a small plastic document about the size of a credit card that serves as a photo identification document. It contains your photo, name, date of birth, and address.

- Colorado driver's license - provides the same identity information as above and serves as permission to operate a motor vehicle in Colorado and the United States.

If you do not plan to drive in the U.S., then the Colorado ID will be sufficient, but if you plan to drive in the U.S. and will be here for more than a few months, I.S.S.S. strongly recommends that you obtain a Colorado driver's license. Driving in the United States without a valid driver's license is against the law and can result in serious consequences.

To receive an I.D. or driver's license, you must be able to demonstrate that you have legal permission to remain in the U.S. for six months beyond the date of application for the document and that you have established residence in Colorado.

To receive a Colorado driver's license, you must also show the ability to operate a motor vehicle. Most individuals will be required to take a written test on driving regulations and safe operation of a motor vehicle, as well as a road or practical test during which applicants demonstrate they can safely and properly operate a motor vehicle.

Citizens of Canada, France, Germany, the Republic of South Korea, and Taiwan can convert their home country licenses into a Colorado license without taking the road or written tests; however, they must surrender their home country license, which is destroyed. Those with driver's licenses from other states will turn in that license, which will be returned to the issuing state.

To apply for a Colorado identification document or driver's license, you must go to a Colorado Department of Motor Vehicles (D.M.V.) full-service office. To find the location of the office nearest you, read about the Colorado driving rules, and obtain study help for the written and driving tests, please visit the Colorado D.M.V.'s website at <http://www.colorado.gov/cs/Satellite/Revenue-MV/RMV/1177024843078>.

When you go to the D.M.V. office, you will need to bring the following documents:

1. A Social Security card OR, if you do not yet have a social security number when you apply, documentation from the Social Security Administration stating either that you have applied for the number or that you are not eligible for a number.
2. A passport valid for at least six months.
3. A printout of your I-94 record.
4. Original Form I-797 Approval Notice.
5. Your original offer letter or Faculty Recommendation Form; and
6. A letter from your department written within the past 30 days confirming your employment.

The D.M.V. office will also need to check your legal status in the U.S.C.I.S. S.A.V.E. database. Sometimes S.A.V.E. will not show a person's status immediately. If that happens, the office personnel should explain the process you need to follow. This often involves going to the main D.M.V. office on Pierce Street in Lakewood with your original documents and copies to give to the investigators who will confirm your status with the U.S.C.I.S. status verifying office.

Once issued, your driver's license will be valid for three years. Be aware that to renew your driver's license, you will need a valid H-1B approval notice.

ANY CHANGE REGARDING YOUR EMPLOYMENT MAY IMPACT YOUR H-1B STATUS

While you are in H-1B status, you may only work for the UNIVERSITY OF COLORADO DENVER | ANSCHUTZ MEDICAL CAMPUS in the position described in the H-1B petition filed on your behalf by the UNIVERSITY OF COLORADO DENVER | ANSCHUTZ MEDICAL CAMPUS.

You can fall out of H-1B status by changing job duties, job titles, or locations while working for the UNIVERSITY OF COLORADO DENVER | ANSCHUTZ MEDICAL CAMPUS even if your H-1B approval notice is still valid. If you are offered a promotion, move to a different position, change the percentage of time that you work for the university, or will be working from a location other than those listed on the Labor Condition Application (L.C.A.), please contact I.S.S.S. **before** the change goes into effect. We may need to amend the H-1B petition filed on your behalf before the change occurs for you to continue lawful employment with us. Failure to notify I.S.S.S. of these changes could result in the termination of your H-1B status.

Please contact I.S.S.S. at least one month in advance of any changes in the terms and conditions of your employment, so we can advise you and your hiring unit about any necessary procedures that must be followed and take any required action, so your status is not revoked.

60 DAY GRACE PERIOD

An H-1B employee with valid Form I-94 is considered to be maintaining status for up to 60 days following termination of employment or until the end of the authorized validity period, whichever is shorter.

This grace period allows the employee to seek other employment and the new employer to file an H-1B petition on behalf of the employee prior to the end date on their H-1B approval notice or prior to the end of the 60-day grace period, whichever comes first.

EARLY DEPARTURE

"Early Departure" is when an employer terminates an H-1B employee or that employee chooses to leave the university before their current status ends. In this situation, the employer is obligated to notify U.S.C.I.S. that the employment relationship has ended so that U.S.C.I.S. may revoke the H-1B petition on behalf of the terminated employee. The employer must also withdraw any still valid Labor Condition Application (L.C.A.) filed on behalf of the terminated employee.

When the termination is initiated by the employer, the employer must also offer the employee reasonable costs of transportation home IF the termination occurs prior to the end of the employee's authorized stay. *This does not include relocating family members or personal property.*

POSSIBLE EXTENSIONS OF STATUS

A nonimmigrant worker may remain in H-1B status for up to six years total. To extend your H-1B status, your hiring unit must complete a formal request as much as six months prior to the end date on your I-94 and no less than one month prior to the end date.

EXTENSIONS BEYOND 6 YEARS

An H-1B nonimmigrant may extend status beyond the six-year limit under the following circumstances:

AC21 PROVISIONS

- AC21 106(a). Extensions in increments of up to one year if 365 days or more have passed since the filing of any application for labor certification (Form ETA 9089) that is required or used by the alien to obtain status as an E.B. immigrant; or the filing of an E.B. immigrant petition (I-140).
- AC21 104(c). Extensions of up to three years if the alien is the beneficiary of an approved E.B. immigration petition (I-140) and is not able to file to adjust to U.S. permanent legal residence or obtain an immigrant visa based on the unavailability of an immigrant visa number due to the "per country" limits.

Please be advised that the UNIVERSITY OF COLORADO DENVER | ANSCHUTZ MEDICAL CAMPUS is not able to sponsor non-teaching staff for employment-based permanent residency. The Labor Certification process used for non-teaching foreign nationals who are not faculty members is referred to as "Basic Labor Certification." Under this process, the employer must prove that there are no minimally-qualified U.S. workers willing to take the position and that the foreign national is the ONLY qualified and available worker for a specific position. A successful Basic Labor Certification process requires us to tailor to at least some degree the job description and announcement to match the particular skills and experience of the foreign national.

We have deliberately chosen to prioritize the diversity of our applicant pool and resulting workforce over sponsorship of any one individual for employment-based permanent residency. To do this, Human Resources, in conjunction with I.S.S.S., has determined that we will not tailor job descriptions or announcements for the Basic Labor Certification process. Ensuring equal opportunity for applicants is a regulatory obligation that protects our significant federal funding, and it also matches our own institutional goals and objectives.

We are sharing this information with you now to ensure that you understand the UNIVERSITY OF COLORADO DENVER | ANSCHUTZ MEDICAL CAMPUS position and can plan accordingly.

CHANGE OF ADDRESS NOTIFICATION REQUIREMENT

Please note that you **MUST** notify United States Citizenship and Immigration Services (U.S.C.I.S.) of any address changes within ten days of your move using Form AR-11. Failure to do so could have serious immigration consequences. If you have moved since your last entry to the U.S., you should file this form now. You may obtain and file Form AR-11 online electronically on the U.S.C.I.S. website: www.uscis.gov.

Also, please notify your sponsoring department hiring unit Human Resources/Payroll administrator and the I.S.S.S. office of any change of address, telephone, or email, so records are up to date. You may do so by updating your address in your employee portal through UCDAccess.

ORIENTATION / CHECK-IN

If your H-1B status based upon the petition filed on your behalf by the UNIVERSITY OF COLORADO DENVER | ANSCHUTZ MEDICAL CAMPUS that has been approved makes you a new employee or a current employee, but new to H-1B status then, please click the [link below](#) to schedule an Orientation Session/Appointment (please select All Visa Types General Appointment as your appointment type).

- **Name:** H1-B International Employee Group Check-in [Virtual]
- **Description:** Required Check-In for all H1-B Scholars new to the university or new to H-1B status. You will learn more about the benefits and responsibilities of H-1B status and have an opportunity to ask questions.
- **Duration:** 60 minutes
- **Campus:** Dual Campus
- **Type:** Class – prescheduled sessions (Group Check-in)
- **Form:** No intake form required.
- **Location:** Virtual Only
- **Facilitator/Instructor:** Laura Buhs
- **Currently offered Sessions:** Please select the date via the scheduling link [HERE](#)
- You can also use the following sign-up page on the website:
<https://www.ucdenver.edu/services/international-student-and-scholar-services/resources/events>

****All Dates and times are for virtual sessions and are in Mountain Daylight Time (U.S.).**

Please note that you are required to attend an H-1B Check-In Session for your Orientation, preferably within 30 days of the effective date of your H-1B status with us.

Thank you for this opportunity to be of service to you. We are delighted that you have chosen to share your skills, experience, and perspective at the University of Colorado Denver | Anschutz Medical Campus!