



H-1B/TN/E-3 Employee Orientation

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THE UNIVERSITY OF
CHICAGO

Campus and
Student Life
International Affairs



OIA Services

- Immigration advising & processing for J-1 Scholars, J-2 Dependents, F-1 & J-1 Students, Non-Degree Visiting Students, H-1B Employees, H-4 Dependents, TN Employees & TD dependents
 - Two Teams: Employee & Scholar Services Team; Student Services Team
 - OIA Staff Directory: <https://internationalaffairs.uchicago.edu/directories/full/office-of-international-affairs-staff-directory>
 - **Employee Services Team**
 - **Dan Ashton:** Department of Medicine (BSD), Center for Translational Data Science (BSD), BSD Dean's Office, Pritzker School of Molecular Engineering, Provost & President's Office, and all clinical cases
 - **Reshecoa Flanders:** Physical Sciences Division and Humanities Division
 - **Alexandra Kirshenbaum:** Social Sciences Division, IT Services, and Professional Schools (Booth, Harris, Graham, Divinity, Law School, SSA, Alumni Relations, College, Chapin, etc.)
 - **Courtney Singleton:** Biological Sciences Division, except Medicine, Dean's Ofc, and CTDS
- Orientations and programming for UChicago's international and foreign national populations
- Limited advice on SSNs, State of Illinois driver's licenses, housing, taxes, lawful permanent residency, and other daily matters that affect the non-immigrant experience in the U.S.
- Notary public service available





Overview of H-1B/TN/E-3 Status

- H-1B/TN/E-3 are employment statuses/visas, that can only be petitioned for by a U.S. employer seeking to employ an international in a “specialty occupation”
 - A specialty occupation requires the theoretical and practical application of a body of highly specialized knowledge to fully perform the required duties
 - A specialty occupation minimally requires bachelor’s degree in a specific field of study for entry into the occupation
- H-1B status is a dual intent status → nonimmigrant & immigrant
 - TN and E-3 statuses are nonimmigrant intent
- UChicago is a cap-exempt petitioner, meaning we can file H-1B applications without numerical or date limitations



Overview of H-1B/TN/E-3 Status

- Position may be a permanent one, but the beneficiary must be filling it temporarily (6 years maximum; 3-year increments)
- Tenure track positions are appropriate for H-1B status
 - Not for TN or E-3
- Prior time in H-1B status is deducted from the six-year total
 - Unless there has been a minimum of 12 consecutive months spent ***outside the U.S.*** between periods of H-1B status
 - No time limits to TN or E-3 statuses
- Application is employer-based; worker cannot self-sponsor
- H-1B/TN/E-3 statuses are **employer specific** – beneficiary must work only for the employer that sponsors (i.e. UChicago)



Overview of H-1B/TN/E-3 Status

- Obtaining a Social Security Number
 - Employees may apply for a Social Security Number 10 days after arrival
 - Documents: passport, I-94, I-797 (H-1B only), employment/offer letter
 - Additional information is available on the OIA website:
<https://internationalaffairs.uchicago.edu/ssn#howdoiapply>
- Health Insurance & Benefits
 - H-1B/TN/E-3 employees (staff/academic positions) are eligible for University of Chicago health insurance coverage and other benefits
 - Direct questions to UChicago Human Resources or department
 - Additional information is available on the HR website:
<https://humanresources.uchicago.edu/benefits/healthwelfare/medical/>



Overview of H-1B/TN/E-3 Status

- Status Documents:
 - Approval Notice (Form I-797)--H-1B only
 - I-797 Receipt Notice if working on an extension/amendment, or if working after transferring from another employer
 - I-94 arrival/departure card or online record
 - Admission/entry stamp in passport
 - Visa stamp/sticker
 - Only must be valid at time of entry or reentry into U.S.
 - Canadians exempt

THE UNITED STATES OF AMERICA

RECEIPT NUMBER [REDACTED]		CASE TYPE I-129 PETITION FOR A NONIMMIGRANT WORKER
RECEIPT DATE March 4, 2014	PRIORITY DATE	PETITIONER THE UNIV OF CHICAGO
NOTICE DATE April 1, 2014	PAGE 1 of 2	BENEFICIARY A136 242 212 [REDACTED]
THE UNIV OF CHICAGO C/O CHANETTIA NELSON INFL SCHOLAR & EM 1414 E 59 ST RM 291 CHICAGO IL 60637		Notice Type Approval Notice Class: H1B Valid From 05/11/2014 to 05/10/2017 Consulate:
<p>The above petition and change of status have been approved. The status of the named foreign worker(s) in this classification is valid as indicated above. The foreign worker(s) can work for the petitioner, but only as detailed in the petition and for the period authorized. Changes in employment or training may require you to file a new Form I-129 petition. Since this employment or training authorization stems from the filing of this petition, separate employment or training authorization documentation is not required. Please contact the IRS with any questions about tax withholding.</p> <p>The petitioner should keep the upper portion of this notice. The lower portion should be given to the worker. He or she should keep the right part with his or her Form I-94, Arrival/Departure Record. The I-94 portion should be given to the U.S. Customs and Border Patrol when he or she leaves the United States. The left part is for his or her records. A person granted a change of status who leaves the U.S. must normally obtain a visa in the new classification before returning. The left part can be used in applying for the new visa. If a visa is not required, he or she should present it, along with any other required documentation, when applying for reentry in this new classification at a port of entry or pre-flight inspection station. The petitioner may also file Form I-824, Application for Action on an Approved Application or Petition, to request that we notify a consulate, port of entry, or pre-flight inspection office of this approval.</p> <p>The approval of this visa petition does not in itself grant any immigration status and does not guarantee that the alien beneficiary will subsequently be found to be eligible for a visa, for admission to the United States, or for an extension, change, or adjustment of status.</p> <p>THIS FORM IS NOT A VISA NOR MAY IT BE USED IN PLACE OF A VISA.</p> <p>The Small Business Regulatory Enforcement and Fairness Act established the Office of the National Ombudsman (ONO)</p>		
Please see the additional information on the back. You will be notified separately about any other cases you filed. U.S. CITIZENSHIP & IMMIGRATION SVC CALIFORNIA SERVICE CENTER P. O. BOX 30111 LAGUNA NIGUEL, CA 92607-0111 Customer Service Telephone: (800) 375-5283 Form I-797A (Rev. 10/31/05)N		

I-797 Approval Notice

- Your “Class of Admission” should read: H-1B
- The H-1B Approval Notice lists your dates of eligible employment
- If you did a change of status or change of employer, your new I-94 card will be at the bottom of the I-797 Approval Notice.

PLEASE TEAR OFF FORM I-94 PRINTED BELOW, AND STAPLE TO ORIGINAL I-94 IF AVAILABLE

Detach This Half for Personal Records

Receipt# [REDACTED]	Receipt Number [REDACTED]
I-94# [REDACTED]	United States Citizenship and Immigration Services
NAME [REDACTED]	I-94
CLASS H1B	Departure Record
VALID FROM 05/11/2014 UNTIL 05/10/2017	Petitioner: THE UNIV OF CHI
PETITIONER: THE UNIV OF CHICAGO 1414 E 59 ST RM 291 CHICAGO IL 60637	14. Family Name [REDACTED]
	15. First (Given) Name [REDACTED]
	16. Date of Birth 10/30/1983
	17. Country of Citizenship CHINA, PEOPLE'S REPUBLIC OF

Form I-797A (Rev. 10/31/05) N



Admission (I-94) Number Retrieval

Admission (I-94) Record Number:

Admit Until Date: 2016 December 08

Details provided on Admission (I-94) form:

Last/Surname:
First (Given) Name:
Birth Date: 1976 August 15
Passport Number:
Passport Country of Issuance: China
Most Recent Date of Entry: 2014 January 08
Class of Admission: H1B

► Effective April 26, 2013, DHS began automating the admission process. An alien lawfully admitted or paroled into the U.S. is no longer required to be in possession of a preprinted Form I-94. A record of admission printed from the CBP website constitutes a lawful record of admission. See 8 CFR § 1.4(d).

► If an employer, local, state or federal agency requests admission information, present your admission (I-94) number along with any additional required documents requested by that employer or agency.

► Note: For security reasons, we recommend that you close your browser after you have finished retrieving your I-94 number.

For inquiries or questions regarding your I-94, please click here.

Accessibility

Electronic I-94 Record

- Confirms the details of your admission to the U.S.
- Retrievable online:
<https://i94.cbp.dhs.gov/I94>
- The “Admit Until Date” should be that same as the end date listed on your I-797 Approval Notice
- Your “Class of Admission” should read: H-1B
- If your record does not list H-1B as your status or the expiration date listed on your I-797 Approval Notice, contact OIA immediately.



Maintaining H-1B/TN/E-3 Status

- Contact OIA *immediately* if there are any changes to your employment
 - Location, hours, job duties, job title, decrease in rate of pay, etc.
 - Upcoming date of employment termination or resignation
 - Amendment required for a “material change”
- Report Address and/or Name Change to USCIS and OIA
 - Report to USCIS within 10 days: <http://www.uscis.gov/ar-11>
- Conduct employment as only indicated in the H-1B/TN/E-3 application
- Additional employment requires a separate application to be filed for each position (“concurrent”) and or each employer
- Conferences and Lectures
 - Beneficiaries may give lectures and speeches at other institutions, but **MAY NOT** receive payment
 - Reimbursement for travel expenses and reasonable living expenses is allowed but should not represent a payment for services



Extension of H-1B/TN/E-3 Status

- Extensions can only be initiated by the department
- OIA will contact the employee to request current/updated documents and information once the request is received
- H-1Bs
 - An extension petition must be filed with USCIS/immigration prior to the expiration of the current H-1B status
 - Approval Notice is not required to continue employment
 - May continue employment for 240 days on the basis of the Receipt Notice
- TNs and E-3s must travel and reenter
- Processing times vary:
 - H-1Bs: 45-60 days
 - TNs and E-3s: 2-4 weeks



H-1B Portability/Change of Employer

- An H-1B employee may transfer or change employers during 6-year H-1B status duration
- Only employer can file H-1B application to request change of employers
- Employee may begin working for the new employer and in new job on basis of H-1B Receipt Notice (once start date listed on I-129 arrives)
 - Best practice is to file with expedited Premium Processing when transferring employers
- Ideal if no gaps between jobs
- Travel during the portability period is **strongly** discouraged
 - If you must travel while petition to change employers is pending, contact OIA or new employer to discuss ASAP



Travel

- Domestic travel is possible without restriction
- International travel and re-entry to the U.S. requires:
 - Valid passport (valid at least 6 months into the future)
 - Valid visa sticker/stamp
 - Original H-1B Approval Notice (Form I-797)
 - Entire H-1B/TN/E-3 packet received from OIA
 - Employment confirmation letter from your department
- Visa stickers/stamps are only available outside of the United States at U.S. consulates: <https://www.usembassy.gov/>
- Check the expiration date on your visa sticker before you travel internationally; schedule visa appointment in advance



Travel

- Administrative Processing
 - In some cases, the U.S. consulate may refer a visa to "administrative processing" or 221(g) (background check) based on various factors such as your field of study or research, type of job in U.S., country of citizenship, location of the visa application, etc.
- This can add 4 to 8 weeks to the visa process, although times vary
 - Requests by universities or applicants to expedite are not encouraged
 - Please notify your OIA adviser if you are subject to administrative processing
 - If a specific document is requested from the employer, let us know **ASAP**
- If you conduct research, you are encouraged to bring letter from your department/PI detailing your specific area of research
 - Please see a sample letter on our website



Travel

- Secondary Inspection
 - If CBP cannot quickly confirm your admissibility into the U.S. in H-1B, TN or E-3 status, they may refer you to Secondary Inspection at the airport/port of entry for closer examination of your documents
 - If you are referred to secondary inspection, prepare for a potentially lengthy wait time; remain polite and cooperate with the process
- We recommend having OIA's contact information available
 - Regular office hours: **773-702-7752**
 - After hours: call UChicago Police



Travel Considerations

- Is international travel recommended?
 - No, unless absolutely necessary (i.e. medical need, family emergency, etc.)
 - Reentry may be delayed, especially if you don't have a valid entry visa
 - The National Interest Exception (NIE) is no longer required but there are new vaccination and quarantine requirements in place;
- Covid-19
 - Travel restrictions worldwide
 - Quarantine and vaccination requirements vary by country
 - Consulate closures and backlogs; vary by country
 - Travel Bans, Executive Orders, Presidential Proclamations
 - See OIA website: <https://internationalaffairs.uchicago.edu/news/geographic-covid-19-proclamations-affecting-entry-certain-countries>



Complete OIA's Travel Re-Entry Form

Travel Re-Entry Form

[About / Contact](#)

[Daily Life](#)

[F-1 and J-1 Students](#)

[International Student Voice](#)

[Employees and Researchers](#)

[Prospective or New Employees
and Researchers](#)

[Current Employees](#)

[H-1B Employees](#)

[Check-In Process for H-1B
Employees](#)

[Guidelines for H-1B
Employees](#)

[Request for Travel Letter](#)

[Travel Re-Entry Form](#)

[J-1 Scholar](#)

[Automatic Visa Revalidation](#)

[Documents Needed for Travel](#)

This form and a copy of your recent admission stamp should be submitted to OIA whenever you or your dependents return from traveling outside of the U.S. Your adviser will verify the status in which you were admitted to the U.S. and your status end date. We will contact you if there are any issues with the documents. If you received a new visa stamp while you were abroad, please include a copy of it.

First Name: *

Middle Name:

Last (Family) Name: *

Gender:

Date of Birth: *



Recapture of H-1B Time

- H-1B status is limited to 6 years in most instances
- As a general rule, days spent outside the U.S. while in H-1B status will not be counted toward the 6-year maximum period of stay if they are “recaptured”
 - Any trip outside of the U.S. for 24 hours or more may be “recaptured” and subtracted from or added back to the 6-year maximum duration
- Items that can be used to document time spent outside the U.S.:
 - I-94 cards/records
 - Entrance and exit stamps in passport
 - Plane tickets and boarding passes



Grace Periods and Loss of Employment

- **Under updated AC21 Regulations, effective 1/17/2017:**
 - **H-1B/TN/E-3 employees are permitted formal 10 day grace periods**
 - Up to 10 days before the validity period of the petition begins; and up to 10 days after the validity of the petition ends
 - Unless otherwise authorized (e.g., through portability employment), the beneficiary may not work except during the validity period of the petition.
 - These 10-day periods, especially the 10-day period after the validity of the petition ends, are not automatically given
 - Must appear on petition approval notice or I-94, or it doesn't exist
 - **H-1B/TN/E-3 employees are permitted a one-time 60 day grace period for “cessation of employment” between jobs/statuses**
 - Once during each authorized validity period
 - DHS will not consider the worker and his or her dependents "to have failed to maintain nonimmigrant status solely on the basis of a cessation of the employment on which the alien's classification was based."
 - What is the "authorized validity period? -The employment end date on the Form I-797 approval notice of the petitioner's Form I-129 H-1B petition? -The expiration date on the H-1B nonimmigrant's Form I-94?
 - This grace period is *not* like the F-1 60-day grace period. Whereas the F-1 grace period is tacked on to the end of a student's program end date after completing a course of study, the H-1B 60-day grace period is the sooner of 60 consecutive days after the cessation of work or the petition end date, i.e., whichever comes first. And so, the 60-day employment-based grace period can occur at any time during the nonimmigrant's authorized validity period, but only once during that period.
 - Whereas the F-1 grace period is tacked on to the end of a student's program end date after completing a course of study, the H-1B 60-day grace period is the sooner of 60 consecutive days after the cessation of work or the petition end date, i.e., whichever comes first. And so, the 60-day employment-based grace period can occur at any time during the nonimmigrant's authorized validity period, but only once during that period.



Working Remotely

- Covid-19 has led to many UChicago employees needing to work remotely
 - Contact OIA about requirements
 - Work through first with your department in accordance with HR policy
- Department of Labor (DOL) regulations require H-1B and E-3 workers who may now be working remotely to post a copy of their certified Labor Condition Application (LCA) at their remote work location for 10-days, within 30-days of moving to the new work location
- A copy of an H-1B or E-3 workers LCA was provided at the time of approval and would have been included in the documents you retrieved from OIA. The LCA is also noted as ETA Form 9035 (which would be noted on the form itself)



Lawful Permanent Residency

- Several ways to apply for LPR, immigrant status or a green card:
 - Family-based
 - Employer-based
 - Self-petition (EB-1A, National Interest Waiver, DV Lottery, etc.)
- OIA does not process Lawful Permanent Residence (LPR) applications
 - Can only provide general information, not advice or guidance
- All LPR applications filed on behalf of UChicago are filed by outside immigration attorneys
 - EB-1B Outstanding Research or Professor, EB-2 & EB-3 PERM
- Please speak with your Academic Affairs/HR Professional for departmental policies and process for LPR sponsorship
- Review the University's current LPR policy:
<http://humanresources.uchicago.edu/fpg/policies/200/p211.shtml>



Recommended UChicago Events:

English Language Institute

Through academic, professional, and intercultural programming, the English Language Institute supports individuals for whom English is an additional language at the University of Chicago:

<https://esl.uchicago.edu/>

UChicago International House Events

Various events throughout the year including Global Voices Performing Arts & Lecture Series, Diplomatic Encounters Series, and happy hour every Tuesday (summer only) at 6 p.m. in the court yard:

https://ihouse.uchicago.edu/events/upcoming_programs/

UChicago Arts

The arts are central to the mission of the University of Chicago. With a strong tradition of cross-disciplinary practices, intricately mixed with intellectual curiosity and creative energy, the University fosters a bustling arts community on Chicago's South Side:

https://ihouse.uchicago.edu/events/uchicago_arts_guide/

UChicago Institute of Politics

A non-partisan extracurricular program with lectures and speakers with political leaders of the world:

<https://politics.uchicago.edu/events>



Office of International Affairs

Internationalaffairs.uchicago.edu

773-702-7752

International-affairs@uchicago.edu

University Press Building, 1427 E. 60th Street, 2nd Floor, Room 251

Mon-Thurs: 9 a.m. to 4:30 p.m.; Fri 10:00 a.m. to 4:30 p.m.



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THANKS FOR ATTENDING!

ANY QUESTIONS???



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