Frequently Asked Questions

- How do I apply for H-1B?
- When can I enter the US in H-1B status?
- Do I need a credential evaluation to apply for H-1B status?
- How do my dependents get a visa?
- Do all individuals in H-4 status qualify for an EAD?
- Does my position need to be full-time to qualify for H-1B?
- Can I study while in H-1B status?
- Can I accept an honorarium?
- How do I start the green card process?
- What documents do I need to travel?
- How do I change employers while in H-1B status?
- Can you advise on taxes?
- Can I get a Driver’s License while my H-1B extension application is pending?
- Is there a grace period to remain/exit the U.S. after the end of my H-1B?
- Does USCIS conduct site visits?

How do I apply for H-1B?

Every request for H-1B must come from a U-M department, not the person interested in obtaining H-1B status. To start the process, FSIS must receive the standard H-1B Authorization Form [1].

When can I enter the US in H-1B status?

Individuals coming to the U.S. in H-status may enter the country as early as ten (10) days prior to the start date listed on their Approval Notice. People who attempt to enter the U.S. before then may be refused admission. For more information, please refer to the travel section [2].

Do I need a credential evaluation to apply for H-1B status?

The H-1B regulations require a credential evaluation for all non-US degrees. A credential evaluation is an evaluation by a US credential evaluation organization that confirms the foreign degree is the equivalent of a US degree in the same or similar field. There are many different organizations that can issue credential evaluations; each organization has its own procedures, requirements and pricing structures. While FSIS cannot recommend or endorse any specific credential evaluation company, many people for whom we file petitions choose to obtain evaluations from Morningside [3], One Earth [4], Park.
How do my dependents get a visa?

If your dependents are currently abroad, they can apply for their dependent visa in the H-4, TD, O-3 or E-3D categories on the basis of your immigration status documents as well as proof of the relationship. In situations where the dependent was in the U.S. at the moment the primary status holder’s immigration petition was filed, an application for their dependents may have been included by filing a Form I-539. If a Form I-539 was filed with USCIS, a separate Approval Notice for each of the individuals listed on the Form I-539 will be issued by USCIS. If such an Approval Notice was issued, the dependent may apply for his or her visa on the basis of that notice and documentation that you are in fact maintaining your status.

Do all individuals in H-4 status qualify for an EAD?

No. Only spouses, not children, of H-1B status holders qualify. To qualify, the spouse must hold H-4 status and the H-1B status holder must be the beneficiary of an approved I-140 or have been granted an extension of his or her H-1B status beyond the sixth year of H-1B eligibility based on a pending employment-based green card application.

Does my position need to be full-time to qualify for H-1B?

To qualify for H-1B status, a position does not need to be full-time. Part-time positions may qualify for H-1B status as long as the position and foreign national can meet the standard H-1B requirements. Departments must keep track of all hours worked for individuals in H-1B status based on a part-time position. To change from a full-time to part-time position (or vice versa) while in H-1B status, FSIS must file an amended H-1B petition with USCIS before such a change may take effect.

Can I study while in H-1B status?

Yes. As long as you maintain your status and continue your employment as described in your H-1B petition, you may enroll in full-time or part-time, degree or non-degree program. However, note that you may not be able to complete all components (e.g. required teaching in a PhD program) of a program while in H-1B status, due to specific requirements of the program. You should discuss this with an international student advisor at the institution where you intend to enroll.

Can I accept an honorarium?

While in H-1B status you may not receive compensation, including honoraria, for external activities, unless the other entity first filed an H-1B petition on your behalf. You may accept reimbursements for actual expenses incurred.

How do I start the green card process?

If you are interested in obtaining a green card sponsored by the University of Michigan, you should speak with your department. You must hold a permanent position at U-M to qualify for U-M sponsorship. Sponsorship of a green card application is at the discretion of your unit. To formally start the green card process, your department must submit the PR Process Authorization Form (if you have teaching duties or hold a Research Faculty position) or the Retained Counsel Request Form (for all other
positions). Note that the outcome of any green card application cannot be guaranteed.

What documents do I need to travel?

At a minimum, you should carry with you, your valid passport and your status documents, such as your H-1B Approval Notice. Depending on your immigration status, you should also bring the documents that are listed on the travel section of our website [2].

How do I change employers while in H-1B status?

FSIS cannot advise you on how to change employers while in H-1B status. You should discuss such employment changes with your new employer. Only your new employer or their counsel can advise you. You cannot work for another employer based on your University of Michigan H-1B Approval Notice. It is not recommended that you end your employment with U-M before your new employer can file your new H-1B petition.

Can you advise on taxes?

Unfortunately, the IC cannot advise on taxes. You should consult with a reputable tax attorney or accountant to discuss your individual tax situation while in H-1B, TN, E-3 or O-1 status.

Can I get a Driver’s License while my H-1B extension application is pending?

Yes. The Secretary of State offices in Michigan will generally grant one-year extensions of driver’s licenses based on the original H-1B Receipt Notice. For more information, refer to the Driver’s License section of our website [13].

Is there a grace period to remain/exit the U.S. after the end of my H-1B?

There is no guaranteed grace period for individuals admitted to the U.S. in H, TN, E-3 or O-status. However, individuals in these statuses may be granted a discretionary 10-day grace period beyond the expiration of their employment authorization. This grace period is not automatic and has to be indicated on your I-94 record in order for you to rely on it. Effective 1/17/2017, USCIS also created a discretionary grace period of up to 60 days for individuals whose employment is terminated prior to their approved H-1B, TN, E-3 or O-status validity period (as indicated on their approval documents). The maximum duration of the grace period is 60 days or the expiration date of the underlying approval notice, whichever is shorter. This grace period is discretionary; USCIS is not required to grant it. If you have any questions about grace periods, please contact FSIS.

Does USCIS conduct site visits?

In 2009, USCIS implemented the Administrative Site Visit and Verification Program [14] to conduct unannounced and randomly selected site inspections to verify information that is contained in various immigration petitions submitted to USCIS (such as H-1B petitions). These visits are conducted by USCIS officials, in partnership with Immigration and Customs Enforcement (ICE), through their Fraud Detection and National Security Directorate (FDNS). These site visits may occur before or after a given immigration petition is approved. Being selected for an FDNS site visit is not an indication that something is wrong with your petition; they are random. Often, the FDNS official will contact FSIS before attempting to contact you, though they may contact you directly. You are not required to participate in the site visit,
though we strongly recommend that you do. During the site visit, the official may ask both the employer and the beneficiary/employee about the details of the employment, compensation and take pictures, among other things. If you have any questions about the FDNS site visit program, or if you have been contacted by an FDNS official, please contact FSIS.

Source URL: https://internationalcenter.umich.edu/fsis/faq

Links
[8] https://internationalcenter.umich.edu/fsis/maintaining-status
[9] https://internationalcenter.umich.edu/fsis/h1b/applying-ead-while-h4-status
[10] https://internationalcenter.umich.edu/fsis/pr