

## Maintaining Status

Once in the U.S. in a given immigration status, it is important that you abide by the rules of your immigration status. If you violate the rules of your status, you are not maintaining your status. The repercussions of not maintaining one's status can be very severe. Therefore, please consider the following issues:

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## Maintain Employment

In the eyes of the US government, employment for the petitioner, and only the petitioner, is the purpose of the H-1B worker's presence in this country. In your case, the petitioner is the University of Michigan, and you have permission to stay in the U.S. until the expiration date shown on your I-94 Departure Record.

- You may only work during the validity dates of the H-1B and only for the employer who filed the petition.
- If you cease your employment with the University before the expiration of the H-1B, you are expected to leave the country immediately, unless you have applied for a change of status or another employer has filed an H-1B petition for you.
- Please note that the negative consequences of working for an employer without the proper authorization, i.e. an H-1B petition on file with USCIS, are significant:
  - If you worked without the proper authorization, you are considered "out of status" and may not work for U-M.
  - You may also be required to leave the U.S. to obtain a new H-1B visa sticker and to re-enter the US before you could resume your activities at the university.
  - Employment without the proper authorization may also make you ineligible for certain future immigration benefits
- As stated above, your H-1B status is employer specific. It is also position specific. Should there be any changes to your position, FSIS may need to file a petition with USCIS to amend your H-1B record.
  - NOTE! Before you change your position, accept a different pay or change the number of work hours, please consult with FSIS. We will be able to determine whether or not an amendment petition is

needed. Refer to [Changes, Transfers and Terminations](#) [1] for more information.

## Talks and Presentations

Individuals in H-1B, TN and E-3 status may give talks and presentations at other institutions. However, they may not accept any payment – other than reimbursement for actual expenses - from other organizations, unless the appropriate petition is filed for that activity prior to the activity taking place. It is possible to file such petitions for as little as a day though doing so may be cost prohibitive.

## I-94 and Grace Period

### Overview

The I-94 is the most important immigration “document” all nonimmigrants have while in the U.S. It is the only document that confirms one’s immigration status and controls the authorized period of stay. Therefore, once the I-94 expiration date is reached, your status will end, even if your other documents remain valid. Therefore, *it is critical that each time you travel internationally, you confirm that your **I-94 information** is correct and send a new copy to FSIS.*

Note that there is no **guaranteed** grace period beyond the expiration date of one’s I-94 while in H-1B, TN or E-3 status. However, you **may** be granted a discretionary 10-day grace period beyond the expiration of your H-1B approval, LCA (E-3) or TN letter. If you are granted this 10-day grace period, it will be indicated on your I-94 record.

Once your status ends, you should make arrangements to depart the U.S. as soon as possible. People who stay in the U.S. beyond the expiration date of their I-94 risk being barred from re-entering the country for a period of 3 or 10 years, depending on the length of the overstay.

Effective 1/17/2017, internationals in H-1B, TN and E-3 status are eligible for a discretionary grace period of up to 60 days in cases where their employment is terminated before the expiration date of their employment authorization. Note that the grace period cannot exceed the approved period of employment authorization. For example, if you have an H-1B approval notice that is valid until 12/31/2017, but your department ends your appointment effective 9/1/17, your grace period would end no later than 10/30/17 (i.e. 60 days past 9/1). However, if your employment were ended on 12/1/17, your grace period would end on 12/31/17 as that is the expiration date of your employment authorization. This grace period is intended to accommodate the process of changing positions/employers. Note that this 60-day grace period is not formally guaranteed.

In the past, the vast majority of foreign nationals entering the U.S. as nonimmigrants were issued a paper I-94 card that was stapled into their passports. This is no longer the case; effective April 30, 2013, only individuals entering the U.S. via a land border or individuals who have to undergo “secondary inspection” at the port of entry are issued a paper I-94. The I-94 process for all others has been automated. If you have not traveled internationally since the I-94 process was automated and you still have a paper I-94 card, that card remains valid.

As a result of the automated I-94 process, foreign nationals receive a stamp in their passports indicating their status and the expiration date of that status. They will also receive a digital I-94 record that can be accessed through [www.cbp.gov/i94](http://www.cbp.gov/i94) [2]. If there is a discrepancy between the stamp in the passport and

the online I-94 record, the online I-94 record prevails.

You should also print this I-94 confirmation page, as you may be asked for it when applying for certain benefits in the U.S. such as a driver's license, social security number and extensions of one's immigration status.

## **Discrepancy between I-94 and I-797 Expiration Date or LCA**

To stay beyond the "expiration date" indicated in your I-94 record, you will either have to leave and re-enter the U.S. on the basis of a valid H-1B I-797 Approval Notice so that a new I-94 record will be created or a change/ extension of your immigration status has to be requested. Each time you receive a new I-94 record, it supersedes your previous I-94 – even if the new I-94 has an earlier "expiration date."

For individuals coming to the U.S. in E-3 status, it is common to be admitted to the country for a period longer than is indicated on the Labor Condition Application (LCA). Individuals in this situation cannot rely on the I-94 once the LCA has expired. In order to continue to rely on the I-94, a new E-3 petition must be filed with USCIS or the status holder must depart the country and re-enter on the basis of a new LCA.

## **Difficulty Finding Your I-94 Record**

If you find that there is an error on your I-94 online record, or if you cannot locate your online I-94 record, please consult with your FSIS advisor. It is likely that you will need to contact the "[Deferred Inspection](#) [3]" office at Detroit Metropolitan Airport or at the airport/port of entry where you entered the country to ask for a correction. Before visiting the Deferred Inspection office, it is recommended that you call the office to ensure you can be seen. Some issues may also be resolved by phone.

## **Change of Address**

All foreign nationals must report any change of address to USCIS within 10 days of the move, by filing a [Form AR-11, Change of Address](#) [4]. Filing this form can be done online and is free of charge.

## **Maintain Documents**

While you are in the US in a nonimmigrant status, it is important that your immigration documents – your passport, H-1B Approval Notice or LCA (if applicable) and I-94 record, but not your visa – remain valid at all times. This means that should your passport expire, you will need to receive a timely extension or replacement of your passport.

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**Source URL:** <https://internationalcenter.umich.edu/fsis/maintaining-status>

### **Links**

[1] <https://internationalcenter.umich.edu/fsis/changes-transfers-terminations>

[2] <https://www.cbp.gov/travel/international-visitors/i-94>

[3] <https://www.cbp.gov/contact/deferred-inspection/overview-deferred-inspection>

[4] <https://www.uscis.gov/ar-11>