



## **UNIVERSITY-SPONSORED IMMIGRATION STATUS — H-1B SPECIALTY OCCUPATION VISA**

### **OVERVIEW**

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### **AFTER YOU RECEIVE YOUR H-1B STATUS**

#### **OVERVIEW**

H-1B Specialty Occupation visa status allows a foreign national to temporarily perform services in a specialty professional occupation for an employer. A specialty occupation is a job that requires specialized knowledge, normally demonstrated by the job's requiring at least a bachelor's degree.

Initially, H-1B status may be granted for a period of three years. It may be renewed for an additional three years, for a total of six years. For H-1B holders for whom the University has begun the permanent residence application process prior to the end of the fifth year in H-1B status, H-1B status may be additionally extended.

H-1B is a "dual intent" status; unlike holders of most other temporary visas, H-1B visa holders are permitted to have the intention to immigrate permanently to the United States. An H-1B holder may continue in his/her status and travel in H-1B status even though steps have been taken towards obtaining U.S. permanent residence.

The U.S. government caps the number of H-1B visas approved each year; but, as an institution of higher learning and research, H-1B petitions submitted by The University of the South are exempt from this cap.

For more information about H-1B status, visit the [USCIS website](#).

#### **H-1B PROCESS**

1. The University files a Labor Condition Application (LCA) with the Department of Labor.

The University must pay the H-1B employee the actual wage paid to all other individuals with similar experience and qualifications for the specific position or the prevailing wage determined by the Department of Labor for the position, whichever is higher. As part of this process, a notice of the filing of the LCA is posted by the University in two locations for ten days.

2. The Department of Labor Certifies the LCA.

3. The University files the H-1B application for the employee with U.S. Citizenship and Immigration Services (USCIS). The application includes Form I-129, the certified LCA, and the employee's documents in support of the application.

The approval of the Form I-129 petition is a grant of H-1B status in the U.S. to a foreign national. If the H-1B employee travels abroad, they will need to apply for a visa stamp from the Department of State at a U.S. Consulate in order to return to the U.S. in H-1B status.

The *approximate* time to complete the process for a new H-1B is 6-9 months. H-1B petitions can also be expedited with "premium processing" if necessary. (Note that premium processing may be suspended by the government for a period of time.) Employees for whom the University has filed an H-1B extension petition may continue working while the extension petition is pending.

#### **AFTER YOU RECEIVE YOUR H-1B STATUS**

For information about maintaining your H-1B status, please visit [Information for H-1B Visa Holders](#).

**If you have any questions about H-1B status or the H-1B process, please contact the Assistant Counsel for Global Affairs ([ajcolber\[at\]sewanee.edu](mailto:ajcolber[at]sewanee.edu)).**

**DISCLAIMER:** This information is intended to inform generally, not to advise in individual cases. Areas of law are rapidly changing. U.S. Citizenship and Immigration Services and the Department of State regularly change regulations and processing and filing procedures. For legal advice seek the assistance of an immigration attorney.