

**THE UNIVERSITY OF ALABAMA
H-1B FACULTY & STAFF
HANDBOOK**



**INTERNATIONAL STUDENT
& SCHOLAR SERVICES**

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Capstone International Center

International Student & Scholar Services

WELCOME INTERNATIONAL FACULTY AND STAFF!

On behalf of International Student & Scholar Services, we would like to welcome you to The University of Alabama. We are excited that you are becoming part of our community! We hope that you will enjoy the welcoming nature of the South and find comfort as you settle in to pursue your academic career at The University of Alabama.

The University of Alabama has had a rich history of academic excellence since its founding in 1831. This year we are looking forward to seeing you succeed in your goals and participate in the many culturally enriching activities our campus has to offer. Be sure to check out our website at <http://international.ua.edu/iss/> for important information relating to international students and faculty as well as news about upcoming events of interest to all.

We hope you will join us in many of the campus-wide events for international students, scholars, and faculty.

Best wishes!

Charter Morris
Director, International Student & Scholar Services



Capstone International Center

International Student & Scholar Services

MISSION STATEMENT

The mission of International Student & Scholar Services is to provide essential services and innovative programs for The University of Alabama international students, scholars and their families to enable them to achieve their educational, professional and social goals. ISSS seeks to foster diversity and strengthen inter-cultural relationships throughout the UA campus and community. It is our commitment to promote understanding and respect for the world's many cultures.

ISSS VISION

ISSS's vision is to be a leader in international education, both in the State of Alabama and in the United States. Key to our vision of being a great services office is to serve as an advocate for international students, scholars, and their families. In fulfilling this vision, we will:

- Promote international student and scholar issues throughout the University of Alabama by serving on various boards and committees which affect academics, employment, and campus and community life.
- Remain committed to representing The University of Alabama through the AAIE: Alabama Association of International Educators and through NAFSA – The National Association of International Educators.
- Strive to improve our services to international students, scholars, host departments, and academic advisers.

ISSS VALUES

International Student & Scholar Services are:

- Respectful of all cultures and people.
- Committed to empowering students and scholars.
- Focused first and foremost on international students, scholars and their families, and devoted to their support, adjustment, and acculturation.
- Honored to be advocates for international student and scholar issues and concerns.

STAFF CONTACTS AND OFFICE HOURS

Primary contacts for all international faculty and staff:

1. Casey Aikens, International Scholar Advisor – casey.aikens@ua.edu
2. Charter Morris, Director– charter.morris@ua.edu
3. Trang Nguyen, Associate Director – trang.t.nguyen@ua.edu

International Student & Scholar Services
The University of Alabama
105 B.B. Comer Hall
Box 870254
Tuscaloosa, AL 35487-0254

Office - (205) 348-5402
Fax - (205) 348-5406
international@ua.edu
<http://international.ua.edu/iss/>

H-1B FACULTY AND STAFF

FOR AN OVERVIEW AND LIST OF H-1B VISA REGULATIONS AND INFORMATION, PLEASE VISIT: <http://international.ua.edu/iss/international-faculty-staff/h-1b-workers/>

ESSENTIAL IMMIGRATION DOCUMENTS

- I-797 Approval Notice – Validity dates listed on document
- Passport — Must be valid at all times
- Visa Stamp — May expire while in the U.S.; Must be valid to re-enter the U.S. from travel beyond Canada and Mexico
- I-94 record –This should be marked with your visa status and an end date of the status which matches the end date on the H-1B I-797 Approval Notice. Effective April 30, 2013, US CBP will no longer issue paper I-94 Cards. US CBP will however continue to stamp your passport with your date and status of entry. You will now go to a website and print the electronic record of your I-94 after arrival at www.cbp.gov/i94.

MAINTAINING YOUR PASSPORT

All international faculty and staff should maintain their passport validity. In general, it is best to have a passport that is valid for at least 6 months longer than the intended dates of stay. If renewal of a passport is necessary, check with your embassy or consulate about the renewal process.

H-1B LIMITATIONS OF STAY

H-1B authorization is limited to a maximum period of six years; this includes time spent in H-1B status with another employer. If an H-1B visa holder exhausts the six-year limit, the individual must spend at least one year outside of the U.S. before being eligible for another six-year period as an H-1B visa holder.

An exception to the six-year rule: An individual may qualify for an extension beyond the six-year maximum if there is a pending Permanent Resident application.

If the H-1B holder has not left the country since the most recent H-1B Approval/Change-of-Status, they are valid to stay in the country for the time period listed on the H-1B I-797C Approval Notice.

If an H-1B holder has traveled outside of the U.S. since obtaining H-1B status, they should have a new I-94 record that notes their H-1B status and an end date of the status which matches the end date on the H-1B I-797 Approval Notice. The I-94 record can be accessed online at cbp.gov. The I-94 record should be reviewed and any issues such as the I-94 record cannot be accessed or the “admit until” date does not match the end date of the H-1B I-797 Approval Notice, contact International Student and Scholar Services immediately.

As long as the H-1B holder extends his/her H-1B status before the end date listed on the I-94 record or on the H-1B I-797 Approval Notice, he/she will be able to remain in the United States.

If an H-1B ends employment with The University of Alabama earlier than the end date on the H-1B I-797 Approval Notice, International Student and Scholar Services (ISSS) must be informed so that H-1B can be withdrawn.

TRANSFERRING TO ANOTHER EMPLOYER – PORTABILITY REGULATIONS

- An H-1B Holder can transfer to another employer as long as the employee is currently in valid status and the new employer files an I-129 application in a timely manner (before the intended start date of new employment and before the expiration of the current status).
- Before taking new employment, contact International Student and Scholar Services. International Student and Scholar Services must withdraw or cancel the H-1B when employment ends with The University of Alabama. The withdrawal of the H-1B petition may affect employment eligibility with the new employer, so timing is critical.

H-1B EMPLOYMENT RESTRICTIONS

- H-1B holders are not allowed to work for any other employer or in any other work location other than those that are authorized on the I-797 Approval Notice.
- The only way an H-1B employee can work for another employer (as in the case of a faculty member teaching at another institution for the summer months) is if the other employer files an I-129 Petition for concurrent employment. Concurrent employment for H-1Bs is subject to the same restrictions that govern the portability of employment.
- H-1B holders CANNOT receive honoraria or fees for lectures or contractual services from other U.S. institutions or businesses. In such situations, only reimbursements for actual travel expenses such as airfare, hotel, and meals are allowed.

ADDRESS CHANGES

All faculty and staff in H-1B status have to report any address change directly to the Department of Homeland Security (DHS) using the AR-11 Form or [online change-of-address form](#).

If your address has changed since the last time you were issued an I-94 Record, you must report the change of address with DHS within 10 days of your move in order to satisfy the notification requirement.

To file change-of-address by mail – The AR-11 form and instructions can be found on the United States Citizenship and Immigration Services (USCIS) website under “Immigration Forms” here: <http://www.uscis.gov/portal/site/uscis>

Online change-of-address with USCIS: <https://egov.uscis.gov/crisgwi/go?action=coa>

If you are mailing your form rather than filing an online change-of-address, International Student and Scholar Services recommends that you make a copy of your completed AR-11 for your records before you mail it. Use Certified Mail and request a Return Receipt from the U.S. Postal Service. This will provide proof that you sent notification of your change of address in case there is a discrepancy with DHS records.

You should also update your address in [MyBama](#) and inform International Student and Scholar Services of any change of your physical residence (apartment or home address) or contact information in the United States. This is to ensure we have the most accurate contact information for you. Additionally, updating your address in MyBama will provide HR and UA Payroll with the required update in your mailing address ensuring that paychecks and payment information will be sent to the correct address.

TRAVEL REQUIREMENTS

TRAVEL WITHIN THE UNITED STATES

Travel within the United States for any international faculty or staff on a non-immigrant visa does not require any special documentation, letters, or any signatures from International Student and Scholar Services. However, U.S. and Alabama state law require that anyone on a non-immigrant visa be able to present proof of their legal status within the United States at any time. It is recommended that for travel outside of Tuscaloosa, you take your passport and your accompanying documentation (i.e. H-1B Approval Notice). Also, it is recommended that you **keep photocopies of your main passport page, visa page, I-94 Record, and any other visa documentation with you at all times** even when not traveling.

TRAVEL OUTSIDE THE UNITED STATES

When traveling, H-1B Temporary Workers will need a valid entry visa stamp in their passport to enter the United States (please see below re: an exception for travel to Canada or Mexico). Those who changed their immigration status to H-1B since entering the United States and have not yet traveled abroad will need to apply for an H-1B entry visa stamp in order to re-enter the United States. Others may have an expired H-1B visa stamp in their passport and will need to have the H-1B visa renewed.

Additionally, H-1Bs and H-4s seeking to reenter the United States must have a passport which will be valid for at least 6 months after the date you intend to return to the United States. If your passport is expiring, you should make plans to renew or extend your passport before your travel. Please contact your home country's Embassy or Consulate in the U.S. for information on how to renew or extend your passport from within the U.S. – <http://www.state.gov/s/cpr/rls/dpl/32122.htm>.

Documents Required for H-1B Travel and Re-entry to the U.S.

If you are making a trip outside the United States, to re-enter the U.S., you will need the following:

- Valid passport;
- Original Form I-797A (H1B Approval Notice for your current position);
- Letter from UA ISSS confirming current employment in the position described in the H-1B petition (contact Casey Aikens at casey.aikens@ua.edu to request letter); and
- Valid H-1B visa stamp in your passport. (If you do not have a valid H-1B visa stamp in your passport, you must apply for one at a U.S. Embassy or Consulate abroad. Canadian citizens do not require visa stamps.)

Visa Requirements for Transit through and Travel To Other Countries

Traveling through/to another country may involve obtaining a transit/entry visa to that country. It is best to check the consulate website of the country you wish to visit to get the current visa procedures.

- For Canadian Visas: <http://www.cic.gc.ca/english/visit/index.asp>
- For Mexican Visas: http://portal.sre.gob.mx/was_eng/

Traveling to Canada or Mexico for Less Than 30 Days

If you have an expired H-1B visa stamp or if you have an expired U.S. nonimmigrant visa of any other type (e.g. B, F, J) and you have a valid I-94 record stating your current valid H-1B status, your visa will be considered automatically revalidated when you re-enter the U.S. from Canada or Mexico [22 C.F.R. § 41.112(d); 8 C.F.R. § 214.1 (b) (1)], as long as ALL of the following are true:

- You have only been in Canada or Mexico for less than 30 days;
- You have with you a current I-94 record stating your valid H-1B status;
- You do not apply for a new U.S. visa stamp while in Canada or Mexico ; and

- You are not from one of the following countries: Iran, North Korea, Syria, Sudan, and Cuba (citizens of these five countries must always have a valid U.S. Visa Stamp in order to return to the United States).

For this automatic revalidation to apply to you, you must be careful to keep a copy of your I-94 record when leaving the U.S. to enter Canada or Mexico for a trip of less than 30 days. Present a copy of your I-94 record along with your valid passport, original Form I-797A (H-1B Approval Notice for your current position) and a letter from your employer confirming current employment in the position described in the H-1B petition.

Information on Automatic Revalidation of Visa:

http://www.ice.gov/sevis/travel/faq_f2.htm#_Toc81222014

OBTAINING AN H-1B VISA STAMP:

If you are currently abroad and will be entering the U.S. in H-1B status for the first time, if you have changed your nonimmigrant status while in the United States and have never had an H-1B visa stamp in your passport, or if your H-1B visa stamp has expired, you must make an application with a U.S. Embassy or Consulate outside of the U.S. to obtain an H-1B visa for re-entry (exception: Canadian citizens are exempt from the visa stamp requirement; for Canadian citizens, H-1B Status will be granted at the Port-of-Entry with just the I-797A H-1B Approval and a copy of the H-1B Petition paperwork).

For the visa interview, you will need to present the following documentation:

- Original Form I-797A (H-1B Approval Notice for your current position)
- Copy of Form ETA-9035 Labor Conditions Application (LCA)
- Copy of Form I-129 (petition for H-1B submitted to USCIS on your behalf)
- Letter from your department confirming employment and that you are expected to return to the U.S. to resume the terms of your contract
- Original waiver or proof of fulfillment of the two year home residency requirement (if you were previously in J-1 visa status, were subject to the two-year requirement, and received a waiver)
- Valid passport (valid 6 months into the future)
- Form DS – 160 (available online at http://travel.state.gov/visa/forms/forms_4230.html)

Please contact the specific U.S. Consulate or Embassy where you plan to apply for other requirements, including photos and fees. Also, note that some Consulates and Embassies have recently changed to an appointment system. Please confirm application procedures prior to your trip. For more information on applying for a U.S. visa, visit these State Department websites:

- Department of State's Travel Web site: <http://www.travel.state.gov/>
- Locate a U.S. Embassy or Consulate: <http://www.usembassy.gov/>
- **Visiting Third Countries**
If you will be visiting a country that is not your own, please consult with that country's Embassy to determine whether you will need a visa to enter. Please note that some countries require transit visas for those making connecting flights to other countries, even if the traveler is not going to leave the airport.
- **Note Regarding Dependent Spouse and Children**
H-4 spouses and minor children must also meet the above passport and visa requirements and show proof of family relationship for re-entry to the U.S. If they are not accompanied by the H-1 scholar, they must carry the H-1 scholar's Form I-797 (H-1B approval notice).

SECURITY CLEARANCES

Please note that when you apply for a visa, you may be subject to a security clearance that can cause delays of weeks or even months in the issuance of your visa and your return to the U.S.; therefore, before traveling, please consider and discuss with your supervisor or department chair the possible consequences of such a delay to your teaching and/or research schedule.

The following are two common types of security clearance that you might encounter:

Field of Study:

1. If a visa applicant's area of study is on the U.S. federal government's "technology alert list," which includes many of the science and technology fields, the U.S. consulate may seek a security clearance prior to granting the visa. This process may delay your visa application by anywhere from 10 days to 3 months. There is no way to know for certain whether you will be subject to this type of clearance.
2. If you work in one of the science or technology fields, we advise you to ask your supervisor or chair to write a letter that briefly describes the specific area of your research in layperson's terms. We also recommend that you carry with you a copy of your CV and one or two of your publications. These materials will not necessarily deter a security clearance, but they may expedite the clearance.

Country of Citizenship, Nationality or Birth: A security clearance may also be required by the U.S. Consulate if a visa applicant was born in or is a citizen or national of certain countries. The list of countries is not published, but seems to include the following: Afghanistan, Algeria, Bahrain, Bangladesh, Cuba, Djibouti, Egypt, Eritrea, Indonesia, Iran, Iraq, Jordan, Kuwait, Lebanon, Libya, Malaysia, Morocco, North Korea, Oman, Pakistan, Qatar, Saudi Arabia, Somalia, Sudan, Syria, Tunisia, United Arab Emirates, Yemen, and the territories of Gaza and West Bank.

If you have applied for a visa and believe that a security advisory opinion will delay your return to the U.S., please contact your department immediately so that they can arrange to cover your teaching or research duties. If you have been waiting for more than one month for the results of a security advisory opinion, please contact International Student and Scholar Services and your department to inform us of the delay.

H4 DEPENDENT SPOUSE/CHILDREN

H-1B holders and H-1B applicants can sponsor their dependent spouse and/or minor children under 21 years of age for H4 status.

There are two separate ways for a dependent spouse or child to apply for H4 status:

1. Apply for H4 visa outside of the U.S.
2. Apply to change or extend status within the U.S.

DEPENDENTS OUTSIDE OF THE UNITED STATES

If the dependent spouse or child is currently outside of the U.S., the dependent can apply for an H4 visa at a U.S. Consulate or Embassy using the following guidelines:

- H4 visa applicants should check the website of the U.S. Consulate or Embassy for instructions on how to apply for a U.S. visa. Contacts of consulates and embassies can be found at <http://usembassy.state.gov/>. H4 applicants should check the site for specific details about how to set the visa appointment and what additional information may be required for the visa interview and then should schedule an appointment for a visa interview.
- Complete DS-160 Nonimmigrant Visa Application Form: <https://ceac.state.gov/genniv/>
- Pay the visa application fee by following instructions on your local U.S. Embassy or Consulate's website.
- Prepare and bring to your visa interview the following:
 - A passport for at least six months
 - Supporting visa documentation (H-1B's I-797 Approval Notice)
 - Completed DS-160 visa application
 - One 2"x2" passport style photo
 - A receipt for the visa application fee
 - Financial evidence that shows the H-1B holder has sufficient funds to cover the H4's living expense while in the U.S.
 - Proof of marriage for spouse
 - Proof of birth for children
 - Any additional information listed on the consulate's website

DEPENDENTS CURRENTLY INSIDE OF THE UNITED STATES

For sponsorship of dependents currently in the U.S. to either extend or obtain H4 status, the prospective H-1B employee will need to submit the following documents for concurrent filing with the H-1B petition:

- Form I-539 (available at <http://www.uscis.gov/i-539>)
- The filing fee in the form of a check for \$370 made payable to Department of Homeland Security
- Copy of the passport identification pages
- Copy of current/most recent visa stamp
- Copy of I-94 record (print a copy of the current I-94 record at <https://i94.cbp.dhs.gov/I94/#/home>)
- Copy of all previous I-20s, DS-2019s, and H-1B/H4 I-797 Approval Notices, etc.
- Copy of Employment Authorization Card (e.g. EAD Card for F-1 OPT or J-2 EAD card)
- Proof of marriage (for spouse) or birth (for child)

For dependents currently outside of the U.S. and will enter the U.S. in H4 status at a later date, International Student and Scholar Services can advise on how to obtain H4 status abroad.

NO TRAVEL DURING CHANGE-OF-STATUS

Once the I-539 change-of-status petition is submitted to USCIS, the H4 applicant cannot leave the U.S. for any reason. If the H4 leave the U.S., even for a Caribbean Cruise, the I-539 petition will be considered “abandoned” and the case will be cancelled by USCIS. The H4 may only travel internationally once the I-1539 has been approved. Also, please be aware that the I-539 petition approval is not a visa stamp; so the H4 dependent will need to apply for a new visa stamp at the U.S. Embassy or Consulate the next time he/she travel outside of the U.S. (see Travel Requirements on page 9)

H-4 DEPENDENT EMPLOYMENT RESTRICTIONS

An H-4 dependent spouse or child cannot work while in H-4 status. If an H-4 dependent wishes to work, he/she must apply for a change-of-status to a visa-type that allows employment. However, there are special circumstances in which an H4 dependent spouse may apply for an Employment Authorization Document (EAD).

Effective May 26, 2015, USCIS will accept I-1765 applications for employment from certain H4 dependent spouses of H-1B non-immigrants who:

- Are the principal beneficiaries of an approved [Form I-140, Immigrant Petition for Alien Worker](#); or
- Have been granted H-1B status under sections 106(a) and (b) of the American Competitiveness in the Twenty-First Century Act of 2000 as amended by the 21st Century Department of Justice Appropriations Authorization Act. The Act permits H-1B non-immigrants seeking lawful permanent residence to work and remain in the United States beyond the six year limit on their H-1B status.

Under this rule, eligible H4 dependent spouses may file Form I-765 Application for Employment Authorization, with supporting evidence and the required \$410 fee in order to obtain employment authorization and receive an Employment Authorization Document (EAD). Once USCIS approves the application and the H4 dependent spouse receives an EAD, he/she may begin working in the U.S.

H-4 DEPENDENT UNIVERSITY STUDY

H-4 dependents who are eligible to enter college may study in the United States as either full-time or part-time students of higher education institutions. The duration of stay for the H-4 is limited to the H-1B's period of stay. H-4 students are not eligible to work and are not eligible for practical training programs. H-4 students may want to consider changing status to F-1 if they wish to study full-time and want to seek F-1 student employment benefits.