



VT-Global Strategic Services H-1B Information Sheet for Hiring Units

1. An individual can be in the US in H-1B status for up to **six years**, regardless of number of H-1B employers. There are some exceptions, depending on where the H-1B employee is in the permanent residency process. We will generally not be able to extend an H-1B beyond six years.
2. The H-1B status is **employer-specific, position specific, and worksite specific**. To work in H-1B status with Virginia Tech, Virginia Tech must sponsor the individual with H-1B status. The H-1B employee may only work in the position and locations listed in the H-1B petition.
3. Per federal regulations, **certain H-1B notices must be posted at ALL H-1B worksite locations, even remote/home worksites, and even if the employee will only work from there sporadically. If they will work even some from a home and they have not posted H-1B notices there for 10 days, contact VT-GSS immediately.** They must post notices at any worksite before they can commence working from there. Some worksite changes require amendments with USCIS before the changes occur.
4. **Material changes in H-1B employment require an H-1B amendment with USCIS BEFORE the changes occur.** This is basically a new H-1B filing with new fees, and it takes several weeks to prepare. **Contact VT-GSS and discuss potential changes beforehand.** Examples of material changes:
 - a. **Promotions.** If the employee will have additional responsibilities and position requirements are different. Contact VT-GSS beforehand to assess whether we must amend the H-1B.
 - b. **Changes in position duties.** These include adding teaching duties to a research position, adding duties from another occupation to your position. Contact VT-GSS to assess ahead of time.
 - c. **Changes in hours per week.** Changing from part-time to full-time, or full-time to part-time.
 - d. **Changes in worksite location to new area of intended employment.** If the change is to a different area of intended employment that is not within normal commuting distance from the worksite(s) listed on the H-1B filing, USCIS considers this a material change that requires an amendment before the change occurs. This includes working from a home or remote worksite, or a third-party employer, in a different area of intended employment, **even temporarily**. We must determine whether the salary on the current H-1B meets the H-1B wage requirement, certain



notices must be posted in the new location, and we must file an H-1B amendment before the employee begins to work there. **Contact VT-GSS ahead of time so that we can assess whether the new position is within a different area of intended employment. Please do not assume that it is or is not.**

5. **Changes in worksite location within the same area of intended employment.** Examples are moving from one building on the Blacksburg campus to another, or working from one apartment in Blacksburg and moving and working at a different apartment in Blacksburg. **These changes do not require an H-1B amendment but they DO require new postings of the H-1B posting documents at the new location, before the H-1B employee can start working there.** If an H-1B applicant originally posted documents at their home/remote worksite location and then move within the same city, they must repost documents and provide VT-GSS with documentation of that. Contact VT-GSS ahead of time so that we can provide them with the documents to post and the posting confirmation sheet.
6. **Separation/termination prior to H-1B end date.** If an H-1B employee separates/leaves their employment at Virginia Tech before the expiration of their H-1B status, you **MUST** immediately notify VT-GSS before the separation. **VT is required by federal regulation to notify USCIS and they revoke the VT H-1B petition, regardless of who initiated the separation.** If Virginia Tech/hiring unit initiates the termination before the employee's H-1B status expires (due to any reason - cause, lack of grant funding, etc.) then **the hiring unit must also provide the H-1B employee with reasonable return costs to their home country**, i.e., a one-way plane ticket home. VT-GSS has information about this process. Contact Jeffrey Van Doren (jvandoren@vt.edu; 540.231.3736) at VT-GSS in advance of separations that occur before the H-1B status expires.
7. **Extension of H1B status.** It is the responsibility of the H-1B employee and the hiring unit to contact VT-GSS to extend an employee's H-1B status. Contact VT-GSS **six months prior** to H-1B expiration date. If VT files an H-1B extension before the employee's current H-1B status expires, even if it is not approved prior to current H-1B expiration date, the employee may remain working in the H-1B position for 240 days beyond current H-1B I-94 record expiration date. The employee will work with Payroll to reverify the I-9, based on the H-1B extension receipt notice. However, to travel internationally and return to the US, the H-1B employee must have a valid, unexpired H-1B approval notice (in addition to the visa stamp/travel document).