



H-1B Overview

for Employees being sponsored
(for the first time)
for H-1B Visa Status

Fermi Research Alliance, LLC
Fermi National Accelerator Laboratory



Please Read This Entire Presentation

This presentation provides important information you MUST know during your H-1B employment at Fermilab:

- The procedure by which the Visa Office will collect information and documents from you
- The time and process involved in the Visa Office completing the legal process required for us to prepare your paperwork
- The time and process involved in filing the petition for approval of H-1B status with the US Citizenship and Immigration Services (USCIS)
- The process involved in obtaining your visa stamp from a U.S. Consulate

During your stay in the U.S., you will need to know the information in this presentation to be able to know:

- What your H-1B Approval and other immigration paperwork mean,
- How to “stay legal” in the U.S. during your H-1B “Authorized Stay”,
- Issues that might arise during your employment, and
- How to extend your H-1B visa status.

It is **YOUR responsibility** to understand the rules and procedures that are involved in obtaining and maintaining your H-1B status. If you have questions about anything discussed, contact visaoffice@fnal.gov.

You must confirm that you have read and understood this entire presentation before we will file your H-1B petition.



Topics

1. Your Employer: Fermi Research Alliance, LLC (FRA)
2. Background Information About US Visas You Must Know
3. How the Fermilab Visa Office will Process your Paperwork
 - Data-Collection and our Internal Administrative Process
 - Required Medical Insurance
 - The Paperwork You Will be Issued and What it Means
 - Form I-797 Notice of Action
 - How We Will Send You the Final Approved Visa Documents
 - Applying For Your Visa Stamp
 - Entering the United States
5. Maintaining your Status (“Staying Legal”)
6. Traveling Outside the US
7. U.S. Permanent Residence
8. Helpful Information



BACKGROUND INFORMATION



Fermi Research Alliance, LLC

Scientists, scholars and other HEP professionals visiting Fermilab are sponsored for H-1B visa status by the **Fermi Research Alliance, LLC (FRA)**.

The Fermi National Accelerator Laboratory (Fermilab) is a **place**, not an organization.

Fermilab is one of the world's leading High Energy Physics research facilities. Fermilab (the equipment and grounds) are owned by the U.S. Department of Energy (DoE).

FRA manages and operates Fermilab under contract with the U.S. Department of Energy ("DOE"). Fermilab is home to 1,800 fulltime employees (employed by FRA). It is visited each year by roughly 1,000 visitors from around the United States and the world each year, and hosts another roughly 1,000 researchers on our computing infrastructure. Between 10% and 20% of FRA's employees are non-US citizens, while roughly half of our users are non-US citizens. Fermilab's Visa Office supports all non-US citizens at Fermilab.

FRA is a partnership between the Universities Research Association, Inc. (URA) and the University of Chicago.



Terms You Should Know

Department of State (DOS): The U.S. government agency that operates U.S. Embassies and Consulates worldwide. It is responsible for issuing visas. It also grants companies, such as FRA, the permission to “sponsor” foreign nationals for J-1 status.

Customs and Border Protection (CBP): The U.S. government agency that interviews foreign nationals seeking admission to the U.S., either before you enter the U.S. (such as in the airport before departure) or after arrival here.

US Citizenship and Immigration Services (USCIS): The U.S. government agency that reviews the “petitions” that employers must file to sponsor foreign nationals for certain types of visa status – including (but not limited to) H-1B.

Department of Labor (DOL): the U.S. government agency that reviews “Labor Condition Applications” that sets out certain details about the wages and other terms of employment, to ensure that the H-1B employee is working for equivalent wages and in similar conditions as any other employee in that occupation and geographic area.



Nonimmigrants and Authorized Stay

Foreign Nationals who are permitted to stay in the U.S. only temporarily (for a few years, or less, and often with a pre-set end date to the stay) are “nonimmigrants”. People who hold H-1B visa status in the U.S. are one kind of nonimmigrant.

The temporary period of time you are permitted to stay in the U.S. is called your “**authorized stay**”.

Authorized Stay:

= The period of time during which you are permitted to be in the U.S. and engaged in the activities permitted by your “status”.

Begins on the day you physically arrive in the U.S., and ends on the last day you are permitted to be here.

Usually indicated on the I-94, either when issued to you at an airport or port-of-entry, or as incorporated into the H-1B Approval Notice.



H-1B Duration

H-1B status is available for a total of 6 years, with exceptions:

- An individual who is **physically IN** the U.S. for fewer than 183 days per year has no maximum stay in H-1B status.
 - Must carefully document arrivals and departures!
- An individual who is in the U.S. most of the time, but has trips outside the U.S., may “recapture” each day spent wholly outside the U.S.
 - Such days then are added to the end of the H-1B authorization period, such that the individual is able to be authorized for 365x6 days of H-1B presence in the U.S.
 - These are called “recapture” petitions.
- An individual who has reached a certain point in the employment-based permanent residence process is able to continue to extending his/her H-1B status past the 6th year, for as long as needed until (essentially) permanent residence is granted.



H-1B Duration versus Your Authorized Stay

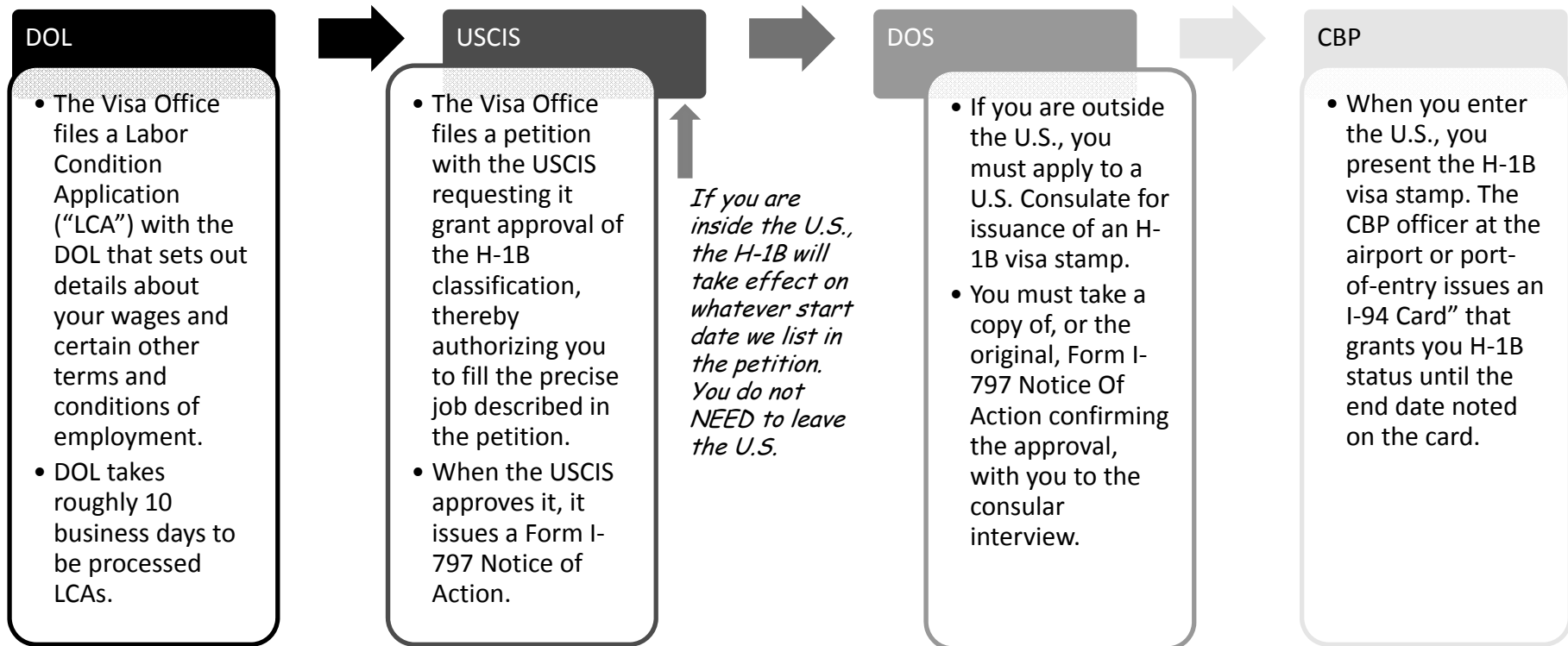
- H-1B Status is available for up to 6 years (or more) but you will NOT receive an approval of H-1B status for 6 years.
- The petition will request a start date and end date for your H-1B approval period.
 - **The start date**
 - will be the date listed in your offer letter, or otherwise agreed to by your supervisor and recruiter, whenever this can be accommodated.
 - If the immigration processing will likely take too long, then the Visa Office will chose a start date that is reasonably likely based on current DOL, USCIS and internal Fermilab processing timelines, but that is as close as possible to the desired start date.
 - **The end date**
 - Will be the end of your Appointment, as listed in your offer letter.
 - If you are being offered a non-term job, then the end date of your H-1B status will be three years from the start date the Visa Office lists in the petition.
- If your appointment is extended, or if your offer is nonterm, a second H-1B petition will be filed to “extend” your H-1B status too.



H-1B PROCESSING



Overview of the Legal Process





H-1B Processing by the Visa Office

The Visa Office has a very heavy workload and we prioritize strictly in order of need, based on:

- arrival dates, and
- the anticipated length of visa processing at the Consulate.
- If you have concerns about either of these, please email visaoffice@fnal.gov to make sure we know!
- The process involved in obtaining H-1B visa status:
 - Is set by law,
 - Involves many departments within Fermilab, and
 - Is largely invisible to the employee.
- The fact that the Visa Office is not communicating with you at any given moment does not mean that nothing is happening. In almost all cases, it means we are waiting on paperwork or information from another part of Fermilab.



The Visa Office Process

- 1. The Visa Office begins by sending you 2 messages.** The first message contains:
 - a. The URL of the webpage with this Orientation that you must access, and
 - b. A login and password to access our online system to answer questions and upload documents.
- 2. The messages are from donotreply@ww2.welcomeclient.com.**
 - a. The first message is entitled "Welcome YOUR_NAME."
 - b. The second message is entitled "Information you Requested".

```
From: donotreply@ww2.welcomeclient.com
Sent: 15 October 2011 17:07
To: Patrice Mercola
Subject: Welcome Patrice Mercola
Dear Patrice,
```

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Welcome to Fermilab!
```

```
We understand that you have received and accepted an offer to
participate in one of Fermilab's research programs. ...
```



Our Internal Procedure – Online System

3. You must read this Orientation, ensure that you understand its contents, and then email the Visa Office to confirm your understanding, before the Visa Office may finalize your petition for filing.
4. When you log into our online visa management system, you will find see “Questionnaires” and “Required Documents”.
 - ALL questionnaires must be answered in full.
 - ALL requested documents must be uploaded to the online system.
 - The biggest cause for delays in processing by the Visa Office is due to incomplete answers. Please help us to be most efficient by answering all questionnaires in full.
 - If a document is not available to you such that it cannot be obtained or significant time will be spent obtaining it, email visaoffice@fnal.gov to explain and we will attempt to work with you on this issue. Do not waste time struggling with this issue without talking to us!



Our Internal Procedure

5. **Visa Office Processing**

- The Visa Office will review your information and documents as you upload them to the online system.
- We also will review the certain internal, administrative documentation relating to the job offer being made to you.
- Once certain internal processing is complete, we will prepare a government application called a Labor Condition Application, and file it with the Department of Labor.
 - The DOL takes about 10 business days to process an LCA, but this changes widely over time.
- Once the LCA is “certified” (approved), we will take the next step, which is to prepare the petition and supporting documentation for submission to the USCIS.
 - It takes the Visa Office at least a week to complete our preparation of the petition and supporting documentation, after the certification of the LCA.
 - The petition includes at least three government forms, as well as documents relating to Fermilab, FRA and your proposed duties and responsibilities. It also must include documentation of your education, your CV, and in some cases, your publication list.



Our Internal Procedure

6. USCIS Processing

- The USCIS takes 3 – 5 months, on average, to process an H-1B petition.
- It is possible to request expedited processing, which the USCIS calls “premium processing.”
 - This costs an additional \$1,225 in government filing fees, and requires the completion of an additional government form.
 - The Premium Processing request can be filed at any time while the petition is pending with the USCIS. It does not have to be filed when the petition is filed.
 - Premium Processing “guarantees” that the USCIS will
 - Provide an initial “response” within 15 calendar days of receiving the petition. A response is either an approval or a “Request for Further Evidence” (RFE).
 - Issue a final decision on the petition within 15 calendar days of receiving our answer to an RFE.
 - Thus, **the maximum processing time when Premium Processing is requested is 30 days**, plus any time involved in our collecting our answer to the USCIS RFE.
 - However, the “guarantee” is fairly weak. If the USCIS takes longer than these timelines, the only consequences it faces is to repay the \$1,225 Premium Processing fee. Repayments do not often occur, but when they do it is common for it to take more 1 year to be issued.



Our Internal Procedure

6. USCIS Processing

- Once the USCIS completes its processing of the H-1B petition, it issues a Form I-797 Approval Notice.
 - The hard copy Notice is sent to Fermilab by mail. This takes about 7 business days.
7. If you are in the U.S., then the H-1B will become effective on the start date listed in the petition. You do not need to do anything further.
 8. If you are outside the U.S., then you must apply for a visa stamp with which to enter the U.S. (See the next section of this presentation.) Your immediate family (spouses and children aged 21 years or younger) may apply for their H-4 “derivative” visa stamps at the same time.
 9. Any time you leave the U.S. during your H-1B employment, you must have a valid and unexpired H-1B visa stamp for Fermilab in your passport.
 10. Your admission (I-94 Card end date) will be granted only up to the expiration of your passport (or 6 months prior to its expiration, depending on your home country). This earlier end date would “trump” the I-797 approval period, if this happened. **Be aware of your passport’s expiration date!**



VISA PROCESSING



Visa Application

1. If you are outside the U.S. at the time the H-1B petition is approved, or if you have to travel sometime during your H-1B employment, you are responsible for applying at a U.S. Consulate for issuance of the H-1B visa stamp to authorize your admission to the U.S.
 - You must check with the Consulate where you intend to apply to confirm their requirements.
 - Each Consulate has different local rules and the Visa Office cannot, *generally*, advise you.
2. Go to http://wdrs.fnal.gov/visas/visa_apps.html to read our step-by-step guidance on Visa Applications.
3. *In general*,
 - You must have an unexpired passport to schedule your visa appointment.
 - You must complete an electronic government form (DS-160) online for each person who is seeking a visa.
 - If you have family members who will accompany you, you will list them on your DS-160 Application, but they also must complete their own DS-160 Applications to be “in the system” as pursuing H-4 dependent visas with you.
 - You often need the Petition Receipt Number (WAC-##-###-#####) to schedule the appointment.
 - Most Consulates have waits ranging from 1 week to 1 month for interviews.
 - You must take a photocopy or original of the Form I-797 Approval Notice with you to the Consulate for your visa interview. The Consulate website should say whether the original is required, or whether a photocopy is acceptable. We strongly recommend you also take your cv and publication list.
 - Issuance of the visa stamp itself normally takes 1 – 2 weeks, but might take up to 1 month. ***In some cases, processing might take longer.***



Where to Find Information About US Consulates

Please contact the US Embassy or Consulate where you will apply for application instructions.

Many of their web pages are listed at <http://usembassy.state.gov/>.

The screenshot shows the U.S. Department of State website in a Windows Internet Explorer browser. The page title is "U.S. Department of State - Windows Internet Explorer" and the URL is "http://www.usembassy.gov/". The website header includes the U.S. Department of State logo and a search bar. Below the header is a navigation menu with categories like "ABOUT STATE", "POLICY ISSUES", "COUNTRIES & REGIONS", "ECONOMICS & ENERGY", "ARMS CONTROL & SECURITY", "DEMOCRACY & GLOBAL AFFAIRS", "PUBLIC DIPLOMACY & PUBLIC AFFAIRS", and "ASSISTANCE & DEVELOPMENT".

The main content area is titled "WEBSITES OF U.S. EMBASSIES, CONSULATES, AND DIPLOMATIC MISSIONS" and is organized by region:

- AFRICA**
 - Africa Regional Services - Paris
 - Angola: Luanda | Português
 - Benin: Cotonou
 - Botswana: Gaborone
 - Burkina Faso: Ouagadougou | Français
 - Burundi: Bujumbura
 - Cameroon: Yaounde | Français
 - Cameroun: VPP Septentrion
 - Cape Verde: Praia | Português
 - Central African Republic: Bangui
 - Chad: N'Djamena | Français
 - Democratic Republic of the Congo: Kinshasa | Français
 - Republic of the Congo: Brazzaville
 - Côte d'Ivoire: Abidjan | Français
 - Republic of Djibouti: Djibouti
 - Equatorial Guinea: Malabo
 - Eritrea: Asmara
 - Ethiopia: Addis Ababa
 - Gabon: Libreville
 - Ghana: Accra
 - Guinea: Conakry | Français
 - Kenya: Nairobi
 - Lesotho: Maseru
 - Liberia: Monrovia
 - Madagascar: Antananarivo
 - Malawi: Lilongwe
 - Mali: Bamako
 - Mauritania: Nouakchott | Français | عربي
 - Mauritius: Port Louis
 - Mauritius: VPP Seychelles
 - Mozambique: Maputo | Portuguese
 - Namibia: Windhoek
 - Niger: Niamey
 - Nigeria: Abuja
 - Rwanda: Kigali
 - Senegal: Dakar | Français
 - Sierra Leone: Freetown
 - Somalia: VPP Somalia
 - South Africa: Pretoria
 - Sudan: Khartoum
 - Sudan: Juba
 - Swaziland: Mbabane
 - Tanzania: Dar es Salaam
 - Tanzania: VPP Zanzibar
 - The Gambia: Banjul
 - Togo: Lome | Français
 - Uganda: Kampala
 - Zambia: Lusaka
 - Zimbabwe: Harare
 - U.S. Mission to the African Union
- THE AMERICAS**
 - Argentina: Buenos Aires | Español
 - Bahamas: Nassau
 - Barbados: Bridgetown
 - Belize: Belmopan
 - Bermuda: Hamilton
 - Bolivia: La Paz | Español
 - Brazil: Brasília | Português
 - Brazil: Rio de Janeiro | Português
 - Brazil: Recife | Português
 - Brazil: São Paulo | Português
 - Canada: Ottawa
 - Canada: Calgary
 - Canada: Halifax
 - Canada: Montreal
 - Canada: Quebec
 - Canada: Toronto
 - Canada: Vancouver
 - Canada: Winnipeg
 - Canada: VPP Northwest Territories
 - Canada: VPP Nunavut
 - Canada: VPP Southwest Ontario
 - Canada: VPP Yukon
 - Chile: Santiago | Español
 - Colombia: Bogotá | Español
 - Costa Rica: San José
 - Cuba: U.S. Interests Section | Español
 - Dominican Republic: Santo Domingo | Español
 - Ecuador: Quito | Español
 - Ecuador: Guayaquil | Español
 - El Salvador: San Salvador | Español
 - Guatemala: Guatemala City | Español
 - Guatemala: VPP Xela
 - Guyana: Georgetown
 - Haiti: Port-au-Prince | Français
 - Honduras: Tegucigalpa | Español
 - Honduras: VPP San Pedro Sula | Español
 - Jamaica: Kingston
 - Mexico: Mexico City-Español
 - Mexico: Ciudad Juárez | Español
 - Mexico: Guadalajara | Español
 - Mexico: Hermosillo | Español
 - Mexico: Matamoros | Español
 - Mexico: Merida | Español
 - Mexico: Monterrey | Español
 - Mexico: Nogales | Español
 - Mexico: Nuevo Laredo
 - Mexico: Puerto Vallarta
 - Mexico: Tijuana | Español
 - Mexico: VPP El Bajío | Español
 - Mexico: VPP Chiapas-Tabasco | Español
 - Netherlands Antilles: Curacao
 - Nicaragua: Managua | Español
 - Panama: Panama City | Español
 - Panama: VPP Colon
 - Paraguay: Asuncion | Español
 - Peru: Lima | Español
 - Suriname: Paramaribo
 - Trinidad & Tobago: Port of Spain
 - Uruguay: Montevideo
 - Venezuela: Caracas | Español
 - U.S. Mission to the OAS
 - U.S. Mission to the U.N. - New York
- EAST ASIA AND PACIFIC**
 - Australia: Canberra
 - Australia: Melbourne
 - Australia: Perth
 - Australia: Sydney
 - Brisbane: Bandar Seri Begawan
 - China: VPP Xiamen | 中文
 - China: VPP Zhengzhou (中文)
 - Fiji: Suva
 - Fiji: VPP Tonga
 - Honn Koon and Marau | 中文
 - Republic of the Marshall Islands: Majuro
 - Federated States of Micronesia: Kolonia
 - Monrovia: Ilaabanuaar | MOHFOI



Administrative Processing

Also known as Security Clearances

- Many non-U.S. citizens who visit Fermilab must undergo security clearances before being issued their visa stamps. This is a result of U.S. law.
- The decision to run the security clearances is based on a combination of factors, including:
 - Your credentials, education, and/or field of expertise,
 - Your nationality,
 - Your name, gender, and/or age,
 - The places you have visited in the past, and
 - A variety of other elements.
- Once the decision is made by the Consulate that security clearances are needed, there is nothing that can be done until the security clearances are complete.



Administrative Processing

Also known as Security Clearances

- The security clearances are conducted against international and U.S. criminal, immigration and other databases.
 - In some cases, security clearances are completed within a few days.
 - In other cases, the security clearances take two or more weeks – in some cases, it can take months.
 - In rare circumstances, the security investigation might generate an adverse preliminary answer, which the Consulate then generally double-checks, and which then takes more time.
- No one can speed up the time taken for security clearances, by law.
- Fermilab's Visa Office cannot do anything to affect the time taken for completion of the security clearances.
- We still, however, MUST KNOW if you are told that this is happening.
- If, at the conclusion of your interview, the Consular Officer indicates that your visa application will undergo administrative processing, please email visaoffice@fnal.gov.



YOUR IMMIGRATION PAPERWORK



Your H-1B Approval Notice

Your Petition Receipt Number

Your Employer

The validity period of your approval.

If you are outside the U.S., then your Form I-797 essentially ends here. The bottom of the form is blank.

If you are in the U.S. and extending your H-1B status, your I-797 Approval Notice will include an I-94 Card that shows your new "Authorized Stay". (See the next slide...)

Department of Homeland Security
U.S. Citizenship and Immigration Services

I-797A, Notice of Action

THE UNITED STATES OF AMERICA

WAC-11-123-45678		CASE TYPE: I129 PETITION FOR A NONIMMIGRANT WORKER
NOTICE DATE April 29, 2010	PRIORITY DATE	PETITIONER FERMI RESEARCH ALLIANCE LLC
NOTICE DATE May 27, 2010	PAGE 1 of 1	BENEFICIARY SMITH, Marybelle
PETITIONER FERMI RESEARCH ALLIANCE LLC P O BOX 500 BATAVIA IL 60510		Notice of Action Class: H1B Valid from 09/05/2010 to 09/04/2011

The above petition and extension of stay have been approved. The status of the named foreign worker(s) in this classification is valid as indicated above. The foreign worker(s) can work for the petitioner, but only as detailed in the petition and I-94. The period authorized—any change in employment—requires a new petition. Since your employment authorization stems from the filing of this petition, separate employment authorization documentation is not required. Please contact the IRS with any questions about tax withholding.

The petitioner should keep the upper portion of this notice. The lower portion should be given to the worker. He or she should keep the right part with his or her Form I-94, *Arrival-Departure Record*. This should be turned in with line 1-94 when departing the U.S. The left part is for his or her records. A person granted an extension of stay who leaves the U.S. must normally obtain a new visa before returning. The left part can be used in applying for the new visa. If a visa is not required, he or she should present it, along with any other required documentation, when applying for reentry in this new classification at a port of entry or pre-flight inspection station. The petitioner may also file Form I-924, *Application for Action on an Approved Application or Petition*, with this office to request that we notify a consulate, port of entry, or pre-flight inspection office of this approval.

The approval of this visa petition does not in itself grant any immigration status and does not guarantee that the alien beneficiary will subsequently be found to be eligible for a visa, for admission to the United States, or for an extension, change, or adjustment of status.

THIS FORM IS NOT A VISA NOR MAY IT BE USED IN PLACE OF A VISA.

Please see the additional information on the back. You will be notified separately about any other cases you filed.

U.S. CITIZENSHIP & IMMIGRATION SVC
CALIFORNIA SERVICE CENTER
P. O. BOX 30111
LAGUNA NIGUEL CA 92607-0111
Customer Service Telephone: (800) 375-5283
Form I797A (Rev. 09/07/93)N

Detach This Half for Personal Records Receipt # WAC-11-123-45678 I-94# 123456789 12 NAME SMITH, Marybelle CLASS H1B VALID FROM 09/05/2010 UNTIL 09/04/2011 PETITIONER: FERMI RESEARCH ALLIANCE L P O BOX 500 BATAVIA IL 60510	123456789 12 Receipt Number WAC-11-123-45678 Immigration and Naturalization Service I-94 Departure Record Petitioner: FERMI RESEAR
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11. Family Name SMITH	16. Date of Birth 05-05-1955
12. First Given Name Marybelle	
13. Country of Citizenship BANGLADESH	



H-1B Approvals

An H-1B Approval does **not** mean you can do anything you want once you arrive in the U.S. The approval is limited to:

- The employer listed in the petition and on the I-797,
- The duties listed in the petition,
- The worksite listed in the petition (provided there is a Labor Condition Application confirming the “terms and conditions” of the labor to be performed at that worksite),
- The dates listed in the Form I-797.
 - WARNING! A later-issued I-94 *trumps* the original Form I-797!
 - If you enter the U.S. and an officer at the port-of-entry gives you an I-94 Card with an earlier end date than the I-797 Approval Notice, that earlier end date is now the end of your Authorized Stay. It “trumps” (overrules) the I-797. This is called the *Last Action Rule*.



Your Visa Stamp and I-94 Card

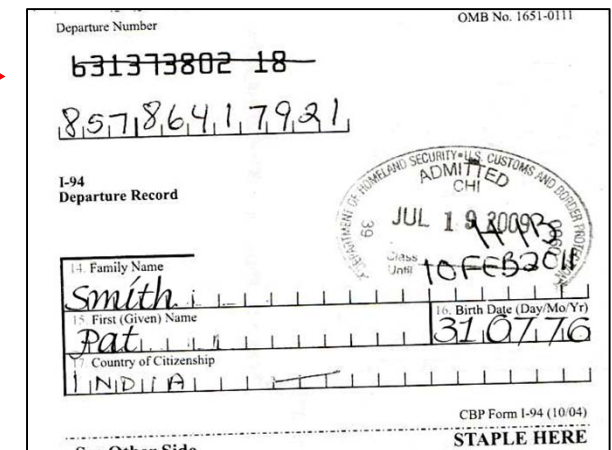
Visa Stamp:

Admission document.
 Presented during admission to the U.S. – irrelevant once IN the U.S.
 A person may hold multiple unexpired visa stamps at any one time.



I-94 Card

Status document.
 Is the legal evidence that you are permitted to be physically present in the U.S. and engage in the activities listed in the petition
 A person may hold only one I-94 Card at a given time.





Anatomy of an I-94 Card

I-94: A cardboard form issued by the CBP during admission that confirms you are legally in the U.S. in “J-1” visa status.

This is your Admission Number. It is a tracking number that you will need to write on other government forms, such as the I-9 Form you complete on your first day of employment.

This confirms that you were granted H-1B status during Admission.

This is the end date to your “Authorized Stay” (see the next slide). This is the last day you are permitted to be in the U.S., unless a petition to extend your H-1B status is filed.

Departure Number OMB No. 1651-0111

~~631373802 18~~

85786417921

I-94
Departure Record

14 Family Name **Smith**

15 First (Given) Name **Pat**

16 Birth Date (Day/Mo/Yr) **31/07/76**

17 Country of Citizenship **INDIA**

DEPARTMENT OF HOMELAND SECURITY • U.S. CUSTOMS AND BORDER PROTECTION
ADMITS
CHI
JUL 19 2009
CLASS
JUL 10 2009

CBP Form I-94 (10/04)
STAPLE HERE

See Other Side



**ARRIVING AT FERMILAB
MAINTAINING YOUR H-1B STATUS,
TRAVELLING OUTSIDE THE U.S.
AND
EXTENDING YOUR H-1B**



Visa Processing and Arrival

Please tell the Visa Office:

- The date for which your visa appointment is scheduled, and the Consulate where it is scheduled at,
- How the interview proceeded, after you meet at the Consulate, and whether the Consular officer gave you an indication of when the visa stamp might be issued,
- When you receive the visa stamp,
- When your flight is scheduled to arrive in the U.S. (if you are traveling from outside the U.S.) or when you anticipate arriving at Fermilab to begin your employment.
- If your visa stamp issuance is delayed past the date on which you had anticipated beginning your employment, please email visaoffice@fnal.gov to point this out. Certain administrative steps have to be coordinated where by other departments, and we will let them know on your behalf.



Your First Day at Fermilab

Employees start their first day of work at Fermilab in New Employee Orientation. New Employee Orientation takes place most Mondays at 8:30 AM in the Wilson Hall 1North Conference Room. Contact the Employment Office to confirm the date of your Orientation.

During New Employee Orientation, you will visit International Services to complete your Employment Verification Form I-9, which is required from all employees regardless of citizenship or immigration status. To complete your I-9, in your circumstances, you will need to bring to New Employee Orientation :

- Your original passport and the H-1B visa stamp contained inside it, and
- The I-94 issued to you during Admission.



Maintaining Status (“Staying Legal”)

- To “maintain status” means to ensure that you follow all the applicable laws and rules about your visit to the U.S. It is very important to properly maintain your H-1B status. Failure to do so may bar you from returning to the US in the future.
- Maintenance of your visa status is your responsibility. The Fermilab Visa Office is here to assist you.
- You must:
 - Engage in the research activities listed in your H-1B petition.
 - **Not** engage in any other activities, or at any other worksites.
 - **Not** do anything that breaks US law, or which might embarrass Fermilab, the U.S. Department of Energy, or the U.S. Department of State.
- If your supervisor substantially changes your job (changes more than 50% of your duties), or if you get promoted to moved to another job that is more than 50% different from that described in the H-1B petition, immediately contact the Visa Office. We can file an “amended” petition that tells the USCIS about the changes and authorizes them.



Travelling Outside the U.S.

If you plan to travel outside the U.S. during your program at Fermilab, you must contact the Fermilab Visa Office prior to such travel to determine what documentation is necessary for you to be able to re-enter (*i.e.* a new visa or confirmation of employment letter).

Upon your return to the U.S., you must provide the Visa Office with a copy of your new I-94 Card and visa stamp. You may scan and upload these directly to the online immigration system.



Extending Your Visit at Fermilab

As mentioned, H-1B status is available for roughly 6 years (with exceptions).

- Term Employees (employees who have end dates to their appointments):
 - If supervisor wants to extend your H-1B approval period, your Division /Section must request a new offer letter that lists an new Appointment end date, or states that the job has no end date.
 - Once the Visa Office receives the new offer or invitation, we will begin processing your extended visa paperwork.
- NonTerm Employees (employees whose jobs do not have a preset end date):
 - The Visa Office will contact you roughly 6 months prior to the expiration of your current H-1B approval, to being work on the petition for extension of your H-1B status.



U.S. PERMANENT RESIDENCE



Sponsorship for Permanent Residence

H-1B employees in nonterm jobs (without end dates to their appointments), and Associate Scientists, may be sponsored by FRA for permanent residence upon satisfactory completion of probation and upon approval by their supervisor and Division/Section.

Like all of the Visa Office's workload, permanent residence sponsorship is processed in order of priority and in realistic balance with all other demands on our resources and staff.

The Visa Office has extensive information about FRA's sponsorship of permanent residence at <http://wdrs.fnal.gov/visas/greencard.html>. At a minimum, we strongly urge you to review the overview presentation at <http://wdrs.fnal.gov/visas/OverviewPermanentResidence2011.pdf>, which provides a basic understanding of the processes and issues involved in permanent residence.

The first step to initiating sponsorship is to talk with your supervisor. Only your supervisor can authorize this work on your behalf. Once your supervisor has confirmed to the Visa Office that s/he has approved you for sponsorship, the Visa Office will respond with an estimate of when work might begin on your case, which is based on the total workload facing the Visa Office at that time.

When it initiates your case, the Visa Office will send you a preliminary questionnaire that you must complete, to give us a comprehensive understanding of your skills and credentials and available documentation. From this, the Visa Office, you and your manager will meet to discuss sponsorship. The meeting will proceed far more efficiently if you have reviewed the Overview listed above.



Sponsorship for Permanent Residence

H-1B employees in term jobs, such as Research Associate, are **not** sponsored for permanent residence.

This is, in large part, because U.S. immigration law requires for most categories of sponsorship that there be an indefinite or “tenure-track” offer of employment, which is lacking in situations of term employment.

Such individuals may, if they choose, retain their own attorneys to prepare and file permanent residence petitions on their own. The only two categories where “self-sponsorship” if possible is the NIW (National Interest Waiver) category and the “Extraordinary Ability” category. In each case, certain documentation must be provided with the petition that demonstrates that the individual is somehow particularly deserving as compared to peers. Individuals who are younger within their careers tend to have difficulty with this. Often, it is a more prudent use of time and money to invest, instead, for a year or two in developing the documentation needed to support such permanent residence petitions (all of which tend also to advance one’s career), and THEN apply, than to immediately invest in the filing of a less-documented petition with a much lower chance of approval.

Please contact the Visa Office to discuss this topic generally if you have questions.



QUESTIONS?



International Services

There likely are many questions that you will have on arrival to Fermilab. Below is a short list of the questions that might arise, and who can best assist you:

- Questions about the H-1B petition, visa application and admissions process, or US immigration in general. *Contact visaoffice@fnal.gov.*
- Your Employee ID Badge. *Contact ChengHwei Liu in the International Services Office.*
- Guidance and assistance with establishing U.S. bank accounts, applying for a U.S. Social Security account/number, leasing a residence (if not living in Fermilab housing), renting or buying a car or bicycle, and many other “real-life” activities. *Contact visaoffice@fnal.gov.*
- Guidance on the U.S. healthcare system. *Contact the Benefits Office.*
- We are available for discussions if you have ideas, comments or concerns about any aspect of your daily life at Fermilab. *Contact visaoffice@fnal.gov.*



Helpful Information

- Fermilab's Visa Office has an extensive website with information that will assist you at all stages of your visit to Fermilab. Please go to <http://wdrs.fnal.gov/visas.html>.

We look forward to your visit!



Fermilab's Visa Office

➔ ***visaoffice@fnal.gov*** ⬅

Amanda Thompson, International Services Manager

International Services, Wilson Hall, 1 West, Fermilab, Batavia, IL 60510

1-630-840-4203 petersen@fnal.gov

Chenghwei Liu, Administrative Assistant I

International Services, Wilson Hall, 1 West, Fermilab, Batavia, IL 60510

1-630-840-2856 liuch@fnal.gov

Kappatolia Sherman, International Services Assistant

Users Office, International Services, Wilson Hall, 1 West, Fermilab, Batavia, IL 60510

1-630-840-3811 kappy013@fnal.gov