

ALERTS

Don't Forget the H-1B October 1, 2017 Start Date

10.2017

The October 1st start date for H-1B cap-subject petitions is rapidly approaching. Foreign nationals who were selected in this year's H-1B lottery and their petitioning companies should remember several key points about the H-1B status, travel and visa issuance.

STATUS:

For individuals who requested a change of status, make sure to check the start date on the I-797 Approval Notice to confirm the exact date the change of status takes effect (October 1, 2017 or after).

F-1 students working pursuant to Optional Practical Training (OPT) are no longer considered FICA tax exempt once they begin employment pursuant to H-1B status.

H-1B status is employer- and position-specific. Changes in employer, job location or other terms of employment (other than general increases in salary) often require filing an H-1B amendment petition before the changes in employment take effect.

A properly issued change of status will allow the applicant to remain in the U.S. and work, however it is not travel authorization. Travel outside of the U.S. will require the issuance of an H-1B visa before the applicant can return to the U.S.

TRAVEL/VISA ISSUANCE:

An H-1B visa can only be issued at a U.S. Consulate, whether in the foreign national's home country or a Consulate that will accept third-country nationals.

Applying for a visa at a U.S. Consulate requires advance planning, including the scheduling of an interview appointment and preparation of documents. Consulate appointments are in high demand from late November through early January as it is peak travel season and Consulates have holiday closings.

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When applying for a visa, any applicant (regardless of age) must have a machine-readable passport that is in good condition and valid for at least 6 months. Citizens of certain countries are required to have a passport valid for six months beyond their full intended period of stay in the U.S. pursuant to H-1B status.

Nationals of some countries and professionals in certain security sensitive fields are subject to additional security clearances prior to the issuance of a visa. A clearance may also be required for applicants with prior arrest(s)/criminal conviction or those applicants who have previously been denied a U.S. visa.

Applicants should remember any family members accompanying them to the U.S. will also be subject to the same passport and visa requirements. Please contact an MVA team member with any questions or concerns about maintaining H-1B status or applying for an H-1B visa for travel.