



# H-1B Overview

for Employees Being Sponsored For  
H-1B Visa Status





## Please Read This Entire Presentation

**This presentation provides important information you MUST know during your H-1B employment at UT-Battelle (Oak Ridge National Laboratory (ORNL)):**

- The procedure by which the Immigration Services Office will collect information and documents from you
- The time and process involved in the Immigration Services 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. Embassy or 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.



## Topics

1. Your Employer: UT-Battelle, LLC (UTB)
2. Background Information About U.S. Visas You Must Know
3. How the ORNL Immigration Services Office will Process your Paperwork
  - Data-Collection and our Internal Administrative Process
  - 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
4. Maintaining your Status (“Staying Legal”)
5. Traveling Outside the US
6. U.S. Permanent Residence
7. Helpful Information





## UT-Battelle, LLC

Scientists, researchers, and other professionals coming to Oak Ridge National Laboratory (ORNL) for employment are sponsored for H-1B visa status by **UT-Battelle, LLC (UTB)**.

ORNL is a **place, not an organization**.

ORNL is the largest science and energy national laboratory in the Department of Energy System. ORNL is managed by UT-Battelle, a partnership between the University of Tennessee and Battelle.

### ***Lab at a Glance***

- Director: Thomas E. Mason
- Staff: 4,400 including scientists and engineers in more than 100 disciplines
- Users and visiting scientists, annually: 3,200
- Budget: \$1.4 billion
- Location: In eastern Tennessee, near Knoxville
- Established: 1943 as part of the Manhattan Project
- U.S. patents since 2004: 594



## 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.

**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 requires the Labor Condition Application (LCA). The LCA provides 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 (or denied).



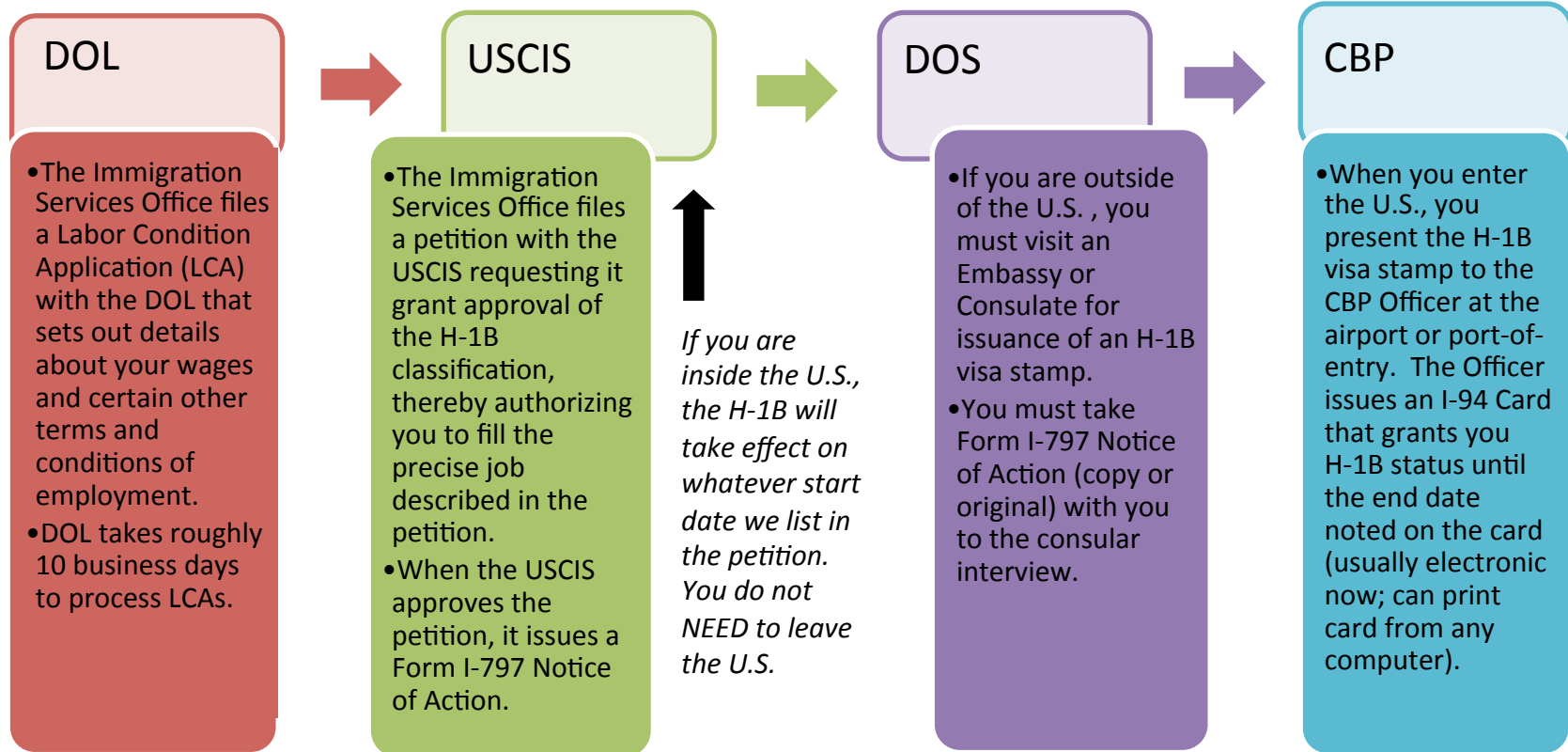
## H-1B Duration versus Your Authorized Stay

- 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 Immigration Services Office will choose a start date that is reasonable, likely based on current DOL, USCIS and internal ORNL 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 regular position (non-limited term job), then the end date of your H-1B status will be up to three years from the start date as dictated by your supervisor.
- If your appointment is extended, or if you are in a regular position, a second H-1B petition will be filed to “extend” your H-1B status.





## Overview of the Legal Process





## H-1B Processing by the Immigration Services Office

The Immigration Services Office has a very heavy workload and we prioritize in order of need, normally based on arrival dates and/or expiration dates.

- The process involved in obtaining H-1B visa status:
  - o Is set by law,
  - o Involves many departments within ORNL, and
  - o Is largely invisible to the employee.



## The Immigration Services Office Process

Initially the Immigration Services Office will send you a Visa Services Questionnaire to complete and return. Next you will receive 2 email messages generated from our online visa management system (GlobeTrotter).

The first message contains:

- a. The web address (URL) of the webpage with this Orientation that you must access, and
- b. A user name to access GlobeTrotter to answer questions and upload documents. The messages are from [donotreply@ww3.welcomeclient.com](mailto:donotreply@ww3.welcomeclient.com).
- c. The first message is entitled "Welcome YOUR NAME." Sample below:

From: [donotreply@ww3.welcomeclient.com](mailto:donotreply@ww3.welcomeclient.com)

Sent: 15 July 2012 17:07

To: Sunny Smiles

Subject: Welcome Sunny Smiles

Dear Sunny,

Congratulations on your acceptance of a position.....

- d. The second message is entitled "Information you Requested."





## The Immigration Services Office Process

You must read this document and ensure that you understand its contents. If you have questions about anything in this Overview, please contact me.

When you log into GlobeTrotter, you will find links to “**Questionnaire**” and “**Required Documents**” on the left side of the screen. ***The questionnaire must be answered in full and ALL required documents must be uploaded.***

You can log into GlobeTrotter as often as needed to answer the questions or submit the required documents. If a document is not available to you in that it cannot be obtained or significant time will be spent obtaining it, contact us immediately. Do not waste time struggling with this issue without talking to us. The greatest causes for delays in processing by the Immigration Services Office are incomplete answers and lack of submission of required documents. Please help us to be our most efficient for you by answering all questions in full and supplying the needed documents.

**You must keep the Immigration Services Office apprised of all foreign travel plans.**



## The Immigration Services Office Process

- Immigration Services will review your questionnaire and documents as you upload them to GlobeTrotter.
- Once certain internal processing is complete, we will prepare a LCA and file it with the DOL.
  - The DOL takes about 10 business days to process an LCA, but this changes widely over time, without notice.
- 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 Immigration Services Office at least a week to complete our preparation of the petition and supporting documentation, after the certification of the LCA as long as all required documents have been received.
  - The petition includes government forms, as well as documents relating to ORNL, UTB, and your proposed duties and responsibilities. It also must include documentation of your education, your CV, and in some cases, your publication list.

### USCIS Processing

- USCIS takes up to six months, on average, to process an H-1B petition. Time frames are always subject to change without notice.



## Our Internal Procedure

### Premium Processing

- It is possible to request expedited processing, which the USCIS calls “premium processing.” This costs an additional \$1,225 (subject to change) 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. At ORNL, a ***business justification from the hiring manager*** must be submitted to Immigration Services for Premium Processing to be considered. The employee may pay for premium processing if expedited processing is for personal reasons or a business justification cannot be met.
- Premium Processing “guarantees” that the USCIS will provide an initial “response” within 15 calendar days of receiving the petition. A response is either (1) an approval; (2) a “Request for Further Evidence” (RFE) or (3) denial. If an RFE is received, USCIS will issue a final decision on the petition within 15 calendar days of receiving our answer to the 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 RFE.** However, the “guarantee” is fairly weak. If the USCIS takes longer than these timelines, the only consequence 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 than 1 year to be issued.





## Our Internal Procedure

Once the USCIS completes processing of the H-1B petition, a Form I-797 Approval Notice will be issued. This Notice is sent to ORNL via regular postal mail and takes about 7 business days to arrive.

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.

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 (legally married spouse and children (under 21 years of age)) may apply for their H-4 “derivative” visa stamps at the same time.

Any time you leave the U.S. during your H-1B employment, you must have a valid and unexpired H-1B visa stamp for ORNL in your passport.

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.**

**Be aware of your passport’s expiration date!**



## Visa Application

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 Immigration Services Office cannot, generally, advise you.

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*.
- 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/>.

U.S. Department of State - Windows Internet Explorer

http://www.usembassy.gov/

U.S. DEPARTMENT OF STATE

SECRETARY CLINTON MEDIA CENTER TRAVEL CAREERS BUSINESS YOUTH & EDUCATION

ABOUT STATE POLICY ISSUES COUNTRIES & REGIONS ECONOMICS & ENERGY ARMS CONTROL & SECURITY DEMOCRACY & GLOBAL AFFAIRS PUBLIC DIPLOMACY & PUBLIC AFFAIRS ASSISTANCE & DEVELOPMENT

**WEBSITES OF U.S. EMBASSIES, CONSULATES, AND DIPLOMATIC MISSIONS**

**AFRICA**

- Africa Regional Services - Paris
- Angola: Luanda | Português
- Benin: Cotonou
- Botswana: Gaborone
- Burkina Faso: Ouagadougou | Français
- Burundi: Bujumbura
- Cameroon: Yaounde | Français
- Cameroon: 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
- 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
- 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





## Administrative Processing

- Many non-U.S. citizens must undergo Administrative Processing before being issued their visa stamps. **This is a result of U.S. federal law and, as a result, no one can speed up the processing time.**
- The decision whether or not administrative processing will apply to you 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 Embassy/Consulate that Administrative Processing is needed, there is nothing that can be done until the processing is completed. It has been our experience that Administrative Processing timeframes can range from a few days or weeks to several months.
- If, at the conclusion of your interview, the Consular Officer indicates that your visa application will undergo Administrative Processing, please let us know.
- Again, ORNL's Immigration Services Office cannot do anything to affect the time period for completion of Administrative Processing.



# 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

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**THE UNITED STATES OF AMERICA**

CASE NUMBER <b>SRC-11-101-12345</b>		CASE TYPE I129 PETITION FOR A NONIMMIGRANT WORKER
RECEIPT DATE JUNE 16, 2010	PRIORITY DATE	PETITIONER UT BATTELLE LLC ORNL
NOTICE DATE JUNE 18, 2010	PAGE 1 of 1	BENEFICIARY DOE, JOHN
EMPLOYER UT BATTELLE LLC ORNL PO BOX 2008 OAK RIDGE TN 37831		Notice Type: Approval Notice Valid from 08/20/2010 to 08/17/2013

The above petition and change of status 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 for the period authorized. Any change in employment requires a new petition. Since this employment authorization stems from the filing of this petition, separate employment/authorization documentation is not required. Please contact the IES 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 the I-94 when departing the U.S. The left part is for his or her records. A person granted a change of status who leaves the U.S. must normally obtain a visa in the new classification 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-824, *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 I-797A (Rev. 09/07/93)N

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PLEASE TEAR OFF FRONT PORTION PRINTED BELOW AND STAPLE TO ORIGINAL I-94/ARRIVAL

Detach This Half for Personal Records	<b>123456789 12</b>
Receipt # SRC-11-101-12345	Receipt Number SRC-11-101-12345
I-94# 123456789 12	Immigration and Naturalization Service
NAME DOE, JOHN	I-94
CLASS H1B	Departure Record
VALID FROM 08/20/2010 UNTIL 08/17/2013	Departure Record      Petitioner: UT BATTELLE
PETITIONER: UT BATTELLE LLC ORNL PO BOX 2008 OAK RIDGE TN 37831	14. Family Name DOE
	15. First (Given) Name JOHN
	16. Date of Birth 01/18/1979
	17. Country of Citizenship EGYPT

Form I-797A (Rev. 10/31/06) N





## 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 physical worksite listed in the petition,
- 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 stamps your passport 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*. Notify Immigration Services if this happens!!**





## Your Visa Stamp

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 Arrival/Departure Record

Form I-94 is the DHS Arrival/Departure Record issued to aliens who are admitted to the U.S., who are adjusting status while in the U.S., or extending their stay, among other things.

CBP will stamp the passport for each traveler to confirm the date of admission and immigration status. Travelers arriving by sea or air will retrieve the I-94 Arrival Record online at <https://i94.cbp.dhs.gov/i94/request.html>; however, CBP will continue to issue a paper I-94 Arrival/Departure Record at land ports of entry.

The electronic Form I-94 printed from CBP's website replaces the handwritten Form I-94 and can be used as evidence of lawful admission. A printed electronic Form I-94 may also be used to establish eligibility for immigration benefits or for evidencing employment authorization eligibility and lawful status. When processing petitions and applications for benefits, USCIS will accept photocopies of passport pages that contain an individual's biographic information, visa and admission stamp in lieu of an electronic Form I-94.

For more information, please visit: [http://www.cbp.gov/sites/default/files/documents/i94\\_factsheet\\_2.pdf](http://www.cbp.gov/sites/default/files/documents/i94_factsheet_2.pdf)



## I-94: ELECTRONIC

**U.S. Customs and Border Protection**  
*Securing America's Borders*

OMB No. 1651-0111  
 Expiration Date: 11/30/2014

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Get I-94 Number
I-94 FAQ

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**Admission (I-94) Number Retrieval**

**Get I-94 Number**

The following information is required to retrieve your Admission (I-94) number. Enter the information as it appears on the travel document you used to enter the United States.

\*See our [Privacy Policy](#) regarding our request for your personal information.

<b>Family Name:</b>	<input type="text" value="██████████"/>	
<b>First (Given) Name:</b>	<input type="text" value="Federico"/>	
<b>Birth Date (MM/DD/YYYY):</b>	<input type="text" value="██████████"/>	<a href="#">select</a>
<b>Passport Number:</b>	<input type="text" value="██████████"/>	
<b>Country of Issuance:</b>	<input type="text" value="Italy"/>	
<b>Date of Entry (MM/DD/YYYY):</b>	<input type="text" value="05/11/2013"/>	<a href="#">select</a>
<b>Class of Admission:</b>	<input type="text" value="F1"/>	

▶ **Note:** For security reasons, we recommend that you close your browser after you have finished retrieving your I-94 number.

An agency may not conduct or sponsor an information collection and a person is not required to respond to this information unless it displays a current valid OMB control number. The control number for this collection is 1651-0111. The estimated average time to complete this application is 4 minutes. If you have any comments regarding the burden estimate you can write to U.S. Customs and Border Protection, Office of Regulations and Rulings, 90 K Street, NE, Washington DC 20229.

**U.S. Customs and Border Protection**  
*Securing America's Borders*

OMB No. 1651-0111  
 Expiration Date: 11/30/2014

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Get I-94 Number
I-94 FAQ

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**Admission (I-94) Number Retrieval**

**Admission (I-94) Record Number:** ██████████

**Admit Until Date (MM/DD/YYYY):** D/S

**Details provided on Admission (I-94) form:**

<b>Family Name:</b>	<input type="text" value="██████████"/>	
<b>First (Given) Name:</b>	<input type="text" value="Federico"/>	
<b>Birth Date (MM/DD/YYYY):</b>	<input type="text" value="██████████"/>	
<b>Passport Number:</b>	<input type="text" value="██████████"/>	
<b>Passport Country of Issuance:</b>	<input type="text" value="Italy"/>	
<b>Date of Entry (MM/DD/YYYY):</b>	<input type="text" value="05/11/2013"/>	
<b>Class of Admission:</b>	<input type="text" value="F1"/>	

- ▶ Effective April 26, 2013, DHS began automating the admission process. An alien lawfully admitted or paroled into the U.S. is no longer required to be in possession of a preprinted Form I-94. A record of admission printed from the CBP website constitutes a lawful record of admission. See 8 CFR § 1.4(d).
- ▶ If an employer, local, state or federal agency requests admission information, present your admission (I-94) number along with any additional required documents requested by that employer or agency.
- ▶ **Note:** For security reasons, we recommend that you close your browser after you have finished retrieving your I-94 number.





## I-94 Paper Card

**I-94 Card: Issued by the CBP to those arriving to the U.S. via land ports.**

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." 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.

DEPARTMENT OF HOMELAND SECURITY  
U.S. Customs and Border Protection

OMB No. 1651-0111

**Departure Record**

Admission Number  
123456789 12

18. Family Name  
D O E

19. First (Given) Name  
J O H N

20. Birth Date (DD/MM/YY)  
1 0 0 1 7 9

21. Country of Citizenship  
E G Y P T

ADMITTED  
JUL 29 2011  
H. 1 B  
8.17.2013

CBP Form I-94 (05/08)



## Visa Processing and Arrival

Please tell the Immigration Services Office:

- The date for which your visa appointment is scheduled and at which Embassy or Consulate,
- How the interview proceeded 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 ORNL to begin your employment.
- If your visa stamp issuance is delayed past the date on which you had anticipated beginning your employment, please contact Immigration Services to point this out. Certain administrative steps have to be coordinated with other departments and we will let them know on your behalf.



## Your First Day at ORNL

The Department of Energy requires that all employees, guests, and visitors present proof of identity upon arrival at an ORNL Security Checkpoint. Once through the checkpoint and when you arrive at the Visitor Center, each foreign national must show original documents to verify identity, citizenship, and current immigration status (i.e., visa, passport, DS-2019, I-20, I-94, etc.). The I-94 should be retrieved from the CBP's website at <https://i94.cbp.dhs.gov/i94/request.html> before arrival at ORNL, if possible.

Normally, employees start their first day of work at ORNL in New Employee Orientation (NEO). The date, time, and location of NEO will be communicated to you before your arrival at ORNL.

Either during NEO or later during your first day at work, a Human Resources Division employee will meet with you to complete documents and forms. Included with these forms will be the Employment Verification Form I-9, which is required from all employees regardless of citizenship or immigration status. To successfully complete this form, you will need proof of identity and document(s) that authorize you to work. Please review the list of acceptable documents to complete the I-9 Form at <http://www.uscis.gov/i-9> to ensure you bring the appropriate documents to NEO.





## 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 U.S. in the future.
- Maintenance of your visa status is your responsibility. The ORNL Immigration Services 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 U.S. law, or which might embarrass UT-Battelle or the U.S. Departments of Energy or State.**
- If your supervisor substantially changes your job (changes more than 50% of your duties), or if you get promoted to move to another job that is more than 50% different from that described in the H-1B petition, immediately contact the Immigration Services Office. We can file an “amended” petition that tells the USCIS about the changes and authorizes them.



## Traveling Outside the U.S.

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

**Upon your return to the U.S., you must provide the Immigration Services Office with a copy of your new I-94 and visa stamp.** It may be possible to scan and upload these documents directly to GlobeTrotter. Your Immigration Specialist will advise you of the best way to transmit these documents to the Immigration Services Office.



## Extending Your Visit at ORNL

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

- **Limited-Term Employees (employees who have end dates to their appointments):**  
If your supervisor wants to extend your H-1B approval period, your Division must request a new offer letter that lists an new Appointment end date. Once the Immigration Services Office receives the new offer or invitation, we will begin processing paperwork to extend your visa.
- **Regular Employees (employees whose jobs do not have a preset end date):**  
After receiving authorization from your supervisor, the Immigration Services Office will contact you roughly 6 months prior to the expiration of your current H-1B approval, to begin work on the petition for extension of your H-1B status. (Immigration law does not permit submittal of an extension before six months.)





## Sponsorship for Permanent Residence

H-1B employees who have regular appointments (employment without end dates) **may be** sponsored by UTB for permanent residence according to certain criteria, Company guidelines, and upon approval by their supervisor and division director.

Extensive information about UTB's sponsorship of permanent residence can be accessed once you arrive at ORNL.

The first step to initiating sponsorship is to talk with your supervisor after you have been on the UTB payroll for one full year. Certain forms must be submitted to the Immigration Services Office and must be signed by your supervisor and division director. The Immigration Services Office will contact you regarding the next steps once the signed forms have been received.



## Sponsorship for Permanent Residence

H-1B employees in limited-term jobs ***are not sponsored for permanent residence***. This is 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 limited-term employment.

Such individuals may, if they choose, retain their own attorney to prepare and file permanent residence petitions. The only two categories where “self-sponsorship” is possible are the 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 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, rather than to immediately invest in the filing of a less-documented petition with a much lower chance of approval.

Information and guidance on the categories mentioned above and the permanent residence process can be found at <http://www.uscis.gov/portal/site/uscis>.



Please let us know if you have questions or comments.

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