

COMPLIANCE AND MAINTENANCE OF STATUS

As an employee of the National Institutes of Health (NIH) in H-1B status, it is important that you comply with all relevant laws and regulations to avoid violations of status, which can have negative implications for both the NIH and for you, the beneficiary employee. Note the following critical factors to consider in order to ensure maintenance of H-1B status*:

Work Location(s)

Your worksite address was provided to both the Department of Labor (DOL) and U.S. Citizenship & Immigration Services (USCIS) as part of the H-1B petition process. This address is the only approved site of activity where you may work. You must notify the Division of International Services (DIS) in advance of any potential changes or additions to work locations that are not part of your H-1B petition, even if sporadic and/or short term. Examples include but are not limited to:

1. Work at other NIH locations
2. Secondary worksite at other organizations, such as colleges or universities. (Example: collaborations that are part of NIH appointment duties as outlined in the approved H-1B petition.)
3. Telework (home or other location)
4. Clinical rotations

DIS must review and approve of these changes before they occur.

Outside Activities

You may only engage in activities as approved by USCIS in your H-1B petition. Activities outside of these parameters require advance review and approval by DIS to ensure they comport with your approved terms of H-1B employment. Examples of outside activities requiring DIS approval include but are not limited to:

1. Teaching a course at the Foundation for Advanced Education in the Sciences (FAES) or at a college or university
2. Collaborating with an outside organization or institute in a manner not consistent with approved H-1B petition

Outside activities require DIS approval *even if unpaid*. Further information is available on our website (ors.od.nih.gov/pes/dis/VisitingScientists/Pages/OutsideActivityH-1B.aspx). Note that DIS will review each request on a case-by-case basis and cannot guarantee approval.

Changes to Terms of Employment

Any changes to your employment must be reviewed and approved by DIS in advance. Examples of such changes include but are not limited to:

1. Salary
2. Job title (e.g. promotion from Research Fellow to Staff Scientist)
3. Job duties
4. Sponsoring Institute/Center or Laboratory
5. Supervisory responsibilities
6. Work location(s) (see above)
7. Level of patient contact

Maintenance of a Valid Passport and Form I-94, Arrival/Departure Record

Your passport and I-94 record must be valid at all times. Your I-94 record will be issued either by U.S. Customs and Border Protection (CBP) upon your admission into the U.S. (cbp.gov/travel/international-visitors/i-94) or as part of your H-1B approval notice (Form I-797), whichever was most recently issued.

H-1B Status: Essential Information for NIH Visiting Program Participants

Be sure to check your I-94 record through the CBP website every time you enter the U.S. and provide DIS with a copy. The I-94 is sometimes issued for a period of time shorter than is reflected on the H-1B approval, usually when your passport expires before the H-1B approval. If this occurs, immediate review is required by DIS to ensure continued lawful stay and employment authorization.

*This list is not exhaustive. Refer to ors.od.nih.gov/pes/dis/VisitingScientists/Pages/MaintainingH-1BStatus.aspx for further information on maintenance of H-1B status. DIS must be contacted in advance of any potential changes to your employment. Please contact DIS (ors.od.nih.gov/pes/dis/AboutDIS/Pages/ContactUs.aspx) with any potential changes.

USCIS ADMINISTRATIVE SITE VISIT AND VERIFICATION PROGRAM (ASVVP)

Background

Under the Administrative Site Visit and Verification Program (ASVVP) (uscis.gov/about-us/directorates-and-program-offices/fraud-detection-and-national-security/administrative-site-visit-and-verification-program), USCIS inspectors conduct random site visits (either in person or by phone/email) to ensure that both employers and beneficiaries are following H-1B regulations. The site visits may include interviews of the employer and beneficiary, verification of the terms of employment, and verification that the employer is legitimate.

What should you do?

If an inspector visits you in person, request identification to confirm the individual's identity. If contacted by email, ensure the individual is emailing from a USCIS address. If contacted by phone, ask the individual to first email you in order to verify identity. Make sure to notify DIS as soon as possible and provide DIS with copies of any documentation that USCIS issues. It is important to comply with the inspector's requests by their stated deadline, or as soon as possible if no deadline given.

TRAVEL

Plan ahead! You must have all necessary documents for entry to the U.S. as an H-1B nonimmigrant. Review the relevant travel advisories at ors.od.nih.gov/pes/dis/VisitingScientists/Pages/TravelH-1B.aspx for more detailed information. Also make sure to review the entry requirements of your destination country to determine whether a visa is required for entry. After you return to the U.S., send DIS a copy of your new I-94 record, generated through the CBP website (cbp.gov/travel/international-visitors/i-94), per the instructions in the travel advisories.

DEPARTING THE NIH

Be sure that your lab provides timely notification to DIS once your employment at the NIH comes to an end, whether as scheduled or earlier than planned. Use the termination notice: ors.od.nih.gov/pes/dis/AdministrativeStaff/Documents/NH829_5.PDF. DIS needs to ensure that all necessary steps are taken in regards to your H-1B petition.

Questions should be addressed to the **DIS Immigration Specialist** currently processing your case, if applicable. Otherwise, please see our Contact Page (ors.od.nih.gov/pes/dis/AboutDIS/Pages/ContactUs.aspx) for more information.