

GENERAL
INFORMATION

FDA

H-1B Process

STEP 1: SUBMIT REQUEST TO DIS

New appointment or renewal approved by Institute/Center (IC)



IC submits New or Renewal Visiting Scientist request to DIS, including H-1B specific documentation from scientist



Processing Time:
Varies by IC



Completed By:
IC

STEP 2: IF APPLICABLE, SCIENTIST OBTAINS WAIVER OF 212(e) TWO-YEAR HOME RESIDENCE REQUIREMENT

If scientist is subject to 212(e), s/he must obtain waiver to become eligible for H-1B status. The waiver request is a personal application, so scientist independently completes this process. For more information, refer to DOS's 212(e) guidance. The scientist can initiate the waiver process after receiving an offer of employment.



Processing Time:
~6-9 months



Completed By:
Scientist

STEP 3: PREPARATION OF H-1B PETITION

Assigned to a DIS Immigration Specialist who will:

Request additional information or documentation as needed



Obtain Prevailing Wage and certified Labor Condition Application from Department of Labor



Prepare H-1B petition forms and supporting documentation



Submit to United States Citizenship and Immigration Services (USCIS) for adjudication*



Processing Time:
~45 business days



Completed By:
DIS

*Adjudication means USCIS issues either
1) Approval
2) Request for Evidence, or
3) Notice of Intent to Deny

STEP 4: USCIS PROCESSING

USCIS mails adjudication documents to DIS. Upon approval, USCIS mails Form I-797 Approval Notice to DIS



If scientist is already inside U.S., s/he automatically changes status or extends stay, upon USCIS approval, as indicated on new I-94 located on I-797



Processing Time:
15 days – 12 months*



Completed By:
USCIS

*Timelines change often. Scientist can use premium processing for adjudication in 15 days

STEP 5: IF APPLICABLE: ENTRY INTO U.S.

If scientist is outside U.S., s/he uses Form I-797 Approval Notice to apply for H-1B entry visa at U.S. Consulate



Upon entering U.S., scientist is issued I-94 reflecting H-1B status by U.S. Customs and Border Protection (CBP)



Processing Time:
Varies by individual



Completed By:
Department of State (Consulate), Scientist, CBP