Information about being sponsored for H-1B status

H-1B sponsorship is an employer based application process. The employer must receive approvals from both the US Department of Labor and the US Department of Homeland Security. If approval to sponsor a new or current employee for H-1B status is granted, the sponsored employee’s visa status is changed to H-1B. H-1B eligibility requires that the sponsored position has a job title that requires a minimum of a Bachelor Degree. For the employer, the US Department of Labor must also approve the offered salary. At UNMC and UNO, the process of H-1B sponsorship begins when the hiring department submits a Department Request to this office.

Information for Current H-1B Sponsored Employees

H-1B sponsored employees have a six-year limit of continuous H-1B status. Moving to a new sponsor does not extend this limit. Departing the US for one year restarts the six year limit.

Travel Outside the US

H-1B sponsored employees who travel abroad should take a copy of the entire H-1B approval and a short letter from the hiring department to verify current employment and to attest that employment is expected to continue upon return of the employee. If a new H-1B Visa is required before reentering the US, the H-1B sponsored employee should arrange to come to this office to check-out the original employer’s H-1B approval notice. Although the Form I-797 approval notice states that the employer should retain the top portion of the form, Visa Officers at US consulates occasionally request to see the original. In addition to retrieving the I-797 (H-1B approval notice) from the International Health and Medical Education office, the employee should also ask for a copy of the I-129 application and the Labor Condition Application (LCS).

Under a regulation called "automatic revalidation," an H-1B sponsored employee may reenter the U.S. after a trip solely to Canada or Mexico that lasted 30 days or less, with an expired H-1B visa.

If the H-1B employee has changed employers since first entering the United States and has a valid visa annotated for the previous employer, he or she may reenter the U.S. using that visa, provided he or she presents a valid I-797 H-1B approval notice for the new employer when entering the US.

Sponsorship of Spouse/Children for H-4 status

H-4 dependents are not eligible for employment, but may be enrolled as a full-time student. The expiration date of H-4 status is still valid after the H-1B employee changes H-1B sponsors. Therefore, H-4 status often does not need to be extended when the H-1B employee is sponsored by a new employer. Later, H-4 status can be extended by a separate application (I-539) or by reentry into the US.