

Responsibilities of Hiring Department

H-1B status is both employer and employment [i.e. job/position] specific, which means that **the employee may only work for the employer listed on the I-797 approval notice in the position described in the H-1B petition. It is extremely important to report any proposed changes in the employee's employment conditions to the assigned ISSS adviser well in advance of the proposed change** (e.g. change in title, hours, benefits, duties). Changes may require an amendment to the petition. **Amendments must be filed before any changes take place;** they may not be filed after changes take place.

The department should retain a copy of the I-797 H-1B Approval Notice for their records.

- Please read the I-797 H-1B Approval Notice carefully. **NOTE: Please do not detach the bottom portion from the notice. Provide the entire original notice to the employee or keep a digital copy for your records and ship the original approval directly to the employee**

The following documents prove one's eligibility to work:

- Valid I-797 H-1B Approval Notice with I-94 card at the bottom OR
- Valid I-94 stamp issued at port of entry for H-1B status
- If an employee **resigns or his/her employment is terminated prior** to the end of his/her approved H-1B employment dates, the department is required to complete the **End of Employment** eform in the employees iPenn record.
 - If the employee is terminated **prior** to the expiration of the H-1B employment authorization as listed on the I-797, the University is obligated by law to pay for the H-1B employee's return fare to his/her home country.
- If the department wishes to **extend** employment beyond the current H-1B employment authorization, and the employee is eligible for additional time, a new H-1B application must be completed and submitted with fees to ISSS. We recommend the department submit the extension application 6 months in advance but no later than 90 days prior to the current H-1B expiration date.
- As H-1B status is employment specific, we have created an H-1B verification system to ensure that no material changes to employment have occurred. These verifications are due 6 months after the employee's start date, and every 6 months thereafter.
 - You will receive automatic reminders starting 30 days before the H-1B verification due date. You will see the "Verification Forms Required" section above Your iPenn Case List. If all correct, please submit verification. If any changes, please edit the iPenn Record Detail and then submit verification. Once the verification is submitted, it will be removed from your list of alerts.
- Approximately 6 months before the expiration of the current H-1B employment, ISSS will send a reminder email to the scholar and the department of the upcoming expiration. It is ultimately the responsibility of the department to be aware of the expiration date and to file an extension in a timely manner by completing the **Department Request Form for H-1B Employment** eforms in iPenn.
 - Note that ISSS will not begin processing an extension request until all of the eforms (1-5) have been completed.
- An employee **must cease working on the last day of their validity period** if their current H-1B petition expires, and the extension has not been submitted to the USCIS.

- **PROTOCOL FOR UNANNOUNCED SITE VISITS BY GOVERNMENT AGENCIES**

USCIS has greatly increased the number of unannounced site visits for H-1B petitions to verify that the terms and conditions of the H-1B employment are in compliance with what was specified on the H-1B petitions. Site visits may occur at the H-1B employee location or ISSS prior to or following adjudication by USCIS. These are expected to become a routine step in the H-1B process.

Site visits are being conducted by the USCIS Fraud Detection and National Security (FDNS) Unit. Individuals representing FDNS should present a badge or other Department of Homeland identification credential and contractors should carry a business card with a 1-800 number for the USCIS FDNS Unit for verification. Officers from other government agencies, such as Immigration and Customs Enforcement, Department of Labor, or Federal Bureau of Investigation, may also conduct unannounced visits regarding H-1B employment and should also show official identification.

In all such cases, do not respond to any inquiry before consulting the assigned ISSS advisor first at 215-898-4661. ISSS will then contact a representative from the Office of General Counsel to be present.

The government officer may ask to see the employee, employee's job title and responsibilities, the employee's worksite, employee's qualifications, employee's supervisor, payroll records, or tax or financial reports (<http://www.finance.upenn.edu/vpfinance/AnnualRpt/>). USCIS officers will likely ask to speak to the ISSS advisor who filed the H-1B petition.

As a reminder, be sure to consult an ISSS advisor **prior to any changes in the terms and conditions of any H-1B employment, including but not limited to any change in work location, salary, work hours, title, or duties, as well as any resignation, leave, or termination, etc.** It is particularly important to consult ISSS prior to any changes in light of these unannounced site visit

