



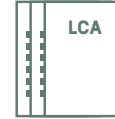
## Step by Step Instructions



**Step 1.**  
Employer initiates H-1B process



**Step 2.**  
GLC sends questionnaire to the foreign national and employer



**Step 3.**  
GLC prepares Labor Condition Application (LCA) and sends to employer for posting



**Step 4.**  
GLC files LCA upon confirmation of posting from employer



**Step 5.**  
Upon completion of employee questionnaire, GLC prepares H-1B petition



**Step 6.**  
GLC sends petition to employer for signature



**Step 7.**  
Upon certification of LCA, send to employer for signature



**Step 8.**  
Upon return of signed petition and LCA, file H-1B petition with USCIS



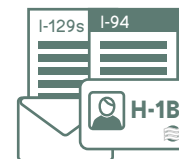
**Step 9.**  
USCIS issues receipt notice confirming H-1B petition filed



**Step 10.**  
Foreign national starts working pursuant to portability and I-9 records completed



**Step 11.**  
H-1B petition approved by USCIS



**Step 11.**  
Foreign national starts work at employer (if not already started) and I-9 record updated



### 1) What happens after my H-1B Change of Employer petition is filed?

The filing of an H-1B Change of Employer petition requires the submission of proof (pay statements) showing that the individual has continued to be employed by the initial H-1B employer up until the time of filing.



#### 1.a) When may I commence employment with the company?

Qualified H-1B workers may begin employment with the new company once a receipt notice is issued by the USCIS. H-1B workers may invoke "H-1B portability" which permits an individual maintaining H-1B status to begin working, after the new employer files an H-1B petition and a receipt notice is issued. Individuals who have worked without authorization, or who do not hold H-1B status, are ineligible for portability. It may be advisable in some cases to wait for the petition to be approved before resigning from employment. We recommend that all employers file H-1B change of employer petitions with premium processing, so it should only take 15 calendar days to receive adjudication results after filing, barring a request for evidence.

#### 1.b) During my H-1B employment with the company, what updates must I provide the company human resources?

A) **Change of Address.** Please provide your HR and our office with your new address. You must also notify the USCIS directly, for you and each of your family members within 10 days of the move. The change may be reported online, at <https://egov.uscis.gov/coa/displayCOAForm.do>. This reporting requirement applies to all foreign nationals, including nonimmigrant workers and Lawful Permanent Residents.

B) **Copy of your I-94 arrival-departure record.** This can be obtained online at <https://i94.cbp.dhs.gov/i94/> every time you and your dependents enter the United States. Your I-94 record will be reviewed for accuracy, and corrections requested where appropriate.

C) **Changes to your H-1B employment,** including any changes in job title or duties, job location, off-site employment (including remote employment) and salary.

D) **Any plans for visa applications (including renewals) at U.S. Embassies & Consulates abroad.** Please advise well in advance of your travel dates so that any necessary documents may be provided to you in a timely manner.

E) **Extended leave of absence without pay or assignments abroad.** Please advise HR well in advance as it may impact your immigration status.



<sup>1</sup>This memo is intended for clients of Goeschl Law Corporation and is for informational purposes only. While we hope that this information is helpful as general background information, we cannot warrant its applicability accuracy, or completeness, given the many intricacies of specific factual circumstances and scenarios and the frequent changes to immigration policy and procedures.



### 1.c) If I am terminated for any reason, what will happen with my H-1B employment?

A) The company will notify the USCIS of your termination.

B) A new rule went into effect January 17, 2017, providing a grace period of up to 60 consecutive days, to certain H-1B workers to remain in the U.S. when their employment terminates before the end of their validity period. The grace period may last up to 60 consecutive days, or until the end of the authorized validity period, whichever is shorter. It is important to note that this grace period is discretionary and may be eliminated or shortened by the USCIS, if there are any issues related to violations of status, unauthorized employment during the grace period, fraud or national security concerns, or criminal convictions, among other reasons. During this grace period, the H-1B worker may attempt to find a new sponsor to file an H-1B change of employer petition on his/her behalf, or the H-1B worker may file a change of status application (prior to the termination of employment), or prepare to depart the United States. If the H-1B worker does not find another sponsor to timely file a change of employer petition, or timely file a change of status application, at the H-1B worker must depart the U.S. before the end of the grace period.

C) If you are terminated before the end of your period of authorized stay, the company is responsible for the reasonable costs of your return transportation to your last country of residence.

D) If your termination coincides with your H-1B expiration date as noted on your Form I-797 Approval Notice, you are automatically entitled to a 10-day grace period during which you are allowed to remain in the U.S.

E) Additional Information: <https://www.uscis.gov/tools/ombudsman-liaison/practical-im migration-consequences-foreign-workers-slowing-economy>

### 2) What should I know about family and travel during this process?

#### 2.a) What is the process for H-4 dependents?

Typically, an extension request will be filed for your dependents concurrently with your H-1B petition.

#### 2.b) Are there any travel restrictions while my H-1B case is pending?

You must be physically present in the U.S. when we file the H-1B Change of Employer petition. It is generally not advisable to travel internationally while the H-1B petition is pending. If you must travel, please contact our office, so that we may advise accordingly.

