# TAMPA

### OFFICE OF HUMAN RESOURCES

# H-1B FAQs

This information covers some commonly asked questions about the H-1B immigration status. Please be advised that the information below is not legal advice, nor should it be construed as legal advice in any manner. Consult with the Office of Human Resources if you have any immigration questions or concerns.

# Q: Who applies for an H-1B Visa?

**A:** The Office of Human Resources should be notified as soon as a candidate has been chosen for employment and indicates a requirement for sponsorship of an H-1B Visa. With the assistance of outside immigration counsel, the Office of Human Resources

# Q: Do I have to exhaust my OPT before applying for an H-1B?

**A:** UT recommends that F-1 students exhaust their Optional Practical Training ("OPT") and if applicable, OPT STEM before changing status to H-1B. Compared to OPT, the H-1B is more expensive, time-consuming, and poses a higher risk for the employee and additional obligations for UT.

#### Q: My immigration status is J-1 Exchange Visitor. Am I eligible for H-1B status?

**A:** Certain, but not all, J-1 Exchange Visitors may be subject to a Two-Year Country Physical Presence Requirement and are not eligible for the H-1B status until the requirement has been satisfied or waived by the U.S.C.I.S. based on a recommendation from the U.S. Department of State. If this two-year requirement does not apply, you are eligible for H-1B status if you meet other eligibility requirements. If you are uncertain as to whether this requirement applies to you, please seek assistance from Human Resources.

#### Q: When is the best time to submit the H-1B application to the U.S.C.I.S.?

**A:** The earliest an H-1B petition can be submitted to the U.S.C.I.S. is six months prior to the selected H-1B start date.

#### Q: How long does the H-1B petition take?

**A:** The U.S.C.I.S currently takes several months to process an H-1B petition. It is best to begin the process as soon as possible by contacting Human Resources.

## Q: Can I travel while the H-1B petition is pending?

**A:** No, we do not recommend international travel while the change of status or extension of stay for the H-1B petition is in process, as this may negatively impact your petition.

#### Q: When can I start employment with UT?

**A:** Foreign nationals applying for a change of status to H-1B nonimmigrant visa status or applying for consular processing for a H-1B nonimmigrant visa will only be permitted to commence employment once the H-1B petition or H-1B visa has been approved.