

## Instructions for H-1B Status in the U.S.

Middlebury College sponsors individuals in the H-1B status in limited circumstances.

1. The most common situation is when the individual is already in H-1B status with another employer. In this case, we apply for a **concurrent H-1B status** to authorize employment at Middlebury College for the duration of the Language Schools program.
2. The next most common, though rare, is when the individual needs H-1B status to work at Middlebury in the summer because they will be employed by another institution in H-1B status immediately following their Middlebury contract end date. In this case, Middlebury would apply for a **new H-1B status** via a change of status within the U.S. or consular processing.

If you believe you may need H-1B status to work for Middlebury College for the Summer Language Schools, please carefully read the information below.

- **If you are currently in H-1B status or will be in H-1B status** by the start of your Middlebury contract, and that H-1B status was petitioned and granted to another employer, Middlebury College will need to file an I-129 Petition for Non-Immigrant Worker.
  - We will request H-1B status for you to work concurrently at Middlebury College (while still being employed by your current H-1B sponsor) for the duration of your contract.
  - Middlebury College is required to file the petition with USCIS by no later than the start date of your contract with Middlebury.
  - It can take 1 to 2 months for us to prepare and file the petition with USCIS.
  - Please follow the instructions on page 2 to provide ISSS with the necessary information so we can begin to prepare the H-1B petition on your behalf.

NOTE: Processing times for H-1B I-129 petitions vary. As of the writing of this document, per the USCIS website, it is estimated that it takes 7 to 8 months to process. However, these estimations can and do frequently change. Legally, petitions can be filed no more than 6 months before the start date of the requested H-1B status. Therefore, it is likely that USCIS will not adjudicate the petition by the time your contract with Middlebury begins. **However, per the H-1B regulations, you will be allowed to legally work for up to 240 days while the petition for Middlebury College is pending**, as long as we have timely filed it with USCIS (meaning USCIS physically receives the petition by no later than the contract start date).

- **If you are in another status or situation, and ISSS has determined that Middlebury College is willing and able to sponsor you in H-1B status** to work for the Summer Language Schools, please follow the instructions on page 2 to provide ISSS with the necessary information.

NOTE: Processing times for H-1B I-129 petitions vary. As of the writing of this document, per the USCIS website, it is estimated that it takes 7 to 8 months to process. However, these estimations can and do frequently change. Legally, petitions can be filed no more than 6 months before the start date of the requested H-1B status. **To start working at Middlebury, your H-1B petition must be adjudicated and H-1B status granted before your contact start date.** Therefore, Middlebury College will need to file this petition with premium processing. Even with premium processing,

USCIS can take about 4 weeks (from the date USCIS receives the completed petition packet) to adjudicate the H-1B petition.

## H-1B Intake Form Instructions

1. Please complete our H-1B and TN Petition Intake Form at [https://middlebury.qualtrics.com/jfe/form/SV\\_b1k61vltwc4zdvU](https://middlebury.qualtrics.com/jfe/form/SV_b1k61vltwc4zdvU).

**NOTE: You will need to gather the required documentation listed on page 1 of the form before you can complete and submit the intake form.**

2. Please submit the form and the requested documents **within 1 working week (5 business days) of receiving this e-mail.** If you are not able to obtain all of the documents within the time period, please send ISSS an email to inform us when you will be able to submit the form and documentation.

*For Summer 2022, if you are working for a school that is offering programs remotely and you will be working for the remote program only, and you will be in the U.S. performing the work, then you will need to provide Middlebury with address of where you will be physically working during Summer 2022.*

We will begin coordinating the filing of the H-1B petition on your behalf and hope to file the H-1B petition within in 1 to 2 months of receiving all required documentation. Once you submit your intake form and supporting documents, you may be contacted to provide additional information to complete your H-1B file.

### INTERNATIONAL TRAVEL WITH A PENDING I-129 FOR H-1B STATUS

Obtaining a visa and managing travel to the U.S. may be more complicated and uncertain due to the COVID-19 pandemic. We encourage all international students and scholars to respond to all visa-related processing requirements promptly and comply with all travel guidance. Some U.S. Embassies and Consulates around the world may offer limited visa processing services. In some cases, they may still not have reopened. In addition, international travelers to the U.S. are subject to COVID-19 testing and/or vaccination requirements and may also be limited by travel restrictions, if entering the U.S. from particular countries. Middlebury will provide testing and quarantine information prior to your arrival date on campus. It will be important to plan ahead and anticipate any requirements (federal, state and Middlebury-specific) so that you may begin your program with Middlebury by your intended start date. ISSS cannot guarantee that you will secure a visa in time, yet we will do our best to support you in the process. Please consult available web resources below for more information and contact ISSS if you have questions.

Middlebury COVID-19 Essential Information: <https://www.middlebury.edu/office/covid-19-updates>

State of Vermont Department of Health: <https://www.healthvermont.gov/covid-19>

Centers for Disease Control and Prevention (CDC):

- <https://www.cdc.gov/coronavirus/2019-ncov/index.html>  
(COVID-19 main webpage)
- <https://www.cdc.gov/coronavirus/2019-ncov/travelers/from-other-countries.html>  
(International Travel including COVID-19 testing and vaccination requirements)

1. **If Middlebury files a concurrent H-1B petition and you have a valid I-797 approval notice for H-1B status for another employer**, there are two scenarios to consider.
  - a. If you have a valid H-1B visa stamp in your passport, you should be able to leave and re-enter the U.S. while the H-1B petition is pending for Middlebury College. If you do so, you need to check, upon re-entry to the U.S., that you were re-admitted in H-1B status and that the end date granted must cover the Middlebury College contract dates.
  - b. If you do not have a valid H-1B visa stamp in your passport, you will need to apply for an H-1B visa stamp from a U.S. Embassy or Consulate outside the U.S. before you can return to the U.S. You will use the H-1B approval notice and petition from your other employer to apply for the H-1B visa. You will need to allow ample time for the visa application process.
2. **If Middlebury will file a new H-1B petition with change of status for you** (meaning you are in the U.S. in another status and need to change to H-1B status), then you should NOT travel until after the approval is received. We caution that even with premium processing, there may not be enough time for you to leave the U.S., obtain an H-1B visa stamp, and re-enter the U.S. to begin your employment with Middlebury.
3. **If Middlebury will file a new H-1B petition with consular processing**, then you will need to obtain an H-1B visa stamp in your passport before you can enter the U.S. to begin your employment with Middlebury. You will receive information about applying for an H-1B visa when Middlebury College mails your approval notice to you.

*NOTE: The H-1B visa category is not an expedited category at U.S. Embassies or Consulates. Therefore, before travelling internationally, you should carefully consider if you want to risk not being able to enter to the U.S. in time to begin your employment with Middlebury College.*

If you have questions, contact [iss@middlebury.edu](mailto:iss@middlebury.edu).