

## Instructions for H-1B Status for international employees to work at Middlebury

Middlebury College and Middlebury Institute for International Studies sponsors individuals in H-1B status as follows:

1. If you are hired in a tenure track faculty position at Middlebury College.
2. If you are currently in a regular faculty position with Middlebury Institute for International Studies and it is deemed you need an H-1B to begin work or continue to work.
3. Staff positions are determined on a case-by-case basis with ISSS. Not all staff positions will qualify for H-1B sponsorship so ISSS must determine if the position and wage will qualify as well as we must determine if you meet the requirements of the position as it was advertised. If you have not been told by ISSS to follow the H-1B instructions, then please email [iss@middlebury.edu](mailto:iss@middlebury.edu) for guidance.

**NOTE: Middlebury's policy is to sponsor visiting, adjunct, or summer faculty or staff positions in other visa categories since those types of positions are usually limited contract positions. If you are hired in one of these positions and have been told by ISSS to follow the H-1B instructions, please proceed as instructed below for your situation. If you have NOT been told this, please stop and email [iss@middlebury.edu](mailto:iss@middlebury.edu) for further guidance.**

H-1B processing is handled via the Middlebury General Counsel's office which contracts with an immigration attorney to process the cases on behalf of Middlebury College. After ISSS confirms that an H-1B is needed for you to work with Middlebury, ISSS will notify the General Counsel's office and they will liaison with the immigration law firm to process the H-1B petition filing. Note that the law firm will eventually contact you directly when they are processing the petition for filing.

1. **Port (Transfer) H-1B cases:** If you are currently in valid H-1B status and ISSS has determined that Middlebury is willing and able to sponsor you in H-1B status to work at Middlebury, your H-1B status will need to be ported to Middlebury via filing a petition with USCIS.
  - a. Follow the instructions on page 2 to provide ISSS with basic information to confirm an H-1B is needed.
  - b. The H-1B petition must be received by USCIS by no later than the start date of your contract with Middlebury or no later than the end date of your employment with your current employer.
  - c. Processing times for H-1B I-129 petitions are unpredictable. Legally, H-1B I-129 petitions can be filed no more than 6 months before the start date of the requested H-1B status and it may take longer than that for USCIS to adjudicate the petition. If USCIS has not adjudicated the petition by the time your contract with Middlebury begins, ***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 it is timely filed with USCIS (meaning USCIS physically receives the petition by no later than the contract start date).
2. **New H-1B Cases:** If you are not currently in H-1B status or will not be in H-1B status by the start of your Middlebury contract, and ISSS has determined that Middlebury is willing and able to sponsor you in H-1B status to work at Middlebury:
  - a. Follow the instructions on page 2 to provide ISSS with basic information to confirm an H-1B is needed.
  - b. The H-1B must be approved by USCIS and the H-1B approval notice must be received to allow you to start work.
  - c. Processing times for H-1B I-129 petitions are unpredictable. Legally, H-1B I-129 petitions can be filed no more than 6 months before the start date of the requested H-1B status and it may take longer than that for USCIS to adjudicate the petition. ***To start working at Middlebury, your H-1B petition must be adjudicated and H-1B status granted by or preferably before your contact start date.*** Therefore, a premium processing request must also be filed to ensure an expedited decision. Even with premium processing, USCIS can take 4 weeks (from the date USCIS receives the completed petition packet) to adjudicate the H-1B petition and for Middlebury to receive the approval notice. The General Counsel's office will work with the law firm to determine if premium processing is necessary.

## H-1B Intake Form Instructions:

1. Please complete our H-1B Intake Form at [https://middlebury.qualtrics.com/jfe/form/SV\\_86vMfZ68tZYztz0](https://middlebury.qualtrics.com/jfe/form/SV_86vMfZ68tZYztz0).

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

If the H-1B is deemed necessary, ISSS will pass your information onto the General Counsel's office to initiate the H-1B process with the law firm. After the law firm has been given your information, you will be contacted directly by the law firm to provide additional information to complete your H-1B file. For a timely filing, you **MUST** respond to requests for information promptly. There may be case-specific circumstances that could shorten or delay this timeline. The law firm or ISSS will alert you to timing details regarding the case filing.

Please continue to the next page for information about international travel.

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

Obtaining a visa and managing travel to the U.S. may continue to be complicated and uncertain even though some travel restrictions have eased. 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 or be experiencing long wait times for visa appointments. It will be important to plan and anticipate any U.S. entry requirements 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.

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 be equal to or greater than 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 a 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.

If you must travel then you will need to discuss this with the General Counsel's office and the attorney firm to determine how to best strategize the filing of your H-1B petition with Middlebury without jeopardizing your ability to start working.

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 with your approval notice.

*NOTE: The H-1B visa category is not a category that allows for expedited processing 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.*

*Please consult with the General Counsel's office or with the law firm regarding any questions about your H-1B filing and/or travel.*