

Instructions for H-1B Status in the U.S. for international employees in Middlebury summer programs

Middlebury College sponsors individuals in H-1B status for summer positions in limited circumstances. The two scenarios are:

1. When the individual is **already in H-1B status** with another employer, Middlebury applies for a **concurrent H-1B status** (simultaneous or adjacent to the current H-1B status) to authorize employment at Middlebury for the duration of the summer session (i.e., Language Schools or Bread Loaf School of English).
2. When the individual will be **employed by another institution in H-1B status immediately following their Middlebury contract end date** so will need H-1B status to work at Middlebury for the summer session. In this rare situation, Middlebury would apply for a **new H-1B status** for the duration of the summer session via a change of status within the U.S. or consular processing. Then the subsequent employer would apply for a concurrent H-1B to cover their period of employment.

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.

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, the attorney will email you directly.

1. **Concurrent H-1B cases: 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 by and granted to another employer, Middlebury will need to file an I-129 Petition for Non-Immigrant Worker with USCIS.
 - The H-1B petition will request for you to work concurrently at Middlebury College (while still being employed by your current H-1B sponsor) for the duration of your contract.
 - The H-1B petition must be received by USCIS by no later than the start date of your contract with Middlebury, provided your current H-1B will remain valid beyond that date.
 - It can take up to 2 months to prepare and file the petition with USCIS.
 - Please follow the instructions on page 2 to provide Middlebury with some basic information so we can confirm whether an H-1B filing is needed.
 - If H-1B sponsorship is needed, ISSS will notify the General Counsel's office. The General Counsel's office will provide your name and contact information to an immigration attorney at the law firm we contracted with to process the filing of the H-1B case. The attorney will contact you directly.

NOTE: 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 College is willing and able to sponsor you in H-1B status to work for the Language Schools or another summer program, please follow the instructions on page 2 to provide ISSS with basic information. Once ISSS confirms an H-1B status is needed, ISSS will notify the General Counsel's office. The General Counsel's office will provide your name and contact information to an immigration attorney at the law firm we contracted with to process the filing of the H-1B case. The attorney will contact you directly.

NOTE: 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, Middlebury College will most likely need to file this petition with premium processing 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. We must have the USCIS approval in hand to allow you to start work.

H-1B Intake Form Instructions

1. **Please complete our H-1B Intake Form at**
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.

For Summer 2023, 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 the address of where you will be physically working during Summer 2023.

ISSS will begin coordinating the filing of the H-1B petition on your behalf as soon as we determine it is needed. Our goal will be to file the H-1B petition within 8 weeks 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. 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 due to the COVID-19 pandemic, 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. In addition, international travelers to the U.S. may be subject to vaccination requirements and may also be limited by travel restrictions and/or COVID-19 testing, if entering the U.S. from, or after visiting, certain countries. 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. 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)
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.
 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.

If you have questions, contact iss@middlebury.edu.