

Illinois Institute of Technology

International Center

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H-1 B Maintaining Status

04/06

Now that you are in the U.S. as an H-1 B temporary non-immigrant worker you must meet certain obligations in order to maintain your lawful status. You MUST:

- Work only in the authorized place of employment.
- Work only for the period approved on your I-797
- Have your hiring department notify the International Center if a significant change in duties, responsibilities, salary, or work site is expected during your authorized employment. An amended petition may be necessary.
- Have the department apply for renewal of your H-1B status (if you are eligible and if the department is interested in continuing your employment) 3-6 months prior to the expiration of your current H-1B immigration status. Keep in mind that the maximum allowable time in H status is 6 years.
- Notify the International Center if you change or adjust your status to permanent resident.
- Maintain a valid passport at all times.
- Report a change of address in the U.S. within 10 days to the immigration service on form AR-11 (or AR-11SR for those subject to special registration). This form can be downloaded from www.uscis.gov/graphics/formsfee/forms/ar-11.htm. Please also email the International Center with your new address so that we can update your file.

Miscellaneous Information

- **Unlawful Presence** occurs when you stay beyond the ending date of your I-94 or upon determination by the U.S. Immigration Service. There are serious consequences to staying unlawfully in the U.S. The consequences include a 3-year bar from reentering the U.S. if you have stayed unlawfully in the U.S. for 180 days or more, and a 10-year bar if you remain unlawfully in the U.S. for 360 days or more. Violation of your H-1B status does not necessarily make you unlawfully present, although it does make you ineligible for any immigration benefits. Before this occurs, please consult the International Center if you have any questions about maintaining your status. This does not apply if a timely, non-frivolous petition to extend your stay has been received by the Immigration Service prior to the end date of your I-94.

- H-4 Dependents are not eligible to work in the United States. They may attend school without changing to F-1 status.
- H-4 Dependents have the same travel requirements as H-1B temporary non-immigrant workers.
- Upon the completion of employment, H-1B workers must make plans to depart the United States immediately or apply for a change of non-immigrant status.
- Should you terminate your employment prior to the end date on your H-1B approval notice, please inform the International Center so we can update your records.

U.S. TAXES

H-1B workers are required to pay all applicable state, federal, medicare and social security taxes. However, residents of certain countries MAY be exempt from paying state and federal income tax for the first 2 or 3 years of their stay in the U.S. These countries are: Belgium, Republic of China, Commonwealth of Independent States, Czech Republic, Egypt, France, Germany, Greece, Hungary, Iceland, India, Indonesia, Israel, Italy, Jamaica, Japan, Korea, Luxembourg, Netherlands, Norway, Pakistan, Philippines, Poland, Portugal, Romania, Slovak Republic, Thailand, Trinidad and Tobago, Turkey, United Kingdom and Venezuela. To find out if you are eligible to use the tax treaty exemption from state and federal taxes, please contact the tax treaty specialist for your country at the Internal Revenue Service. Call the IRS Tax Treaty Division at 202-874-1460. H-1B holders should file federal and state income tax returns by mid April of every year. Information about filing tax returns is available at www.irs.gov.