

November 17, 2017

BY EMAIL

Leslie Kremer
Marshfield Clinic
1000 N. Oak Ave.
Marshfield, WI 54449

Shicheng Guo, Ph.D.

Via email: shihcheng.guo@gmail.com

RE: Closing Letter for H-1B Petition Approval on behalf of Shicheng Guo, Ph.D.
Our File No.: C17073.001

Dear Leslie and Dr. Guo:

This letter contains legal advice and information about Marshfield Clinic's employment of Dr. Guo in the H-1B visa classification and his status as an H-1B worker. The U.S. Citizenship & Immigration Services has authorized Dr. Guo to work for Marshfield Clinic as a Postdoctoral Fellow - Research in the H-1B visa classification through November 12, 2020.

I will send the original USCIS approval notice (Form I-797A) to Dr. Guo. He should remove the bottom I-94 card portion from the approval notice and staple it into his passport. The I-94 card is Dr. Guo's evidence of his lawful admission to the U.S., his change of status to H-1B, and his authorization to work in the U.S. under the terms of Marshfield Clinic's H-1B petition through November 12, 2020.

Visa and Travel Advice

The USCIS approval of Marshfield Clinic's petition and Dr. Guo's change of status by itself does not allow Dr. Guo to enter the U.S. after leaving. In fact, the I-797A is just one of multiple documents of legal importance to Dr. Guo and Marshfield Clinic, involving more than one federal agency. This understandably can lead to a lot of confusion.

If Dr. Guo travels outside the U.S., he will need to apply for an H-1B visa in order to reenter. Please contact our office if you have questions on that process.

General Advice about U.S. Immigration Inspection: Whenever Dr. Guo returns to the U.S. after travel abroad, he should be prepared to show proof that he continues to be employed by Marshfield Clinic. This may consist of his business card, clinic ID card, recent pay stubs, a verification letter from the clinic, etc. Under current procedures a USCBP inspector will review his passport and Marshfield Clinic's H-1B approval notice. The USCBP inspector should admit him for the validity period of the H-1B approval notice, plus 10 days (November 12, 2020) or the expiration date of his passport, whichever is earlier. The inspector will stamp his passport and provide him information on how to find his I-94 record online. Dr. Guo should always make a point of obtaining and reviewing this I-94 information as soon as possible, to be sure that the admission class (H-1B) and expiration date (November 12, 2020) are correct.

Change of Address

Dr. Guo is obligated to notify USCIS of his change-of-address within ten days of moving. This requirement is frequently overlooked, but the repercussions could be serious, because failing to comply is a technical ground for deportation. He may notify USCIS on the website at <https://egov.immigration.gov/crisgwi/go?action=coa> or if he chooses to file a written notice by mail, the form (AR-11) is available on-line at www.uscis.gov. (Click Forms and then click AR-11.) If he submits the form online, he should print the verification page after submitting it; or, if he submits the hard copy of the form in the mail, he should keep a copy of the form and obtain proof of delivery from either the U.S. Postal Service or a courier service. I would appreciate it if he would also notify me of any further change in address, telephone, email address, and/or marital status. Please note: providing change-of-address information to me does **not** mean I will file the AR-11 form for him. It is his own responsibility to file the AR-11, unless Marshfield Clinic asks me to do it for him.

H-1B Employer Obligations

I am enclosing a Compliance Checklist with Leslie's copy of this letter as a reminder of Marshfield Clinic's obligations under the terms of the Labor Condition Application that Marshfield Clinic filed with the U.S. Department of Labor for Dr. Guo's period of H-1B employment.

IMPORTANT!!! Both the U.S. Department of Labor and USCIS are increasing their site visits to H-1B employers, and both agencies may require an employer to produce the LCA Public Access File and related payroll records. The USCIS visits are under the direction of the Office of Fraud Detection and National Security (FDNS) and are conducted by third-party contractors, whose visits are unannounced. The FDNS contractors are charged with verifying that the H-1B employer is a valid employer. They also seek to verify the H-1B worker's actual employment, the fact that he/she is in a "specialty occupation," and to review compliance issues.

In a more recent development, the State Department has announced that it is conducting its own petition verification investigations through the Kentucky Consular Center. Our understanding is that these investigations are conducted by telephone by contract personnel, although company websites will also be checked. The areas of inquiry regarding the employer include but are not limited to:

1. Whether the petitioner, in fact, submitted the petition
2. When was the petitioner incorporated
3. Where was the physical location of the petitioner
4. Number of employees

5. Names of shareholders
6. Location of Attorney of Record
7. General information regarding the petitioner's operations and business plan

The State Department contract personnel may also ask questions about the beneficiary's position, qualifications, etc.

I-9 Obligations: Complete instructions for executing Dr. Guo's I-9 form and verifying his work authorization documents are on the enclosed Compliance Checklist.

Long-Term Immigration Issues

Maximum H-1B Employment: Dr. Guo is entitled to a total of six years of H-1B employment in the U.S. He will reach his six-year cap on November 12, 2023, plus any days he can recapture from time spent abroad. Therefore, to qualify for the maximum period of H-1B eligibility available, Dr. Guo **should keep very careful records of his entries to and departures from the U.S. from now on.** This is because days spent outside the U.S. are not counted against the six-year limitation on status and may be "recaptured" and added on to the six-year period. To document entries, I strongly recommend that he keep legible photocopies of every I-94 record. To document departures, he should keep his boarding passes and also may use legible arrival passport stamps of the country of destination.

After November 12, 2023, or a future date that is based on a recapture request, if Dr. Guo has not changed to another immigration status or become eligible for further H-1B extensions under special USCIS rules, he will have to leave the U.S. for at least one year before he is eligible to return in H-1B status. Under very specific circumstances, further H-1B extensions beyond the six-year cap are available to H-1B workers whose employers are sponsoring them for permanent residence, if that case has been filed before the end of his fifth year of H-1B status (i.e., November 12, 2022). I urge you to discuss his permanent resident plans well in advance of the end of his fifth year of H-1B status in order to ensure that everything is prepared on time.

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If either of you has any questions about Dr. Guo's H-1B employment in the U.S. or any other immigration matter, do not hesitate to contact me. I have appreciated the assistance and cooperation that I have received from both of you, and I hope that Dr. Guo enjoys his job at Marshfield Clinic.

Very truly yours,



Kelley A. Chenhalls
Attorney at Law

