



# TIMELINES FOR STARTING EMPLOYMENT FOR NEW H-1B EMPLOYEES



**MELTZER HELLRUNG**  
IMMIGRATION SOLUTIONS

## Timelines for Starting Employment for New H-1B Employees

When a company seeks to hire a new employee on an H-1B visa, and that candidate has held H-1B status in the past or currently is in H-1B status, there are multiple timelines for the process and when that candidate can begin working for the company. This outline is designed as an internal reference for companies to understand when a candidate may join the company and the benefits of choosing whether to pay for premium processing service.

### #1: Candidate is currently unemployed but within 60 days of last date of employment in H-1B with prior employer - Candidate can begin working for petitioning company upon filing an H-1B petition

If a candidate has been in H-1B status and lost their job within the last 60 days, the candidate is able to begin working for a new company in H-1B status as soon as the new petition is delivered to USCIS. The H-1B petition must reach the USCIS within that 60 day grace period. The candidate is likely to be willing to begin working as soon as possible if currently unemployed.

#### Process



1. Preparation of an H-1B Petition by Meltzer Hellrung: 10-15 calendar days
2. Application is received by USCIS. FedEx delivery confirmation is sufficient for demonstrating work authorization for I-9 purposes

**Total timeline:** 10-15 calendar days

### #2: Candidate is currently employed in H-1B status - Candidate chooses to start working for petitioning company upon issuance of USCIS receipt for H-1B petition

If a candidate is working in H-1B status for another company, that person can begin working as soon as the application is received by USCIS. An approval is not required for work authorization. Some candidates are willing to begin working once the application is delivered to USCIS, rather than approved. While an individual is authorized to work upon delivery, some candidates are willing to begin working only when a receipt number for the petition is issued by USCIS.

#### Process



1. Preparation of an H-1B Petition by Meltzer Hellrung: 10-15 calendar days
2. Application is received by USCIS. FedEx delivery confirmation is sufficient for demonstrating work authorization
3. Receipt notice issued by USCIS
  - **3-7 calendar days with premium processing service**
  - **7-15 calendar days without premium processing service**
4. The candidate may choose to begin working once the notice is available. However, even if the candidate is willing to begin working upon issuance of the receipt notice, the candidate may choose to give two weeks notice to an existing employer only after the receipt notice has been issued by USCIS

#### Total timeline:

1. 14-30 calendar days if working immediately upon the availability of a receipt notice.
2. 28-45 calendar days if the candidate gives notice to an existing employer upon getting a USCIS receipt notice for the new H-1B petition.

### #3: Candidate is currently employed in H-1B status - Candidate chooses to start working for petitioning company upon issuance of USCIS approval for H-1B petition

If a candidate is working in H-1B status, that person can begin working as soon as the application is received by USCIS. Some candidates are only willing to begin working for the new employer once the application is approved by USCIS, rather than received, as they want to know their status will not be impacted by the change in employment. While H-1B petitions have approval rates above 95% overall, a denial creates significant risks for the candidate in terms of the ability to continue to live and work in the United States.

#### Process

1. Preparation of an H-1B Petition by Meltzer Hellrung: 10-15 calendar days
2. Application is received by USCIS. FedEx delivery confirmation is sufficient for demonstrating work authorization
3. Receipt notice issued by USCIS
  - **3-7 calendar days with premium processing service**
  - **7-15 calendar days without premium processing service is typical. USCIS is given up to 30 calendar days to issue a receipt notice**
4. USCIS completes review of the H-1B petition
  - **15 business days maximum with premium processing (4-21 calendar days)**
  - **2-8 months for review with regular processing**
5. If USCIS approves the petition after its review, an approval notice will be issued. USCIS may also issue a request for evidence, asking for additional information or documentation to complete review of the petition. We are typically given 90 days to respond to a request for evidence. We seek to respond within 30 days
6. After receiving an RFE response, USCIS reviews the petition for a final decision
  - **Up to 15 business days with premium processing (4-21 calendar days)**
  - **30-60 days for review with regular processing**
7. Upon approval the candidate may begin working, or may only at that time give two weeks notice to an existing employer.

#### Total timeline:

##### 1. Premium Processing

- No RFE: 2-7 weeks, depending on USCIS processing speed and whether notice is given after approval by the candidate.
- With RFE: 2-6 months, depending on USCIS processing speed and whether notice is given after approval by the candidate.

## 2. Regular Processing

- No RFE: 2-7 months, depending on USCIS processing speed and whether notice is given after approval by the candidate.
- With RFE: 5-12 months, depending on USCIS processing speed and whether notice is given after approval by the candidate.

## #4: Candidate is currently in a different visa status (without work authorization) - Candidate can start working for petitioning company in the US upon issuance of USCIS approval for H-1B petition

If a candidate is working in the US in another visa status, that person can only begin working in H-1B status once the application is approved by USCIS. An individual can work in H-1B status if they previously had an H-1B cap subject approval any time in the past.

### Process

1. Preparation of an H-1B Petition by Meltzer Hellrung: 10-15 calendar days
2. Application is received by USCIS.
3. Receipt notice issued by USCIS
  - **3-7 calendar days with premium processing service**
  - **7-15 calendar days without premium processing service.**
4. USCIS completes review of the H-1B petition
  - **15 business days maximum with premium processing (4-21 calendar days)**
  - **1-6 months for review with regular processing**
5. If USCIS approves the petition after review of the petition, an approval notice will be issued. USCIS may also issue a request for evidence, asking for additional information or documentation to complete review of the petition. We are typically given 90 days to respond to a request for evidence. We seek to respond within 30 days.
6. After receiving an RFE response, USCIS reviews the petition for a final decision
  - **Up to 15 business days with premium processing (4-21 calendar days)**
  - **30-60 days for review with regular processing**
7. Working in H-1B status after approval
  - **The candidate can begin working upon approval or upon reaching the start date listed in the petition. The petition can request a start date up to six months in advance of the date of submission. If the petition requests a start date that is still in the future, the candidate can only begin working on that date.**

### Total timeline:

#### 1. Premium Processing

- No RFE: 2-5 weeks, depending on USCIS processing speed
- With RFE: 2-6 months, depending on USCIS processing speed

#### 2. Regular Processing

- With RFE: 2-6 months, depending on USCIS processing speed
- With RFE: 5-11 months, depending on USCIS processing speed

## #5: Candidate is currently outside the United States - Candidate can start working for petitioning company in the US upon issuance of USCIS approval for H-1B petition and entry into the United States

If an individual is outside the US, the petitioning company may choose to employ the candidate while the person resides abroad (whether on US payroll or foreign payroll) without any impact on US immigration laws. The candidate can only begin working in the US upon approval of an H-1B petition and the candidate's entry into the US in H-1B status. The timeline for this candidate may be longer if the candidate needs to make plans to relocate to the US. As with other options, the candidate may choose to give notice to a current employer upon approval of the petition.

### Process

1. Preparation of an H-1B Petition by Meltzer Hellrung: 10-15 calendar days
2. Application is received by USCIS.
3. Receipt notice issued by USCIS
  - **3-6 calendar days with premium processing service**
  - **7-15 calendar days without premium processing service**
4. USCIS completes review of the H-1B petition
  - **15 business days maximum with premium processing (4-21 calendar days)**
  - **1-6 months for review with regular processing**
5. If USCIS approves the petition after initial review, an approval notice will be issued. USCIS may also issue a request for evidence, asking for additional information or documentation to complete review of the petition. We are typically given 90 days to respond to a request for evidence. We seek to respond within 30 days.
6. After receiving an RFE response, USCIS reviews the petition for a final decision
  - **Up to 15 business days with premium processing (4-21 calendar days)**
  - **30-60 days for review with regular processing**
7. I-797 approval notices issued by USCIS typically reach our office in two to three weeks. We will then ship the original approval notice to the candidate for use to get a visa stamp and enter the United States.
8. Entry into the United States
  - A) **Candidates who already have valid H-1B visa stamps and Canadian citizens**
    - Canadian citizens do not require a visa stamp to enter the US and can enter immediately upon possession of the approval notice.
    - If the candidate has an unexpired H-1B visa stamp from a previous employer, that H-1B visa is valid for use to enter the United States when in possession of the new I-797 approval notice. The candidate does not need to get a new visa stamp from a consulate.
  - B) **Candidates without valid H-1B visa stamps**
    - The candidate needs to first get a visa stamp at a US consulate or embassy. The timeline for getting a visa is based on the availability of appointments. An appointment for a visa is typically available between one and six weeks depending on the consulate and time of year. After the visa appointment, the candidate's passport is returned with a valid visa stamp in 3-7 business days.

**Total timeline:**

**1. Premium Processing**

- No RFE: 2-7 weeks, depending on USCIS processing speed and whether notice is given after approval by the candidate.
- With RFE: 2-6 months, depending on USCIS processing speed and whether notice is given after approval by the candidate.

**2. Regular Processing**

- No RFE: 2-7 months, depending on USCIS processing speed and whether notice is given after approval by the candidate.
- With RFE: 5-12 months, depending on USCIS processing speed and whether notice is given after approval by the candidate.

**3. Additional timeline to secure a visa stamp if the candidate is currently outside the US**

- 2-7 weeks

**For Additional information and questions, please contact your MH attorney.**



**MELTZER HELLRUNG**  
IMMIGRATION SOLUTIONS

Meltzer Hellrung challenges conventions to deliver better outcomes.

Founded with the belief that immigration can be a strategic advantage, we understand the complexities of immigration and respond with innovative solutions to meet business and talent needs. Our unique solution – skilled immigration professionals delivering responsive service to clients through Voyager®, our proprietary immigration management platform, delivers the best immigration experience to companies, employees and their families.