

NOTICE TO SPONSORING EMPLOYERS REGARDING SEPARATION IN EMPLOYMENT OF CERTAIN NONIMMIGRANT EMPLOYEES

Should an employer terminate a foreign employee holding H-1B, H-1B1, E-3, or O-1 visa status, the following legal obligations apply:

1. The employer must provide the terminated employee the reasonable costs of return transportation to his or her country of last residence. This obligation extends only to the terminated employee, and not to the employee's dependent family members. We recommend you either

- (a) provide airfare to the affected employee, or

- (b) document the separate payment specifically designated for the employee to cover the reasonable costs of his or her own return transportation.

To document your compliance with this rule, we recommend that employers have the H-1B employee acknowledge receipt of either the ticket or payment in writing, and retain a hard copy of the acknowledgement.

2. The employer must notify U.S. Citizenship and Immigration Services (USCIS) whenever there is a material change in the terms of employment, including termination. This means the employer must formally request withdrawal of the H-1B petition immediately upon the employee's termination.