

EARLY EMPLOYMENT TERMINATION (H-1B/O-1/E-3) TEMPLATE MEMO FOR DEPARTMENTAL USE

If a department is terminating an H-1B/O-1/E-3 employee earlier than the end date on their approval notice (Form I-797), the institution is required to establish that it has either offered and been declined, or paid for, return transportation for the employee to their home country (this obligation does not include dependents).

The template below can be used to this effect. Please feel free to edit the template as the department sees fit, but make sure to retain the basic information provided. After obtaining the employee's signature, please email a copy of this document to ischolars@ucsd.edu and retain appropriate information on payment of return transportation in the employee's file. The International Services and Engagement Office (ISEO) will follow up with the U.S. Citizenship and Immigration Services (USCIS) to withdraw the petition in order to protect the University from further liability.

Please email us at ischolars@ucsd.edu with any questions or concerns you may have.

[Departmental Letterhead]

Date

Dear [employee name]:

Since your employment will end with UC San Diego on [insert date of termination], this will effectively end your [insert H-1B/O-1/E-3 status] as of this date, as the International Services and Engagement Office (ISEO) must notify U.S. Citizenship and Immigration Services (USCIS) of the separation from employment and request the withdrawal of the petition on your behalf. [insert H-1B/O-1/E-3 status] allows for a grace period of up to 60 days or the authorized validity period, whichever is shorter, from the date of "cessation of employment" (separation of employment). There is only one grace period per authorized validity period, and it may be eliminated or shortened at the discretion of the U.S. Department of Homeland Security (US DHS). Under the new regulations, the grace period may be used to pursue new employment, an extension or change to nonimmigrant status or to timely depart the U.S. to avoid being considered "out of status". Please note that you may not work during this grace period and that approvals to changes in your immigration status are at the sole discretion of the UCSIS.

ISEO recommends that you file a change of status application or have a new petition filed on your behalf to "port" to a new employer prior to separation of employment with UC San Diego. Please consider making an appointment with an Immigration Advisor in ISEO to discuss your options

Per federal regulations, we are offering you return transportation to your home country. Our department

is responsible for offering to you a one-way, non-refundable ticket to your home country. We are not liable, however, for return transportation for your dependents or your moving costs. Please sign below to indicate you are accepting or declining the offer.

Sincerely,

[Departmental Representative]

Employee signature (sign A or B):

- A. I **accept** one-way return transportation to my home country. I understand that the transportation may be the most economical possible.

Name (as it appears on your passport)

Current date

Signature

- B. I **decline** return transportation to my home country. I am choosing to stay in the U.S. or have my own means to return to my home country.

Name (as it appears on your passport)

Current date

Signature