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## **PROCEDURE FOR REIMBURSING AN H-1B OR O-1 BENEFICIARY FOR THE REASONABLE EXPENSES OF A RETURN TICKET TO HER/HIS HOME COUNTRY WHEN EMPLOYMENT TERMINATED PRIOR TO THE END OF THE PERIOD OF AUTHORIZED ADMISSION**

### **Paying an H-1B or O-1 Employee's Return Travel if Terminated Early**

Part of an employer's H-1B and O-1 obligation is to pay the reasonable expense of an H-1B or O-1 employee's return travel to her or his home country, if the employer terminates that employee before the end of the authorized admission, even if the employee is terminated for cause. The period of authorized admission is either the end date of the USCIS Petition Approval Notice (Form I-797) or the end date of the I-94, whichever is sooner. This obligation does not apply to H-1B or O-1 employees who leave voluntarily, to any dependents, or to employees in other non-immigrant visa statuses.

The statutory requirement that an employer reimburse a terminated H-1B or O-1 employee for the reasonable cost of return transportation is found at INA 214(c)(5)(A), INA 214(c)(5)(B) and 8 CFR 214.2(h)(4)(iii)(E).

(5) (A) In the case of an alien who is provided nonimmigrant status under section [101\(a\)\(15\)\(H\)\(i\)\(b\)](#) or 101(a)(15)(H)(ii)(b) and who is dismissed from employment by the employer before the end of the period of authorized admission, the employer shall be liable for the reasonable costs of return transportation of the alien abroad.

(B) In the case of an alien who is admitted to the United States in nonimmigrant status under section [101\(a\)\(15\)\(O\)](#) or [101\(a\)\(15\)\(P\)](#) and whose employment terminates for reasons other than voluntary resignation, the employer whose offer of employment formed the basis of such nonimmigrant status and the petitioner are jointly and severally liable for the reasonable cost of return transportation of the alien abroad. The petitioner shall provide assurance satisfactory to the Attorney General that the reasonable cost of that transportation will be provided.

(E) Liability for transportation costs. The employer will be liable for the reasonable costs of return transportation of the alien abroad if the alien is dismissed from employment by the employer before the end of the period of authorized admission pursuant to section [214\(c\)\(5\)](#) of the Act. If the beneficiary voluntarily terminates his or her employment prior to the expiration of the validity of the petition, the alien has not been dismissed. If the beneficiary believes that the employer has not complied with this provision, the beneficiary shall advise the Service Center which adjudicated the petition in writing. The complaint will be retained in the file relating to the petition. Within the context of this paragraph, the term "abroad" refers to the alien's last place of foreign residence. This provision applies to any employer whose offer of employment became the basis for an alien obtaining or continuing H-1B status.

To comply with this mandate, a procedure to reimburse the terminated employee for that cost has been developed with the campus Finance Office's assistance. The request for payment using the Non-Employee Reimbursement process must be approved by the Deputy Controller or the Controller, after review by an ISSS staff member who will confirm that the employee seeking reimbursement is eligible.

## **University of Colorado Denver | Anschutz Medical Campus Procedure**

The way to pay the “equivalent” to an airline ticket to the home country for a terminated employee’s reasonable costs of transportation to the home country is via the Non-Employee Reimbursement process.

1. Ask University approved travel agent for a quote for a flight on a date closest to the last day of the employee’s pay period.
2. Enter a payment request using the Non-Employee Reimbursement (NR) form available from the Procurement Service Center website at <https://www.cu.edu/psc>. Include in the comments
  - the payment is based on an estimate
  - there are no actual receipts; and
  - an explanation of the federal compliance requirement is attached (see e. below)

Attach the following:

- a. A quotation of the cost of the airline ticket from a University-approved travel agent;
  - b. A copy of the USCIS Petition Approval Notice for the H-1B or O-1 petition in question.
  - c. A printout of Form I-94 from U.S. Customs and Border Protection’s [I-94 website](#) showing the period for which the employee was admitted to the U.S. in H-1B or O-1 status.
  - d. A copy of the termination documentation from the hiring unit.
  - e. This document.
3. The NR form must be approved by school/department Administrator or Director of Finance and Administration. The Deputy Controller or the Controller will be asked to review and approve the request before it can be sent to PSC.
  4. If the request is approved, a payment check will be sent to the payee’s address listed in the NR form.