

H-1B Visa

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The "Temporary Professional Worker " visas are available to individuals with a four year bachelor's degree from the U.S. or abroad seeking a professional position with a United States employer. Under recent interpretations, the employer can be a corporation owned entirely by the foreign professional and/or his/her family. The visa is available for a maximum of six years and also can lead to permanent residency. Internationally recognized fashion models can also qualify under the H-1B category.

H-1B VISA REQUIREMENTS AND CHECKLIST

DESCRIPTION: The H-1B visa allows a professional worker from abroad to be employed by a U.S. employer (the Petitioner). The fundamental requirements for these positions are that the candidate possess the equivalent of at least a U.S. Bachelors Degree, as well as experience relevant to the position for which approval is sought. An H-1B employee may remain in the United States up to 6 years and no particular relationship between the prior employer abroad and the U.S. corporation is required. However, the employee must be licensed under his particular profession in the United States and corresponding state, unless it can be established that such licensure is not necessary. (For example, a foreign engineer working for a U.S. corporation but supervised by U.S. licensed engineer may be able to avoid the state licensing requirement.) The "H" visa, as well as the "L" visa, is specifically exempt from the presumption of immigrant intent. Under this change, working and living in the United States is possible during the pendency of a Labor Certification filed by the employer to obtain the professional's green card. This category is extremely attractive under the new law and will probably be utilized a great deal in the coming years.

REQUIREMENTS:

- U.S. Bachelors Degree or foreign equivalent
- (if degree is foreign) analysis by independent credentials evaluations service attesting that foreign degree is equivalent to U.S. Bachelors Degree
- Professional job offer which closely parallels the training and background of the particular employee
- Filing of a Labor Condition Attestation with the U.S. Department of Labor
- Prevailing wage survey conducted by the local state employment agency to protect the employer
- I-129H petition approved by INS

Important Details

Please note that since January 19, 1994, the Immigration Service has only accepted full and complete translations of foreign documents. Summary or extract translations are no longer acceptable. If you do not have a qualified translator, please contact us and we will attempt to refer you to someone in your area. Concurrent H-1B

Please note that it is possible to have more than one H-1B petition at the same time. The purpose of these multiple H-1Bs is to enable a foreign worker to work for more than one employer at the same time.

Example: Jane is a physical therapist with company A. Jane is working for company A pursuant to an H-1B petition. Company B has offered Jane a part-time job to work 2-5 hours per week at a particular facility. In this case, company B would process a concurrent H-1B petition for Jane. Jane would then have permission to work on a full-time basis for company A while also providing part-time coverage with company B.

Please note that the requirements and filing fees for filing a concurrent H-1B are the same as those for an H-1B in the first instance.