

H-1B WORK VISA SEASON STARTS NOW



IMMIGRATION PROFESSOR'S CORNER

By Robert Perkins, Esq.

The most sought after visa for working in the United States is the H-1B visa for professional workers. However, H-1B visas are limited to 65,000 visas per year, with an extra 20,000 available for people with a US Master's degree. Over the past several years the immigration service has received 250,000 – 300,000 applications for H-1B visas, so they have had to conduct a visa lottery to randomly select the applications they will process. From now until the first week of April, immigration attorneys will be preparing to file H-1B applications which must be filed in the first week of April to have a chance at being selected in the H-1B visa lottery.

To get an H-1B visa, an applicant

must have an offer to work for a United States Employer. Based on this offer, the employer may then file a petition with United States Citizenship and Immigration Services ("USCIS"). There are three main requirements for an H-1B visa to be approved by USCIS. First, the employer must offer the employee work in a professional job in the United States, a professional job is defined as one where US employees typically require at least a bachelor's degree, i.e., a computer programmer, an engineer, a teacher, a nurse, etc.

Second, the employee –called the beneficiary, must have a bachelor's degree or its equivalent. In the United States, one goes to college or

University at age 18 after graduating from high school. In the United States, a Bachelor's degree usually takes four years to obtain. Extensive work experience may be equivalent to a bachelor's degree.

The final requirement is that the employer must pay the prevailing average wage for the job.

An H-1B visa last for 3 years and can be extended for another 3 years for a total of six years. H-1B visas can be for either full time for part time work. An employer may also sponsor an H-1B visa holder for a green card, although this is a separate process. To learn more about the H-1B visa, please call our offices nationwide at 888-439-4560. ■

