

# H VISAS



Temporary worker visas are available for people wishing to enter the U.S. and work or train for a fixed period of time. U.S. Citizenship and Immigration Services (USCIS) created multiple subcategories for the most common employment situations.

This section will cover:

- 1 H-1B Specialty Occupation**
- 2 H-1B1: Free Trade Agreement Professional from Chile or Singapore**
- 3 H-3 Nonimmigrant Trainee or Special Education Exchange Visitor Visa**

## H-1B: SPECIALTY OCCUPATION

### Who's Eligible

The H-1B visa is designated for **individuals working in a specialty occupation that requires a specific skill set and background of specialized knowledge**. Specialty occupations typically include: **biotechnology, education, engineering, computer sciences, management, medicine, etc.**

#### Additional requirements:

- ▶ Must have completed a U.S. bachelor's degree or its equivalent in a field of study related to the position. If the degree was obtained overseas or is not a four-year bachelor's degree, an education evaluation must be completed.
- ▶ Industry standard education requirements for the position must include at least a bachelor's degree.
- ▶ Salary for the position must meet minimum prevailing wage requirements.
- ▶ If the position requires the employee to work off-site, additional proof of employment may be needed.

**WORK EXPERIENCE CAN BE USED TO SUBSTITUTE YEARS OF STUDY.**



**3 years**

of work experience is equivalent to one year of study.

# H-1B VISA: SPECIALTY OCCUPATION

## Validity Period



## Future Plans

We recommend that you speak to your attorney if the temporary nature of the assignment changes.

## Government Fees

**Petition filing fee: \$460 to \$2,460**

(Excludes premium processing fees and/or super H-1B dependent companies)

**Premium processing:** Employers can pay the **\$2,500 premium processing fee** when available and USCIS will adjudicate the H-1B petition, meaning they are required to approve, issue a Request for Evidence (RFE) or deny the visa petition **within 15 calendar days**.

## Dependents

**Employees may be accompanied by their spouses and unmarried children 21 years and under** with an H-4 nonimmigrant dependent classification. Select spouses are entitled to apply for work authorization once the H-1B holder has reached a certain point in the green card application process. Dependents are allowed to study while in H-4 status.

## H-1B CAP

First-time H-1B visa petitioners are subject to the H-1B lottery.

The number of visas processed each year are:



**65,000**

for bachelor's degrees and an additional

**20,000**

for applicants with master's degrees.

If the H-1B petition is accepted for processing and approved, the first official start date is October 1.

**Note:** H-1B petitioners employed at an institution of higher education or at certain nonprofit entities are not subject to the cap.

# H-1B VISA: SPECIALTY OCCUPATION



## Employer Document Checklist

- Financial statements or annual report
- Catalogs, brochures or other types of marketing literature
- Employment contract or job offer letter
- Job description with requirements and job site location

## Employee Document Checklist

- Passport
- Form I-94 if in the U.S.
- Diploma
- Transcripts or marksheets
- Resume or curriculum vitae
- All previous Form I-797 Approval Notices
- Payroll paycheck stubs for the last two pay periods
- Previous employment authorization document cards, if applicable
- All prior I-20s, if applicable
- All prior dates spent inside the U.S. in H-1B and L-1 Intracompany Transferee visa statuses
- Visa stamp

## KEY EMPLOYER TAKEAWAYS

- ! The H-1B petition generally requires a bachelor's degree in a specific field.
- ! Salary for the position must meet the minimum prevailing wage.
- ! It is important to discuss with your employer when the permanent residency process should start to help ensure ongoing work authorization.

## H-1B1: FREE TRADE AGREEMENT PROFESSIONAL FROM CHILE OR SINGAPORE

### Who's Eligible

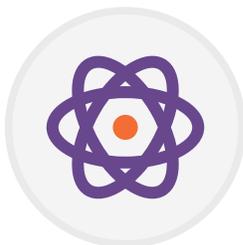
Citizens of **Chile and Singapore** are eligible for the H-1B1 professional work visa. The job must involve specialty work that requires at least a U.S. bachelor's degree or its equivalent.

- ▶ Qualifying **candidates must be filling a “specialty occupation” role**, meaning it requires a specific skill set and background of specialized knowledge.
- ▶ Specialty occupations usually include: **engineering, mathematics, physical sciences, computer sciences, medicine, health care, education, biotechnology, management, human resources, etc.**
- ▶ Candidates must also hold at least a **U.S. bachelor's degree** or its equivalent in a major related to the U.S.-based position they are pursuing, or possess equivalent work experience.

### SPECIAL NOTE

The application process isn't petition-based. The employee may apply directly at the U.S. Embassy in Singapore or Chile. No filing is necessary in the U.S.

**For more information, contact the U.S. Embassy in Chile or Singapore or consult an attorney.**



## Validity Period

 <b>INITIAL STAY</b> Up to <b>1 year</b> for a citizen of Chile <b>1 year</b> for a citizen of Singapore	 <b>RENEWALS</b> Unlimited extensions permitted <b>1 year</b> at a time	 <b>TOTAL STAY</b> <b>varies</b>
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**NOTE:** The visa stamp can be issued for 18-months but I-94s are issued in one-year increments.

## Future Plans

We recommend that you speak to your attorney if the temporary nature of the assignment changes.

## Government Fees

**Consular application filing fee: \$190**

**USCIS petition filing fee: \$460**, if applying through USCIS to extend the foreign national's current stay in H-1B1 status or to change employers without leaving the U.S.

**Premium processing:** This expedited application processing feature is **not available** for H-1B1 visas.

## Dependents

Employees may be accompanied by their spouses and unmarried children 21 years and under with an H-4 nonimmigrant dependent classification. Dependents are allowed to study while in H-4 status but are not eligible for work authorization.



## Employer Document Checklist

- Financial statements or annual report
- Catalogs, brochures or other types of marketing literature
- Job description with requirements and job site location

## Employee Document Checklist

- Passport
- Form I-94 if inside the U.S.
- Diploma
- Transcripts or marksheets
- Resume or curriculum vitae
- All previous Form I-797 Approval Notices\*
- Payroll paycheck stubs for the last two pay periods\*
- Previous visa stamps, if any
- Digital photo for DS-160, the Electronic Consular Application, if applying directly at an embassy or consulate

\*Exact documentation required for each case varies based on the distinct nuances of each application.



## KEY EMPLOYER TAKEAWAYS

- !** H-1B1 holders who are changing employers and are inside the U.S. must wait for the H-1B1 transfer to be approved by the USCIS. Alternatively, they could leave the country and apply at an embassy or consulate.

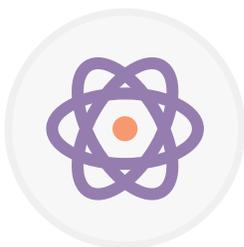
## H-3: NONIMMIGRANT TRAINEE OR SPECIAL EDUCATION EXCHANGE VISITOR VISA

### Who's Eligible

The H-3 visa allows you to sponsor individuals coming to the U.S. for training. Additionally, it allows special education exchange visitors to enter the U.S. to train specifically in special education.

#### Additional requirements:

- For trainees, the training can be in any field that is only offered in the U.S., except graduate medical education or training.
- For special education exchange visitors, the training will allow him or her to develop practical experience educating children with physical, mental or emotional disabilities.



# H-3 VISA

## Validity Period

  
INITIAL STAY

**Varies  
depending  
on training**

  
RENEWALS

**Extensions**  
can't go beyond the maximum  
amount of time requested for the  
visa.

  
TOTAL STAY

up to  
**24 months**

**NOTE:** 18 months for special education trainees

## Government Fees

**Petition filing fee: \$460**

**Premium processing:** Employers can pay the **\$2,500 premium processing fee** when available and USCIS will adjudicate the H-3 petition, meaning they are required to approve, issue a Request for Evidence (RFE) or deny the visa petition **within 15 calendar days.**

## Dependents

H-4 dependent visa is available for the spouse and children under 21 years. Dependents may study but not work.



## Employer Document Checklist

- Training program description
- Catalogs, brochures and other types of marketing collateral
- List of permanent U.S. locations
- Application process for program
- Application process for program
- Financial statement or annual report
- Detailed explanation of why the training must take place in the U.S.

## Employee Document Checklist

- Diploma
- Passport
- Resume or curriculum vitae
- Digital photo for DS-160
- Letter confirming how training will benefit his or her career outside of the U.S. and why training isn't available in the home country



## KEY EMPLOYER TAKEAWAYS

- ! Great for contributing to knowledge abroad since it helps the visa holder gain valuable training and on-the-job experience.
- ! Helps diversify your training program.



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