

H-1B Visas – Employment based visa for “specialty occupations”

- Available to people in "specialty occupations"
- Usually requires a university degree
 - If most people in field in the US have university degree
 - If employer typically hires people with university degrees for job
 - If no degree experience may be substitute experience in some circumstances and need evaluation from an expert
- Spouses and children not allowed to work
- No need to maintain ties to home country
- Must have an employer in the US willing to hire
- Employer should guarantee continuous work available
- If the occupation requires a license, visa seeker should have visa
- Valid for up to 6 years
- Job must pay at least as much as American workers in the same field are paid
- Permitted to have simultaneous green card application pending
- Limited to 65,000 people per year
 - Many H-1B workers are exempt from this cap
 - Is an additional quota of 20,000 for people holding masters degrees or higher granted by a US university
- Can change employers, however, need new visa approval for each new employer
- Companies employing many H-1B workers may be subject to additional requirements for recruiting and record keeping
- Self-employment permitted in limited circumstances
- USCIS must approve Visa before consulate can issue visa
- Filing fees are expensive
- Expedited filing available at premium price