

## H-1B Visa Program Overview

### **What is an H-1B visa?**

The H1B visa program is the primary method for bringing in professional level foreign employees to the USA. The H1B visa enables US employers to hire foreign professionals for a specified period of time. The H1B program allows workers in specialty occupations to work in the US for up to a total of six (6) years. One of the things that makes this visa so desirable is that, unlike many other nonimmigrant visa categories, it is a "dual intent" visa. This means that a visa will not be denied simply because a person has intentions to become a permanent resident. The assumption is that if for some reason the permanent residency petition is denied, the person would still have the intention to return home.

Another advantage to the H1B visa category is that the employer does not need to demonstrate that there is a shortage of qualified US workers and, consequently, a labor certification process can be avoided. Aside from documenting that the position offered is in a specialty occupation and that the employee has the appropriate credentials for the job, the employer need only verify that the H1B visa worker is being paid the prevailing wage for the work being performed and that employment of a foreign worker is not harming conditions for US workers.

### **Length of time**

The length of time that a worker can have an H1B visa is usually an initial period of up to three years. The initial H1B visa can then be extended one time for up to a combined total of six years.

Other regulatory provisions permit;

- (1) the employer to request a period of less than three years,
- (2) the employee to be employed on a part-time basis
- (3) the employee to work for more than one US Employer simultaneously.

### **The worker's family**

The family of the worker may also be permitted to live in the US during the period that the H1B visa is in effect, but cannot be a paid employee while on an **H4 visa**. During the term of the H1B visa the employee can also apply for permanent residency. This is called "Dual Intent", and is a privilege some other U.S. visas do not enjoy.

### **The Number of H1B visas issued - the H1B Cap**

The number of H1B visas issued each year is subject to a cap that is determined by US Congress. The cap for fiscal year 2004 is currently set at 65,000. The H1B applications that are approved for each fiscal year receive an employment start date of October 1 (the first day of the fiscal year).

### **Required Documentation for H1B visa holder**

- High School Diploma (only required if no college level of education has been attained.)
- College diplomas (Associate, Bachelor, Master, PhD)
- College transcripts/academic records
- Certificate/diploma of training courses in IT
- Evidence of license or professional membership in IT
- Employment verification in the form of retrospective references (these must correlate with information in CV/Resume)
- Current CV/Resume describing in detail employment history including: name & address of employer, job title, month/year commenced employment & month/year concluded employment, type of business, duties performed, full/part time.
- Identity page in passport plus any pages evidencing current or expired US Visas

### **I-94 Card**

As an immigrant, when you arrive in the U.S., an arrival/departure record card is issued and placed in your passport next to your visa. This is called an I-94 card that permits a foreigner to be in the U.S. (as opposed to visa that provides the right to travel in and out of the U.S. in a certain status, e.g. H1B visa status). The U.S. immigration official at the U.S. port of entry will review the foreigner's immigration documents (e.g. H1B visa) and stamp the I-94 card with an expiry date consistent with the visa expiry. It should be noted that the immigration official has the power to limit a foreigner's stay irrespective of the visa expiration. The I-94 card is removed when a foreigner departs the U.S.

**\*For more information about the H-1B Visa Program, please visit the website:**

<http://www.h1base.com/page.asp?id=40>

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