

H1B Visa Overview

The H1B Visa Program is the official and primary U.S. work permit. The U.S. Government introduced the H1B visa to offer and enable highly skilled International Professionals and/or International Students, from all over the World, the opportunity to live and work in the USA.

To obtain an official H1B Visa you must 'first' find an H1B Job with a U.S. Employer known as your "sponsor"; your employer then should sponsor you for H1B Visa by filing the petition on your behalf with U.S. Department of Homeland Security. [Individuals can NOT sponsor or apply for their own H1B visa. Only your Employer can]

To qualify for the H1B Visa Program, you must work in a “specialty occupation”. The core Specialty Occupations include: IT, Computing, Finance, Accounting, Banking, Marketing, Advertising, PR, Sales, Recruiting, Engineering (all types), Teaching, HealthCare/Medical, Legal, Lawyers, Networking, Telecoms, Business, Management.

In order to qualify as a "specialty occupation" for this type of visa, you must have a four-year college degree or the equivalent education and experience. Your employer does not have to prove that there are no available U.S. workers for this position. However, the job offered must require a four-year degree that relevant to your occupation. In addition, such professionals as lawyers, doctors, accountants and others must be licensed to practice in the state of intended employment.

An H1B visa is initially approved for 3 years and can be extended for additional 3 year period and entitles your spouse (husband/wife) and minor children to accompany you and live in America.

One of the main advantages of the H1B visa is that it is a 'dual intent' visa which means that you can apply for a Green Card (Legal Permanent Residency).

H1B Quota:

Each year, CIS exhausts the full quota of 65,000 “bachelor’s degree” H1B’s and the additional 20,000 quota for U.S. advanced degree holders. As a result, many foreign students and employers seek alternatives to the H1B. In addition, some employers qualify for an exemption from the H1B quota. Exempt organizations can file H1B applications at any time, regardless of the quota. The following is a summary of organizations exempt from the H1B quota:

- Universities
- Nonprofit organizations affiliated with universities (research facilities or hospitals)
- Nonprofit research organizations, engaged primarily in basic or applied research
- Governmental research organizations

Note that there is no blanket exemption for “nonprofits”. To be exempt from the quota, the nonprofit entity either must be affiliated with a university, or must be a nonprofit “research organization.”