

H-1B Visa for Specialty Occupations

The H-1B visa is available to individuals working as professionals in specialty occupations, requiring a minimum of a bachelor's degree. The applicant's degree must be related to the job offered. The employer must petition for the H-1B on behalf of the foreign national and pay the related fees, and the H-1B recipient may only work for the employer who filed the petition on his/her behalf. An H-1B can be issued for up to 3 years, with a one-time 3-year extension. The H-1B allows dual intent, meaning the applicant can file for permanent residency while here on an H-1B. Dependents coming to the U.S. with the H-1B recipient cannot receive work authorization.

In the current climate there is intense competition for an H-1B visa, which has an annual cap. Over the last several years, only those applications received within the first day or two of the application period have been considered. Foreign nationals who have a U.S. graduate degree receive consideration under a separate cap. The application period begins April 1st of each year, with the resulting visa, if granted, effective October 1st.