

### **H-1B – Specialty Occupation**

H-1B visa classification allows a foreign worker to enter the U.S. temporarily for the purpose of performing services in a “specialty occupation” for a U.S. employer.

- Foreign national must have at least a U.S. Bachelor’s degree in a related field of occupation or hold an equivalent of a U.S. Bachelor’s degree in a related field of study
  - For example: architecture, engineering, mathematics, physical science, social science, medicine and health, education, business specialties, accounting, law, technology, and the arts are specialty occupations
- Sponsoring company must pay the foreign national prevailing wage
- H-1B status can be granted initially for up to three years and can be extended for another three and once the six year cap is reached the foreign national must physically leave the U.S. for one full year before re-entry.
  - In limited circumstances, an H-1B visa holder may extend status beyond six years.
    - 365 days or more have passed since the filing of any application for labor certification, Form ETA 750, that is required or used by the alien to obtain status as an EB immigrant, or
    - 365 days or more have passed since the filing of an EB immigrant petition.
    - Approved I-140 petition
- H-1B visa holder may travel while the extension petition is pending until the expiration date of the current H-1B status
  - Once current status is expired and have not received new I-797 approval notice, you should not travel outside the U.S.
- While H-1B extension is pending, you may continue working for 240 days beyond the expiration date of your current H-1B status.
- H-4 dependent classification
  - Spouses and unmarried children under 21 of H-1B visa holders may enter and remain in the U.S. in H-4 status
  - Not allowed to work but may attend school

### **H-1C – Professional Nurses**

For nurses who wish to work in health professional shortage areas.

- Valid for 3 years and may not be extended
- To qualify the nurse must be licensed or
  - Obtain a nursing degree in the U.S. and pass the NCLEX-RN exam
- Due to short supply, most nurses
- H-4 Dependent classification
  - Spouses and unmarried children under 21 of H-1C visa holders may enter and remain in the U.S. in H-4 status
  - Not allowed to work but may attend school

### **H-2A – Agricultural Worker**

Allows foreign workers to enter the U.S. to work in agriculture and employer must apply on behalf of employee.

- H-2A visa may be issued for a period of up to one year and may be extended for a total of three years

- There is currently no numerical limit to the number of H-2A visas
- H-4 Dependent classification
  - Spouses and unmarried children under 21 of H-2A visa holders may enter and remain in the U.S. in H-4 status
  - Not allowed to work but may attend school

### **H-2B – Seasonal Worker**

Foreign non-professional workers who are unskilled and not working in an agriculture field; and available for work that is temporary in nature.

- Temporary need can arise in one of the four categories:
  - Recurring seasonal need
  - Intermittent need
  - Peak-load
  - one time occurrence
- H-2B visa can be issued up to one year
- Immigration and Nationality Act has capped H-2B workers at 66,000 per fiscal year and family members are not subject to the cap
- H-4 Dependent classification
  - Spouses and unmarried children under 21 of H-2B visa holders may enter and remain in the U.S. in H-4 status
  - Not allowed to work but may attend school

### **H-3 – Company Trainee**

Specifically designed to enable U.S. employers to train potential foreign nationals

- Training not available in foreign nationals home country
- Allowed to stay in the U.S. for a maximum two years
- Once H-3 visa holder has been in the U.S. for two years they cannot change status or return to the U.S. in H or L nonimmigrant categories unless they have been physically present outside the U.S. for the preceding six months
- Not applicable for graduate education or medical training
- H-4 Dependent classification
  - Spouses and unmarried children under 21 of H-3 visa holders may enter and remain in the U.S. in H-4 status
  - Not allowed to work but may attend school