



H-1B NONIMMIGRANT VISA

MAIONA WARD is a boutique law firm which limits its practice to immigration and naturalization law. With approximately 25 years of immigration experience between the partners of the firm, we strive to produce professional, honest and cost effective services to all of our clients. MAIONA WARD represents both corporations and individuals who desire to work, live and travel to the United States.

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Basic:

The H-1B visa is a temporary nonimmigrant work visa that allows a highly skilled foreign national (FN) to be employed in the US for a maximum period of six years.

Requirements:

The FN must have a college/university degree related to the position offered with the employer (i.e. computer science degree for computer programmer); *or*

The FN must have the equivalent experience in a relevant field to substitute for a college degree. The standard is three years of work experience per year of education (four year college degree = twelve years of experience).

Necessary Documents:

- ☐ Copy of the FN's passport with family members if applicable;
- ☐ Copy of FN's college/university degree(s) with transcripts;
- ☐ Copy of FN's resume/CV;
- ☐ If FN lacks a degree, proof of previous experience in the field for the requisite number of years (college degree = 12 years of experience);
- ☐ A copy of any current or previous B, F, H-1B, J, L-1, M, O, P or TN approval notices, corresponding visas and/or I-94 cards;
- ☐ If currently employed, a copy of the FN's three most recent pay stubs;
- ☐ If previously filed for an immigrant visa (I-140) or PERM labor certification with a past employer, please provide copies of these documents;
- ☐ A check from the employer made payable to the "Department of Homeland Security" in the amount of \$325.00 for the filing fee (federal regulations requires that the H-1B filing fee come from the employer's account directly);
- ☐ Also two additional checks from employer or FN for the ACWIA fee of \$1,500.00 (if over 25 full-time employees \$750.00 if less than 25) and \$500.00 for Fraud Prevention and Detection Act fee;
- ☐ Employer's job description with job title and salary offered; and
- ☐ Employer's Tax ID number, gross annual income, net annual income, total number of employees, year business started and name/title of person signing applications on behalf of the employer.

Time Line:

Regular Processing: If the application is processed via the standard filing procedure, it will take INS 90-150 days on average to process the application and grant the visa approval.

Premium Processing: If the application is filed via the Premium Processing Program, it will take 14 days or less to process the application and grant the visa approval. The process requires employer of the FN to pay to USCIS an additional \$1,225.00 filing fee for the expedited service in addition to the above referenced filing fees.

Period of Validity:

The H-1B is valid for up to six years in two three year increments. If an immigrant visa petition or PERM labor certification is filed on behalf of the FN, additional years of H status may be obtained.

Permanent Residency:

The FN may become a Permanent Resident if Employer sponsors him/her for residency after their arrival in the US.

Family:

The spouse and children may accompany the FN to the US on H-4 status. Please be sure that each qualifying relative supplies a

passport, marriage certificate and birth certificate. The FN spouse cannot work while in the US. If the FN spouse independently qualifies for an H-1B visa, the FN spouse may obtain their own H-1B visa and employment. The family members of the FN spouse may obtain legal permanent residency with the FN.

Previous Immigration Status:

If the FN already holds or ever held H-1B or any other nonimmigrant status in the US, (B, E, F, H, J, TN, L, M, etc.), the FN must provide the employer with a copy of the current visa approval notice.

If the FN has an H-1B currently with another employer, the FN may transfer to the new employer without concern about the annual H-1B cap of 65000 visas (regular) and 20000 (US master's or higher). If this is the first H-1B visa, the employee is subject to the cap and must plan accordingly.

Questions: contact Matthew Maiona at (617) 695-2220 x103 or by email at matthew@maionaward.com.



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AND FAMILIES AROUND THE WORLD.*

