

## **H-1B Visa Quota Opens Up for Professional Workers.**

**By Christopher A. Kerosky**

The season for applying for professional visas known as H-1B visas has started again. If one is interested in obtaining a professional visa this year, it would be good to apply as soon as possible after April 1<sup>st</sup>.

The federal government has a special visa for temporary foreign professionals hired by a U.S. employer, known as the H-1B. H-1Bs can be hired only for "specialty occupations," jobs requiring the equivalent of at least a bachelor's degree in the field. Employers must also pay a wage to every H-1B worker the "prevailing wage", that is at least as much as what is typically paid in the region for that type of work.

There is a limited number of H-1Bs every year and in the past, these visas were used up for the year soon after April 1<sup>st</sup>. Last year, due to the recession, the window for applying for the H-1B visas remained open until later in the year. Still, to be safe it is good to get your H-1B application as soon as possible once the season starts on April 1st.

The H-1B visas are good for three years and can be extended for another three years. After six years of working in the U.S., the person must return home for one year prior to obtaining a new H-1B. There are a few exceptions to the six year limit. Also in many cases workers can obtain the green card during that six year period.

A person holding an H-1B visa can bring their spouse and children to live with them in the U.S. while they are legally holding the visa. Dependents obtain an H-4 visa.

The H-1B visa is designed for professional workers coming to do professional work and it does not involve any advertising or other testing of the U.S. market for similar employees. For instance, a marketing analyst with a degree in business administration who is coming to work in that job would be the classic example of an H-1B. However many H-1Bs are also used by computer professionals, teachers, accountants, management analysts, designers, writers, engineers, hotel managers, and many other "professional" positions.

When the petition is approved, the U.S. Embassy in the person's country of residence issues the actual work visa. If the person is in the U.S. in another status such as a J-1 summer exchange visitor or F-1 student, often times a change of status can be done which delays the embassy trip until the first time the person being sponsored departs the U.S.

The H1B program is an ideal way for someone with an education and a professional job offer to stay here and work with their families. Persons interested should apply right away before the quota is used up.

\*\*\*\*\*

CHRISTOPHER A. KEROSKY of the law firm of KEROSKY & ASSOCIATES has been recognized as one of the top immigration lawyers in Northern California for the last four years in San Francisco Magazine "Super Lawyers" edition. He graduated from U.C. Berkeley Law School and previously worked for the U.S. Department of Justice in Washington D.C.