



**U.S. Customs and  
Border Protection**

**NOV 22 2016**

MEMORANDUM FOR: Directors, Field Operations  
FROM: Todd A. Hoffman (b) (6), (b) (7)(C)  
Executive Director  
Admissibility and Passenger Programs  
Office of Field Operations  
SUBJECT: H1B and H1B1 Processing

The Office of Field Operations is clarifying guidance for aliens admitted to the United States as H-1B and H1B1 (Alien in a Specialty Occupation Professional), as defined in the Immigration and Nationality Act sections, 101(a)(15)(H)(i)(b1) and 214(c)(1).

The employment based H1B1 visa was created as a result of the U.S. - Singapore Free Trade Agreement and the U.S. - Chile Free Trade Agreement, permitting Singaporean and Chilean citizens to apply for the nonimmigrant visa for *specialty occupations* within the U.S. The H-1B visa allows U.S. employers to temporarily employ foreign workers in *specialty occupations*.

While the two classifications share similarities, two differences are the foreign national's intent for coming to the U.S. and the period of admission:

- The H-1B visa category allows for "dual intent" where the foreign national will be coming to work in a professional position temporarily while also intending to immigrate to the U.S. The H1B1 visa applicant must have no intention of establishing residence in the U.S.
- H-1B applicants are admitted for the validity of the petition not to exceed three years and must present an approved Petition for Nonimmigrant worker (I-129) when applying for admission. H1B1 applicants are admitted for a period of one year period and do not require an I-129 approved by the United States and Citizenship and Immigration Services.

Please ensure that this memorandum is disseminated to all locations within your jurisdiction. Should you require additional information, have questions or concerns, please contact (b) (6), (b) (7)(C) (a) Director, Enforcement Programs Division at (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Branch Chief at (b) (6), (b) (7)(C)

*Attachment*

Law Enforcement Sensitive  
For Official Use Only