

Muster

Week of: Immediate
Topic: H1B and H1B1 Processing
References: Sections 101(a)(15)(H)(i)(b1) and 214(c)(1) of the Immigration and Nationality Act
Headquarters POC: (b) (6), (b) (7)(C)
Office: Admissibility and Passenger Programs

- 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*.
- 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.
- H1B1 visa applicants may apply for the visa at a United States Embassy or Consulate in his or her home country by submitting the appropriate nonimmigrant visa application along with a detailed employment offer letter, a Labor Condition Application certified by the Department of Labor, and the relevant supporting documentation.

(b) (7)(E)

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