

The H Visa-Temporary Worker

- **H1-B Visa**
- Worker must have a Bachelor's Degree or years of work experience that is the equivalent of having the degree.
- Valid for 3 years, with a maximum of 6 years.
- Worker must remain employed with the same employer
- Worker must remain in the same profession
- The underlying entity on which the Visa is based must remain a viable entity
- H1-B Cap: 65,000 workers per year

- **2 Questions to Ask**
- 1) Is the occupation one that requires distinguishing merit & ability EX: A specialty occupation (lawyer, doctor, engineer, scientist)
- 2) Is the beneficiary a professional (Bachelor Degree/work equivalent)



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- **Forms Required for H1-B Worker**

- Labor Condition Application/Form ETA 9035
- Petition for Non-Immigrant Worker/Form I-129
- Form I-129 Supplement H
- Form G-28

- **Forms Required for H1-B Worker's Family**

- Certified Form ETA 9035
- Form I-539
- Form G-28

- **Documentation Required for H1-B Worker**

- Form ETA 9035
- University or post-graduate degree and/or certificates of applicant's education
- Resume
- Letter of experience from prior employers
- Passport
- Form I-94
- Credential Evaluation (if the degree is foreign)

H1-C Visa for Nurses



On November 12, 1999, the President signed the *Nursing Relief for Disadvantaged Areas Act of 1999* into law. In order to qualify for an H1-C, nurses must:

1. Have a full and unrestricted license as a nurse in their home countries or must have been educated in the United States;
2. Pass an appropriate examination (to be determined by HHS), or have a full and unrestricted license to practice as an RN in the state of intended employment;
3. Must be fully qualified and eligible under all state laws and regulations to practice as an RN in the state of intended employment immediately upon admission to the United States.

H1 C Visa for Nurses



- Up to 500 nurses per year can get the visa, but each state is limited to 25 H-1C nurses a year
- **On form ETA 9081, the facility hiring the H1-C nurse must attest to the following:**
 1. That it is a qualifying facility
 2. That the employment of H-1C nurses will not adversely affect the wages or working conditions of similarly employed nurses.
 3. That the facility will pay the H-1C nurse the facility wage rate.
 4. That the facility has taken and is taking timely and significant steps to recruit and retain nurses in order to reduce dependence on immigrant nurses.

H1 C Visa for Nurses



5. That there is not a strike or lockout at the facility
6. That the employer will notify other workers and give a copy of the attestation to every nurse employed at the facility within 30 days of filing
7. That no more than 33% of the nurses employed by the facility will be H-1C nonimmigrants.
8. That the facility will not authorize H-1C nonimmigrants to work at a worksite not under its control and will not transfer an H-1C nurse from one worksite to another.

H2-A Agricultural Workers

- **H2-A** Agricultural Workers
 - Alien is working in temporary or seasonal agricultural positions
 - An Employer may use 1 application for multiple aliens

- **Who can file the H2-A Visa**

1. The employer listed on the certification
2. The employer's agent
3. The association that the U.S. agricultural producer names as a joint employer on the certification



Forms and Documents Needed for the H2-A

Forms: same as needed for the H1B, except here you need Form ETA750A instead of Form ETA 9035

Documents: only a passport and Form I-94 (if in the United States)

The H Visa-Temporary Worker

- **H-2B-Unskilled Foreign Worker**
- Individual can work temporarily in the U.S. to fill an offered position that does not require any specific studies or experience
- One-time need based on low U.S. worker availability or seasonal needs.
- The visa is valid for 6 months to 2 years.
- **Forms Needed**
 - ETA 750A and ETA 750B (1 regular copy, 1 certified)
 - Form I-129 and Supplement H
 - Form G-28
 - Form I-539
- **Documents Required**
 - Passport
 - Form I-94 (if in the United States)

The H Visa-Temporary Worker

- **H-3 Visa (Trainee)**
- An individual may come to the U.S. to receive a certain type of instruction and training that is not available in his or her country.
- The training must be **necessary** for the individual to use their skills in their native country.
- The visa may not exceed two years and is valid for the training period only.
- **Things to show/Prove**
- The training is not available in the beneficiary's country.
- The beneficiary's placement into a position will not displace a U.S. worker
- The beneficiary will not engage in productive employment unless the employment is incidental and necessary to the training.
- The training will benefit the beneficiary in pursuing a career outside of the U.S.
- *Each petition must include a statement describing a detailed structure of the training program; the objectives; and the training schedule.*

The H Visa- Temporary Worker

- **Forms Required for the H-3 Visa**
- Form I-129 and Supplement H
- Form G-28
- Form I-539 & G-28 for spouse and children



- **Documents Required for the H-3 Visa**
- Training Manual
- Credentials for H-3 Trainer
- Color photographs of training facilities
- Company literature
- Necessity letter from employer
- Proof of relationship with H-3 beneficiary (birth certificate, marriage certificate)
- Copy of all passport pages, of principal and its dependent members
- Form I-94



TN Visa: Canadian and Mexican Citizens



- TN (Trade NAFTA) status is a special non-immigration status unique to citizens of the United States, Canada, and Mexico.
- TN status was created by virtue of the 1994 North American Free Trade Agreement (NAFTA). It allows American, Canadian and Mexican citizens the opportunity to work in the United States or Canada under a limited set of occupations.
- Within the TN set of occupations, an American, Canadian or Mexican can work for up to a year at a time (this is in the process of being extended to three years). The TN status may be renewed indefinitely in one-year increments.
- In the event of a job termination, the individual must permanently leave the United States within **10 days** from the last day of employment or the last day TN visa expires (whichever is less).

The TN Visa: Canadian and Mexican Citizens



- **Documents Required**

- Proof of Canadian or Mexican Citizenship
- Statement Explaining the Job Position
- University or post-graduate degree and license; if required
- Resume
- Passport
- Current Passport (Canadians can provide birth certificate instead)
- Credential Evaluation if the degree is foreign (except if the degrees are from Canada, Mexico, or the United States)
- Non-Immigrant Visa Application (Mexicans Only)

