

How The New Rules For US Work Visa (H-1B) Will Affect You

We take a look at the new H-1B Visas with www.Globalvisas.com and report on all changes made by the United States Citizenship and Immigration Services, who announced a temporary rule change towards the H-1B - US Work Visa prohibiting US employers from making multiple applications for potential employees.

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The H-1B visa program is used by U.S companies to employ foreign workers in occupations that require both theory and practical application and applicants should usually have a bachelor degree or any degree above that. Science, Engineering and Computer programmers are amongst some of the applicants favoured to under this visa scheme.

This year the US Congress has set a limit of 65,000 for the H-1B foreign workers for the fiscal year 2009 to promote an equal opportunity for prospective petitions seeking visas for the H-1B workers. This year the H-1b visa will most likely be run as a lottery. Last year more than 123,000 petitions for the 65,000 visas available were received on the April 1st. The US immigration authorities said that they expect this year the demand for the H-1B will be high and exceed the 2009 cap and there were concerns that some may try and manipulate the system.

The New Rules Affecting H-1B Visa

This rule points out that USCIS will receive the specific application for the H-1B visas within the first five business days of accepting applications for the coming fiscal year which starts on April 1st 2002. The immigration agency will run a lotto type, random selection process among all H-1B application received during this time period.

Employers are requested to stick to the new rules if not they risk having their application revoked or even denied as well as not being refunded for their multiple H-1B applications. However there is an exemption to the rule, it does not prevent related employers, such as a parent company and its subsidiary, from filing applications on behalf of the same worker "for different positions, based on a legitimate need.

When asked about the new visa changes Liam Clifford, Director of www.globalvisas.com, the international immigration and visa agency said 'We all need to understand that the new rule is wants to make the employment field fair to everyone. Small to medium companies are able to submit applications knowing that larger companies cannot make multiple petitions. Everyone can submit their petitions and be treated equally and fairly'.

The USCIS said President George W Bush announced that the Administration would be undertaking a series of immigration and border security reforms and changes to the H-1B filing process under this rule are an important part of that initiative. This announcement was made in August last year.

'We can also expect that skilled workers from across all special fields not only IT or Science will be included in the lottery and receive a fair chance towards obtaining the H-1B visa. Immigration and visa laws are always changing and people need to work with reliable institutions when they apply for such intricate visas and we are at the forefront, working with governments and employers' said Liam Clifford of www.globalvisas.co.in .

How Will This Affect 2008 Applicants

April 1, 2008 is the first day applications may be received for an October 1 2008 start date. Applicants have to ensure that they have right papers needed to support their application and more importantly submit their application when the H-1B doors open in the first week of April which is only a few days away. Applicants who are not awarded with the visa this year will have to reapply for the next fiscal year.

The US H-1B Controversy

This decision comes weeks after technology companies like Microsoft and its Chairman Bill Gates spoke to the US Congress to loosen up the already tough immigration laws for global labour mobility stating that by bringing in more skilled migrants in need skilled industries, they in return will also be creating jobs for US workers.

Bill Gates' recent testimony before a congressional committee stated that the US immigration and visa laws should "allow more highly-skilled workers to remain in the U.S." is to grant H-1b visas on the basis of skill rather than by a lottery... The best proxy for "skill" is "wage." He proposed that skilled migrants should not be forced to enter a lotto type scenario but infact should be paid for what they are worth.

The H-1B visa is popular amongst Indian IT and technology specialists of which Microsoft and other technology companies desire to bring more qualified technicians from India. The road to H-1B last year was filled with a few mishaps from the US Embassy in Indian, with authorities are determined to clamp down this time around.

Ajay Hasija the India Branch Director of www.globalvisas.co.in states that 'many Indian skilled workers want to gain experience overseas and many are looking for a reliable immigration and visa agency to make applications on their behalf. At the moment the world is looking at India for skilled computer technicians particularly in the US and we work with candidates, employers and government to ensure that the proper procedures are followed. There really is no need to start panicking under the new rules for many Indian applicants.'

The H-1B Visa

The US H1-B visa basically allows a US employer to employ a foreign skilled worker for a period of up to six years. This visa cannot be used as a route to permanent residency. However candidates may start their application for the USA Green Card whilst in the country on an H1B visa, the process

can be undertaken whilst already living and working in the US

To be eligible for an H-1B visa an applicant has to find a suitable job according to their qualifications in the US. Once the applicant has qualified and received a job offer, the US employer files an H1 petition (work permit). The sponsoring employer files the H1 petition with USCIS (Department of Immigration of the United States) upon approval of this petition you will be permitted to work for that employer in the United States.

www.globalvisas.ca understands the immigration and visa law for the United States and is in a position to help both employer and candidate in their application process. Global Visas can help to simplify the process for you by helping you to identify which American immigration route is the most appropriate for your needs. To find out how we can help you, contact us at www.globalvisas.com and fill out one of our assessment form and a US consultant will be in touch with you.

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Our clients range from the fortune 100 companies to world "A" list celebrities.

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