

## H-1B1 Category for Chilean/Singaporean Nationals

Under the Chile and Singapore Free Trade Agreements, which went into effect on January 1, 2004, 6,800 visas were allocated for H-1B1 admissions for Chilean and Singaporean citizens. The allocations are as follows: 1400 to Chilean citizens and 5400 to Singaporean citizens. These visas count against the overall H-1B cap.

The H-1B1 classification closely mirrors the qualifications for the standard H-1B visa, however, the resulting visa is only valid for a one-year period of admission. The three major differences between the H-1B1 visa and the standard H-1B are:

- Advance approval from the CIS is not required; rather Chilean and Singaporean citizens apply for the visa directly at the U.S. consulate;
- The doctrine of dual intent does NOT apply to the H-1B1 classification; and
- H-1B1 visa holders do not need to possess a professional license as a condition to admission; however, they will be expected to comply with applicable licensure requirements following admission to the U.S.

Even though prior approval is not needed from the CIS for an H-1B1 visa, the prospective U.S. employer is still required to file an LCA (please note for internal purposes that the LCA procedure is slightly different for H-1B1 classification).

The following requirements must be met to qualify for an H-1B1 visa:

- The alien must be engaged in a specialty occupation (here the Free Trade Agreements provide their own definitions of specialty occupation, but they mirror those for a standard H-1B);
- Employment in the U.S. must be temporary and the visa holder must maintain nonimmigrant intent; and
- An H-1B1 visa number must be available under the annual cap.

Admission under the H-1B1 visa can be acquired for one-year periods, and may be extended annually in one-year increments. There is no applicable maximum period of stay, however, an H-1B1 visa holder must continue to overcome immigrant intent. After five consecutive extensions (i.e. after 6 total years) any subsequent extension will count against the overall H-1B cap.



800-437-7313

Extensions and changes of status will be processed by the CIS on Form I-129 and Premium Processing is available. H-1B1 visa applications are subject to the ACWIA fee, however, they are exempt from the fraud fee.

**For more information on the H-1B1 provision simply call our office at 1.800.437.7313.**