

On April 1st, all U.S. companies will finally be able to apply for H-1B visas to employ foreign professionals (engineers, computer professionals, teachers, scientists, and any position that requires at least a Bachelor's degree in a specific field of study). But don't expect those visas to last long. With only 85,000 visas available, 20,000 of which are reserved for those with a Master's or higher degree from a U.S. college or university, all of the visas are likely to be claimed by April 7th, just like they have been the last two years. If your company needs to hire foreign professionals, make sure you give your company the best opportunity possible to claim one of these visas.

With almost 18 years of experience helping companies obtain H-1B visas for their foreign professionals, Tim Wheelwright, an immigration attorney and shareholder at Durham Jones & Pinegar, recommends 5 actions your company should take right now to be ready for this important deadline:

1. **Job Description.** Prepare and fine tune the job description. The position must require no less than a Bachelor's degree in a specific field of study and the foreign professional must be qualified for the position. A detailed and complete job description is essential not only to qualify for the visa, but also to make sure the salary complies with the regulations. Use the U.S. Department of Labor's Online Wage Library to search for job descriptions and prevailing wage information: <http://fldatacenter.com/OesWizardStart.aspx>
2. **Translations, Credential Evaluations, and Expert Opinion Letters.** All documents in a foreign language that you're planning to present to the government must be translated into English. Additionally, if the foreign professional's degree is from a foreign university, or if the foreign professional is relying upon a combination of education and experience to qualify for the job, it is a best practice to obtain a report from a competent and reputable credential evaluator. In some cases it might even be advisable to obtain an expert opinion letter to help you establish that the position qualifies for an H-1B visa or that the foreign professional is qualified. To avoid unnecessary expedite charges and to have time to address any issues that may arise, seek these translations, evaluations, and reports early and before providers get too busy.
3. **Information Gathering.** Start early to gather all of the information and supporting documentation from your company and the foreign professional that will be required. Often documents must be obtained from abroad and you will want to make sure you have plenty of time to obtain everything that you need.
4. **Filing Fees and Other Costs.** Most employers want to know how much they must pay to get an H-1B visa. Most companies with less than 26 full-time employees can expect to pay filing fees in the amount of \$1,575 per worker, while most companies with 26+ employees will pay \$2,325 per worker. Additional costs to consider include legal fees and fees for credential evaluations, expert opinion letters, translations, etc. In most cases, all of the filing fees and other costs must be paid by your company, although there might be a few costs that could be paid by the foreign professional. You may choose to seek expedited processing of the application by paying a \$1,225 filing fee and requesting the Premium Processing Service, but in most cases this service is not required or even necessary and in no case would it give your company a better chance of having your application selected and approved over an application that did not request that service.
5. **Experienced Representation.** Whatever you do, make sure you don't cut any corners when applying for one of these visas. Seek the guidance and help of a competent and experienced immigration attorney who can help your company through this important process. Most likely you will have just one opportunity to obtain an H-1B visa this year. Make sure your company's opportunity is not wasted. Tim Wheelwright is available to consult with you about applying for an H-1B visa. You can reach him using the contact information listed below.

Work Permits for Certain H-4 Spouses

In exciting news announced by USCIS just this week, certain spouses in H-4 dependent status will be eligible to obtain a work permit that will authorize them to work for any employer in the United States. But only about 180,000 H-4 spouses are expected to qualify because this benefit has been limited exclusively to those whose H-1B spouse is applying for an employment-based Green Card and is far enough along in that process to either: (a) be the beneficiary of an approved Form I-140, Immigrant Petition for Alien Worker, or (b) to qualify for an extension of H-1B status beyond the 6-year maximum under the American Competitiveness in the Twenty-first Century Act of 2000 ("AC21"). Many H-4 spouses will not immediately qualify for one of these work permits, so be sure to confirm that the H-4 spouse qualifies before filing. USCIS will begin accepting work permit applications for H-4 spouses on May 26, 2015.

Immigration Reform

Finally, after exhausting the H-1B visa quota in the first 5 days of the filing period in 2013 and 2014, and expecting that to happen once again in 2015, there is a consensus in our country that the United States needs to increase the H-1B visa quota. Senator Orrin Hatch and other elected officials have recognized this need by introducing the Immigration Innovation Act of 2015 ("I Squared"). Please contact Sen. Hatch and your elected officials and urge them to support I Squared. This important legislation just makes sense. Here is a link to additional information about **I Squared**.

Tim Wheelwright is a shareholder in the SLC office of Durham Jones & Pinegar. For the past 18 years he has been advising individuals and businesses on routine and complex immigration issues and is frequently tapped to advise community leaders and policy makers about immigration policy and is featured as a source in local media.
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