



## 1) What is an H-1B1 visa?

The H-1B1 visa classification allows Chilean and Singaporean national professionals to enter the United States to work in a specialty occupation. The spouse and children need not be Chilean/Singaporean citizens. The following guidelines provide general information on the process of applying for an H-1B1 visa.<sup>1</sup> We recommend reading through the guidelines in their entirety before beginning the application process. The guidelines also apply to your spouse and children under the age of 21 who will accompany you to the United States in H-4 dependent status.

H-1B1 visas may be applied for directly at a U.S. consular post. In some cases, we may recommend that an H-1B1 petition be filed beforehand with the United States Citizenship and Immigration Services ("USCIS") in the United States. If you will be applying for the H-1B1 visa based on a USCIS approval, you should have the Form I-797 Approval Notice issued by the USCIS before beginning the visa application process. This notice would have been sent to your employer upon approval of the H-1B1 petition filed on your behalf. If you cannot locate this notice, please contact our office or the appropriate contact person at your employer.

Please note that the different embassies and consulates around the world have different visa application procedures, and these procedures change frequently. We therefore recommend that you consult the specific U.S. consulate or embassy's website for the most up-to-date information on its procedures before booking an appointment. A directory of all U.S. embassies and consulates may be found online at: <https://www.usembassy.gov/>. Once you find the appropriate consulate's or embassy's homepage, you should navigate to the "Nonimmigrant Visa" page which should provide the necessary information.

Please also note that if you will be applying for your visa in a country other than your country of nationality or residence ("third country national" or "TCN" visa applications), you may be required to apply for a visa to enter that country. You will also be required to present evidence of your legal stay or entry in that country when applying for the H-1B1 visa. U.S. consular posts also have discretion not to adjudicate TCN applications or may impose special requirements or longer wait times on such applications. Please check with our office for policies at specific embassies or consular posts.

### 1.1) Completing the Form DS-160 Visa Application



Each visa applicant (including each accompanying family member) must complete a Form DS-160 before booking a visa appointment. Form DS-160 is completed online at the U.S. Department of State website at <https://ceac.state.gov/genniv/>. You will upload a digital photo as part of the electronic-filing ("efiling") process. Photo specifications are standard, face-forward passport photos.<sup>2</sup> ) You will need to make at least one attempt to upload a photo to generate the barcode required for appointment booking. Note that characters such as ñ, é, ü, ç are not recognized by the system.

(Note: Some consular posts do not require you to upload a digital photograph because they require a separate biometrics appointment to capture your fingerprints and photograph.)

<sup>1</sup>This memo is intended for clients of Goeschl Law Corporation and is for informational purposes only. While we hope that this information is helpful as general background information, we cannot warrant its applicability, accuracy, or completeness, given the many intricacies of specific factual circumstances and scenarios and the frequent changes to immigration policy and procedures. Please also note that this memo does not cover procedures for any other visa classifications.



Answers to some of the questions are noted below:

### Are you the principal applicant?

The answer is **"Yes."** For your family members, the answer is **"No."**

### U.S Address

If you do not already have a residence in the United States, please indicate "in care of" the employer name and address where you will work.

### Purpose of Trip to the United States

Select **"TEMPORARY WORKER (H)."** There will be an additional drop-down menu to specify whether you are applying as the principal alien (CHILEAN SPEC.H-1B1 or SINGAPOREAN SPEC. H-1B1) or a dependent (H-4) spouse or child.

### Intended Length of Stay in the United States

The answer is **"18 months."**

### Do you have an application receipt/petition number?

The answer is **"No,"** unless you are applying based on an H-1B1 approval granted by the USCIS, in which case the petitioner name is the name of your employer. The petition number is the 10-digit number found on your approval notice, which is preceded by either "WAC" or "EAC."

### LCA Number

TO BE PROVIDED

### LCA Validity Dates

TO BE PROVIDED

**Important Note:** Any previous arrests and immigration violations must be disclosed on the DS-160 Form. Please contact Goeschl Law Corporation confidentially for guidance on how to answer these questions.

For more information on completing the Form DS-160 Visa Application, please contact our office of visit: <https://travel.state.gov/content/travel/en/us-visas/visa-information-resources/forms/ds-160-online-nonimmigrant-visa-application.html>.

Upon e-filing, a Barcode Number will be generated. Please save and print your DS-160 confirmation page (you will bring this to your visa appointment). We also advise that you save a copy of the Form DS-160 application in its entirety for your records.

<sup>2</sup> See the Department of State's website for complete specifications at: <https://travel.state.gov/content/travel/en/us-visas/visa-information-resources/photos.html>



### 1.4) Booking a Visa Appointment

There are nearly 300 U.S. embassies and consular posts around the world and most of them have different visa appointment booking procedures. You will therefore need to refer to the specific post's website for its latest instructions. Please also feel free to contact our office if you have questions. In most cases, you will have to call an "appointment call center" and pay an appointment booking fee using a credit card to book the appointment.

**Important Note:** You will need to take the original letter of support and a photocopy of the certified Labor Condition Application (Form ETA 9035), and other supporting documentation to your visa interview. **For this reason, please do not book your appointment until you have submitted all of the requested information to prepare these application materials to your company's Immigration Coordinator, and you have been notified by the Coordinator that you may go ahead and book an appointment. Please also notify the Coordinator the date of your visa appointment as soon as you have booked it.**

For some consulates and embassies, appointments must be scheduled several weeks prior to your desired interview date. You should therefore book an appointment as far in advance as possible.

### 1.5) Required Documentation

You will need to submit the following documents to the U.S. embassy or consulate at the same time of your appointment:

**Form DS-160.** Once the DS-160 has been e-filed, please print a copy of the Confirmation Page with the bar-code and the completed application, and bring these with you to the U.S. embassy or consulate at the time of your appointment.

**Important Note:** The U.S. embassy or consulate will not be able to process your visa if you do not have the Form DS-160 Confirmation page in your possession.

**Photograph.** As noted above, you will need to upload a digital photograph as part of the Form DS-160 visa application. You are also required to bring an identical hardcopy photograph at the time of your interview.

**Original H-1B or L-1 Form I-797 Approval Notice.** This document was provided to you when the petition was approved.

**Appointment Notice.** For most posts, this will be generated and emailed to you once you have booked the appointment date. Note that some posts do not generate a notice, and you will only be given a confirmation number over the phone.

**Receipt for Visa Application (MRV) Fee.** Each applicant is required to pay the non-refundable visa application fee prior to the appointment date. Please refer to the embassy or consulate's website on specific instructions to pay this fee.



**Valid Passport.** Each applicant must bring a passport containing at least 2 blank pages, and any expired passports with previous U.S. visa(s).

**Important Note:** The passport must have at least 6 months of validity.

**Photocopy of the Certified Labor Condition Application (Form ETA 9035).** Signed by the U.S. employer's designated official.

**Company Letter of Support.** Signed by the U.S. employer's designated official.

**Recent Pay Statements.** If you are already working at the petitioning employer, you should bring recent pay statements to further confirm your employment.

**Original or Certified Copy of Degrees and Transcripts.** Although not strictly required by most consulates and embassies, we recommend that you bring your original post-secondary degrees and transcripts, in case the consular officer wishes to see them. You must also provide a certified translation in English, if applicable.

**Evidence of Ties to Home Country.** Examples include a driver's license, club memberships, real estate holdings, and bank and investment accounts.

**Original or Certified Copy of Marriage and Children's Birth Certificates.** Although not strictly required by most consulates and embassies, we recommend that you bring your original certificates, in case the consular officer wishes to see them. You must also provide a certified translation in English, if applicable.

**Third Country National (TCN).** If you are applying as a TCN, you must bring evidence of your visa status in the country where you will be applying for your visa at the time of the interview.

**Reciprocity Fee.** Citizens of some countries are required to pay the Reciprocity fee. Please visit <https://travel.state.gov/content/travel/en/us-visas/Visa-Reciprocity-and-Civil-Documents-by-Country.html> to determine if you are required to pay this fee.

**Additional Documentation.** Some embassies and consulates also require additional documentation for H-1B1 visa applicants. Please consult the post's website or contact our office.

### 3) The Visa Interview

Please review the information provided on your visa appointment notice, which usually provides specific information on the appointment procedures for the consulate or embassy where you will be applying.

You and your family members should arrive 30 minutes prior to the appointment, and bring all of the required documentation listed above, and in the appointment notice. Note that at some posts, children under the age of 14 are not required to go in person to the interview.





Visa interviews usually only last a few minutes, but you may be required to wait several hours before you meet with the consular official conducting the interview. You will likely be asked about your academic background, work experience, and your current or proposed job duties with the employer in the United States. Please ensure that your answers to these questions are consistent with the information provided in the Labor Condition Application (Form ETA-9035) and company letter of support. If the information on the Form ETA-9035 or the letter is incorrect, please notify Goeschl Law Corporation prior to the visa appointment. The consular officer may also ask you to show ties to your home country, or confirm that you will return to your home country after working in the United States.

At the conclusion of the interview, the consular officer will either notify you that the visa application has been approved, denied, or that additional “administrative processing” is necessary (see below). If approved, you should receive your passport back with the issued visa within a few days. If “administrative processing” is required, or in the unlikely event that the visa is denied, please notify the appropriate contact person at your company, or an attorney at our office right away.



#### 4) Application Processing Time and “Administrative Processing”

In most cases your passport with the approved H-1B or L-1 visa will be returned to you within 2-5 days of your appointment. In some cases, however, applications may take significantly longer depending on the applicant’s background. As noted above, some applications are referred for “administrative processing” which can take several weeks or even months. Such processing is more likely for persons who are nationals of certain countries, have a certain kind of professional or political background, and/or have been previously arrested. **Please notify Goeschl Law Corporation if you or one of your family members have been arrested or have had previous immigration violations as soon as possible prior to making your visa appointment.** We will advise you if we believe that administrative process delays are likely in your case. However, the decision to refer an application for such processing is entirely within the discretion of the consular officer reviewing your application, so any application may be subject to such processing. Visa applications are also occasionally delayed by weather conditions and other unforeseeable circumstances. For these reasons, we recommend that you do not make non-refundable or non-changeable travel plans to the United States until your passport with the issued visa has been returned to you by the U.S. Consulate or Embassy.

Please contact our office if you need additional assistance with your H-1B or L-1 visa application.