

Ask the U.S. Embassy
January 23, 2018

Q: What are the requirements for employment-based visas?

To work in the United States temporarily as a lawful nonimmigrant, applicants must first qualify for the available visa category based on their planned employment purpose. This could include agricultural farm work, seasonal employment at a hotel or resort, specialized skilled jobs or as a minister of religion. The steps in the process before applying for a visa vary. But all categories of temporary work visas require the prospective employer in the United States to file a petition with the Citizenship and Immigration Service in the Department of Homeland Security. You can review the employment groupings and categories online at: <https://travel.state.gov/content/travel/en/us-visas/employment.html>

Q: Do I need a passport to pursue temporary agricultural work in the US?

Effective February 19, 2016, any person seeking to enter the United States to perform temporary agricultural work must present a valid passport and a valid H-2A visa in order to be admitted to the United States. This includes British, French, and Netherlands nationals and nationals of Barbados, Grenada, Jamaica, or Trinidad and Tobago who were previously exempt from this requirement. This visa requirement also extends to any spouse or child who may wish to accompany or follow the H-2A agricultural worker to the United States.

Q: I am planning to travel to the US as a temporary housekeeper at a resort. I worked there last year. Do I need to return to the Embassy for an interview for my H2B visa?

It depends. You may be eligible for an interview waiver if your previous H2B visa has not expired in the past 12 months, and you are applying for the same visa class. However, in most cases you will need to appear for an interview at the U.S. Embassy with a consular officer. In all cases, applicants are required to submit a new application form (DS-160) and have a petition approved by the US Citizen and Immigration Service (USCIS).

Some temporary worker categories are limited in the total number of petitions which can be approved on a yearly basis. For more information about the petition process, eligibility requirements by visa category, and numerical limits, if applicable, visit: www.uscis.gov Once the petition is approved, USCIS will send your prospective employer a Notice of Action, Form I-797, and you may apply for a visa. There are several steps in the visa application process. Please refer to: <https://ais.usvisa-info.com/en-jm/niv> for more information.

Q: I am a minister of religion, planning to work in the US on a religious visa (R1). What documents do I need to bring to my visa interview?

Some temporary worker visa categories, including religious workers, require your prospective employer to obtain a labor certification or other approval from the Department of Labor on your behalf before filing the Petition for a Nonimmigrant Worker, Form I-129, with USCIS. Your prospective employer should review the Instructions for Form I-129 on the USCIS website to determine whether labor certification is required for you. In general, you must be a member of the same religious denomination as the religious organization you plan to work for in the United States for at least two years before that organization files a petition on your behalf. You should also be coming to work as a minister or in a religious vocation or occupation in the United States; be employed by a non-profit religious organization in the United States (or an organization affiliated with the religious denomination in the United States); and work at least part

time, an average of at least 20 hours per week. Visit <https://travel.state.gov/content/travel/en/us-visas/other-visa-categories/temporary-religious-worker.html> for additional information and details on Temporary Religious Worker Visas

Q: I am a software engineer at a US company. They have submitted an application for an H1B visa. What is this type of visa, and what is required for me to bring to my interview?

An H1B visa is determined for work in a specialty occupation. A specialty occupation requires the attainment of a bachelor's or higher degree in the specific specialty (or its equivalent) for entry into the occupation. An applicant seeking to work in a specialty occupation must have completed such a degree or have experience in the specialty equivalent to the completion of the degree (as determined by USCIS). Applicants should also have expertise in the specialty through progressively responsible positions relating to the specialty. Work includes fashion models of distinguished merit and ability and government-to-government research and development, technical skills or co-production projects administered by the US Department of Defense. All applicants need to bring their approved petition (I-129 form), and typically a job letter, to their interview.

You can find more information about how to travel to the U.S. at www.travel.state.gov and on our website, www.jm.usembassy.gov Keep on top of Embassy news on our Facebook page, www.facebook.com/USEmbassyJamaica/ and by following @USEmbassyJA on Twitter. We also answer general visa questions on our Facebook and Twitter pages.