

## **H-1B Specialty Occupations Visa**

This nonimmigrant classification applies to people who wish to perform services in a specialty occupation. The occupation requires:

- Theoretical and practical application of a body of highly specialized knowledge; and
- Attainment of a bachelor's or higher degree in the specific specialty (or its equivalent) as a minimum for entry into the occupation in the United States.

The position must also meet one of the following criteria to qualify as a specialty occupation:

- Bachelor's or higher degree or its equivalent is normally the minimum entry requirement for the particular position
- The degree requirement is common to the industry in parallel positions among similar organizations or, in the alternative, the job is so complex or unique that it can be performed only by an individual with a degree
- The employer normally requires a degree or its equivalent for the position
- The nature of the specific duties is so specialized and complex that the knowledge required to perform the duties is usually associated with the attainment of a bachelor's or higher degree.

For you to qualify to perform services in a specialty occupation you must meet one of the following criteria:

- Hold a U.S. bachelor's or higher degree required by the specialty occupation from an accredited college or university
- Hold a foreign degree that is the equivalent to a U.S. bachelor's or higher degree required by the specialty occupation from an accredited college or university
- Hold an unrestricted state license, registration, or certification that authorizes you to fully practice the specialty occupation and be immediately engaged in that specialty in the state of intended employment

### **The H-1B Cap**

The H-1B classification has an annual numerical limit (cap) of 65,000 new statuses/visas each fiscal year. An additional 20,000 petitions filed on behalf of beneficiaries with a master's degree or higher from a U.S. institution of higher education are exempt from the cap. Additionally, H-1B workers who are petitioned for or employed at an institution of higher education or its affiliated or related nonprofit entities, a nonprofit research organization or a government research organization are not subject to this numerical cap.

### **H1-B Electronic Registration Process**

In 2020, USCIS implemented an electronic registration process for the H-1B cap. A cap-subject H-1B petition will not be considered to be properly filed unless it is based on a valid, selected registration for the same beneficiary and the appropriate fiscal year, unless the registration requirement is suspended. For more information about the H-1B registration process, visit [H-1B Electronic Registration Process](#).

### Family of H1-B Visa Holders

Your spouse and unmarried children under 21 years of age may seek admission in the H-4 nonimmigrant classification. Beginning May 26, 2015, certain H-4 dependent spouses of H-1B nonimmigrants can file Form I-765, Application for Employment Authorization, as long as the H-1B nonimmigrant has already started the process of seeking employment-based lawful permanent resident status. Please visit our [Employment Authorization for Certain H-4 Dependent Spouses](#) page to learn more.

### Filing Fees

Case Type	USCIS Fees	Initial Attorney Fee	RFE Fee (if applicable)
H1B (new)	\$460 + \$1,500* + \$500 (if applicable)	Contact Us	Contact Us
Complex H1B	\$460 + \$1,500* + \$500 (if applicable)	Contact Us	Contact Us
H1B (transfer, extension, amendment)	\$460 + \$1,500* + \$500 (if applicable)	\$1,400	Contact Us
H-4 dependent (with H1B)	\$370	\$400	N/A

Note:

\*\$1,500 for employers with 26 or more full-time equivalent employees, unless exempt;  
\$750 for employers with 1 to 25 full-time equivalent employees, unless exempt.