

# Procedure to get an H-1 visa in India

Source: <http://newdelhi.usembassy.gov/>

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## How to Properly Record Your Departure from the United States

The U.S. Department of Homeland Security, Bureau of Citizenship and Immigration Services, BCIS (formerly the INS) states that, if you returned home with your INS departure record (I-94 white or I-94W green) still in your passport, your departure was not properly recorded. It is your responsibility to provide the BCIS sufficient information to properly record your timely departure from the United States. If you do not show a timely departure from the U.S., or if you cannot reasonably prove so when you next seek entry into the U.S., the BCIS may conclude you remained in the U.S. beyond your authorized stay. If so, your visa may be cancelled, your entry into the U.S. may be barred and you may be returned immediately to your foreign point of origin.

**If you have not surrendered your I-94 during your exit from the United States, please mail the same to the Embassy.**

### Contact Us

#### Where We Are Located

The Consular Section of the U.S. Embassy, New Delhi, is located on Nyaya Marg, Chanakyapuri, New Delhi. All individuals who need to appear at the embassy for visas matters should report to Gate 6 (Visa Gate), located on Nyaya Marg.

#### Getting More Information:

Non-immigrant visa information is available by phone at 2419-8100 or 2419-0105.

Our e-mail address is [nivnd@state.gov](mailto:nivnd@state.gov)

Our fax number is 2419-8407

**Persons who meet one or more of the criteria listed below may be eligible to apply via "Drop-Box". All other applicants must apply in person:**

- Persons renewing or replacing a visa of the same category which is still valid or which expired less than twelve months ago.
- Persons sixty years of age or older, provided they have not previously been refused a visa.
- Children under fourteen years of age where both parents can demonstrate that they already have U.S. visas and that both are physically present in India.
- Government officials on official travel for the central Government, regardless of the type of passport they carry (applications must be accompanied by a diplomatic note).
  - Diplomatic passport holders (applications should be accompanied by a diplomatic note).

## **Types of Temporary Work Visas**

There are several categories of temporary worker visas. We have listed some of them below. **All applicants for such visas must have a petition** approved by the Bureau of Citizenship and Immigration Service (BCIS) before applying for the visa: A petition is the process by which the Department of Homeland Security (DHS) determines that you meet the basic qualifications for a particular visa. For example, it is through the petition process that the DHS determines you have the educational background or its equivalent to qualify as an H-1B "skilled worker".

Note: Petitions cannot be filed with the Embassy; they must be filed in the U.S.

Types of Petitions:

### **H-1B persons in a specialty occupation**

H-2B temporary or seasonal nonagricultural workers

H-3 trainees other than medical or academic; also applies to practical training in the education of handicapped children

### **H-4 Dependents of H visa holders**

### **L-1 Intracompany transferees**

### **L-2 Dependents of L-1 visa holders**

O-1, O-2 Visas for Persons of Extraordinary Ability

P-3 for Artists or Entertainers in a Culturally Unique Program

**If you are applying for an H-1B or L-1 visa, you need to present:**

- all the required documents for any non-immigrant visa
- I-797 -- the original notice of approval
- The complete petition submitted by your prospective employer including the Labor Condition Application (LCA - not applicable to L-1 applicants) and the I-129
- The originals of your university diplomas, mark sheets and any certificates you may have. (Secondary school information is not required)
- Your work experience letters from your previous employers
- One set of photocopy of all the above documents
- Letter from petitioning employer confirming employer's intent to hire the applicant
- L visa applicants must provide a letter from their employer stating how long they have worked for the company
- Pay stubs from current or most recent place of employment
- First time applicants are also requested to bring the following items:
  - Names and current phone numbers of the personnel managers at the applicant's present and past jobs
  - Photographs of the inside and outside of current or most recent employer's place of business
  - Names and contact information of two co-workers from your current or most recent place of employment
  - Names and contact information of two co-workers from past jobs
  - A complete resume and cover letter describing current job duties in detail
  - Personal bank records for the last six months
  - US company information: photographs of the inside and outside of the company's offices, prospectus, brochures, and annual report

The Embassy will not accept documents received directly from the company by mail or fax. All documents should be brought by the applicant to the interview. The Embassy will not make this information available to anyone and will destroy the documents after review.

## Documents Required For A Non-Immigrant Visa

The following documents are **mandatory for any application being made:**

- A fully completed and signed [Visa Application Form DS-156](#) and [Form DS-157](#), with one recent - within the past six months- 50mm x 50mm forward-facing visa photograph.

Link to : [Electronic visa application form D-156](#)

- For all student and exchange visitor applicants, [Application Form DS-158](#) and Form DSP-2019 (formerly called an IAP-66) from an approved Exchange Visitor Program sponsor
- A **passport** valid for at least six months after your date of entry into the U.S.
- **Demand drafts** for each applicant, as outlined below.

### Fees

Non-immigrant **visa application fee** (non-refundable)      RS. 4600

Non-immigrant visa **issuance fee**      RS. 2300

Courier fee      RS. 400

The visa issuance fee is no longer required for student, transit exchange visitor and crewman visas. All other non-immigrant visas must pay \$50.00 or Rs. 2,300 issuance fee. This fee is not refundable.

The visa issuance fee is collected once the consular officer has decided to issue a visa to the applicant.

The courier fee is to be paid by all the applicants.

**Visa fees** are payable only via demand draft drawn on a national or international bank. The draft should favor the U.S. Embassy where you will be applying. For instance, "U.S. Embassy, New Delhi". **Please write your name and passport number on the back of each draft.**

Courier fees may be paid in cash, or via a demand draft favoring "T.T. Services"

The Embassy does not accept documents by fax. Applicants must bring the original documents with them to the interview.

## Photo instructions for non-immigrant visas

- The photograph must be an un-mounted full-face photo taken within the last six months. The photograph must be full front view, taken facing the camera - no side or angled views are acceptable. The most important goal of the photograph is that it identifies the person.
- The photograph should measure 2 inches square (roughly 50 mm square) with the head centered in the frame. The head (measured from the top of the hair to the bottom of the chin) should measure between 1 inch to 1 3/8 inches (28 mm and 35 mm) from the bottom of the photo.
- The photograph must have a white or off-white background. Photos with colored, dark or patterned backgrounds will not be accepted. Photos should be printed without borders.
- For persons wearing glasses, there must be no reflection around the eyes. Photos with reflections will not be accepted. A photograph wearing a traditional facemask or veil that does not permit adequate identification is not acceptable. Head coverings or hats are acceptable only due to religious beliefs and then only when the applicant's face is completely exposed.
- Since a separate visa is issued to each qualified applicant, an individual photo is required in all cases. Group photos are not acceptable.

Please follow these instructions carefully. If photographs presented do not meet these requirements, the visa may be refused.

### **Application by interview**

All nonimmigrant visa applicants who are required to apply in person at the U.S. Embassy, New Delhi must use our appointment system. Applicants can schedule an appointment using the website <http://www.ttsvisas.com>

Due to security concerns and space limitations the Embassy does not permit interested parties such as friends, relatives or business contacts to intervene on behalf of a non-immigrant visa applicant during an interview. If any such party wishes to present facts to the Embassy concerning a particular visa case, they are encouraged to supply this information directly to the applicant, which that person can then bring in. Letters sent to the consular section in anticipation of applications are seldom available to the interviewing officer at the time the applicant appears.

To apply for a non-immigrant visa, **bring the following documents to your scheduled interview:**

- All applicants, including all children, must bring an individual **passport** valid for travel to the U.S. for at least six months after your date of entry in to the U.S.
- A fully completed and signed Visa Application Form - DS-156
- Every applicant **must also** submit a fully completed and signed Supplemental [Application Form DS-157](#)
- In addition to the above forms, if you are applying for a F-1, M-1 and J-1 visa, you need to submit a fully completed and signed application form DS-158
- One recent (within the past six months) passport size photograph 50mmX 50mm (2" x 2") with a white or off-white background

### **Important things to remember when filling out application forms:**

- Respond to all the questions. If you have no response for a question, put "none" or "nil" - do not draw a line or write "NA" or "not applicable"
- You must provide specific contact and address information both in India and the United States. Applications with responses such as "any hotel" as the address in the U.S. will be rejected for additional information.
- The applicant must sign the application, even if someone else fills it out.
- All applicants are personally responsible and accountable for the answers on their application forms, regardless of who fills out the forms.

When applying for tourist or business visitor's visa you should also bring along any documents you think will be helpful to establish your financial ability to travel, your business connections either in India or the US, and other social or economic ties which will serve to compel your return to India after a limited visit. Please refer to specific documentary requirements for students, exchange visitors, temporary workers and other specific types of visas.

**Caution: Submit only valid Documents. Fraud or misrepresentation can result in permanent ineligibility for a nonimmigrant visa.**