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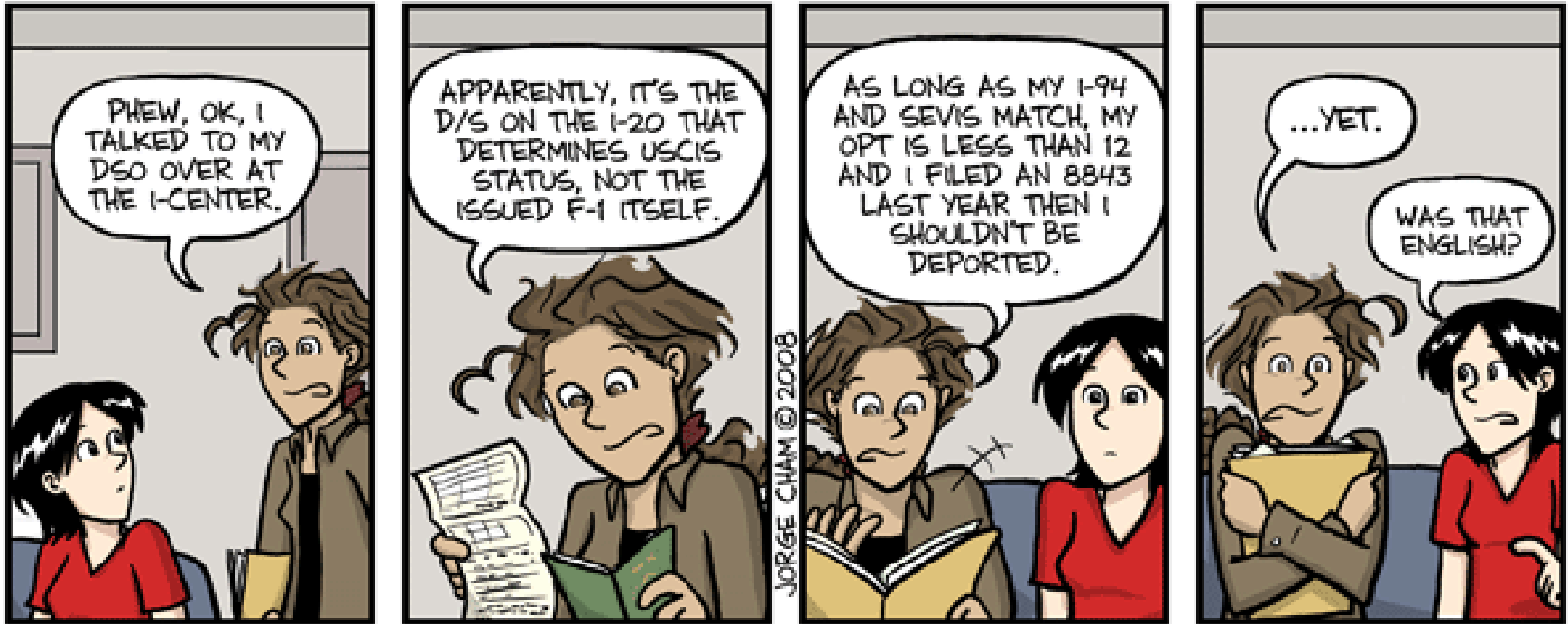
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We're Going to Talk About

- ▶ H-1B temporary work visas
- ▶ Transition from F/J Student/Scholar/H-1B to the Greencard
- ▶ Self Sponsored Greencards
- ▶ Employment-based Greencards
- ▶ J-Visa Waivers
- ▶ Other Paths to a Greencard
- ▶ Family Sponsored Greencards
- ▶ Greencards Through Love

What happens after student visas?



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H-1 B Work Visas

▶ Employer

- You must find a company that is willing to sponsor you.
- If you change jobs, you need to get a new H-1 B.
- H-1 B can be Part-Time or Full-Time.
- You can have multiple H-1 B employers at the same time. But, each employer must file its own H-1 B on your behalf.

H-1 B Work Visas

- ▶ University level degree or equivalent required for the position.
 - Job **MUST** require your **SPECIFIC** or closely related degree.
 - Ex: If you have a Biology degree and you want to be a cashier at McDonalds. BAD. A Biology degree is not required to be a cashier, so NO H-1 B APPROVAL.

H-1B Work Visas

- ▶ Salary must be at least the prevailing wage for the position.
 - Prevailing Wage: The US Department of Labor decides the minimum salary for a particular job in a particular location in the country. If the salary for your job is even 1 dollar lower, NO H-1B APPROVAL.
- ▶ You may receive yearly bonuses, stock and/or commissions but guaranteed salary must be at least the prevailing wage.

H-1 B Work Visas

Start-ups

- ▶ H-1 B applications for start-ups are highly scrutinized by immigration (CIS)
- ▶ What you need to show immigration:
 - \$\$\$ (bank statements, letters from investors, contracts, etc.)
 - Prevailing wage salary (not just stock options)
 - Is your degree truly required? (e.g. Did the ad ask for an MBA? Do others in similar positions hold this degree?)
 - Media/buzz about your start-up
 - Business lease, business license, photos of premises

H-1 B Work Visas

- ▶ Up to 3 years and extended up to another 3 years.
 - You only get 6 years total. If you work for one H-1 B employer for 4 years then change jobs, you only get 2 years with that second employer.
- ▶ But if you are in the middle of the Greencard process, it may be possible to extend H-1 B past 6 years.



H-1 B Work Visas

- ▶ H-1 B Application Process Is Slow
 - Your application must go through 2 Department of Labor offices and 1 Immigration office.
 - Process can take 3 months.
 - Contact your lawyer or HR personnel early.
- ▶ Premium Processing fee and Portability—
FAST!
 - If you pay the extra \$1,225, 3 months becomes 3 weeks.

H-1B Work Visas

- ▶ Quota issues. Do you need to be concerned?
 - 65,000 for people with a Bachelor's Degree from a U.S. University or a Bachelor's Degree, Master's Degree or PhD from a foreign university.
 - Another 20,000 for people who possess a Master's or Ph.D. from a U.S. University.
 - Non-profit research organizations & Universities/Colleges are exempt from the quota

H-1 B Work Visas

H-1 B Cap Gap

- ▶ OPT ends before September 30.
- ▶ H-1 B filed during F-1 Student's OPT.
- ▶ Request H-1 B start date of October 1st.
- ▶ Cap Gap extension to September 30 terminated if H-1 B is denied.
- ▶ Ask your International Student Office for its specific Cap Gap procedures.

H-1B Work Visas



► Layoffs, Quitting

- To stay in valid status, you must apply for another visa status (e.g. back to F-1, or obtain another H-1B) before you quit or get laid off.
- The application does not need to have been approved before you are laid off or quit.
- If you are fired or get laid off, and you have not applied for another status, you are out of status (Illegal) the next day.

THERE IS NO GRACE PERIOD

H-1B Filing Fees

- ▶ CIS filing fee for private employer or government positions where employer has 25 or more employees is \$2,325.00.
 - i.e. basic filing fee of \$325.00, \$1,500.00 training fee, \$500.00 anti-fraud police fee.
- ▶ CIS filing fee for private employer or government positions where employer has between 1–24 employees is \$1,575.00.
 - i.e. basic filing fee of \$325.00, \$750.00 training fee, \$500.00 anti-fraud police fee.

H-1B Filing Fees

- ▶ With Premium Processing for either, add \$1,225.
- ▶ Academic employers and non-profit research organizations are exempt from the training fee.

H-1 B Work Visas

H1 B1 for Singapore and Chile

- ▶ Same eligibility requirements as for H-1 B.
- ▶ 1,400 H1B1 visas for Chileans and 5,400 for Singaporeans available each fiscal year.



H-1 B Work Visas

H1 B1 for Singapore and Chile

- ▶ Unlike the H-1 B for other countries, must establish coming temporarily and after completion of work assignment will depart the U.S. Thus Section 214b of the law applies, which is the section of the law that also makes it difficult for people applying for F & J visas. To avoid this potential problem may request an H-1 B from the general quota.

H-1 B Work Visas

H1 B1 for Singapore and Chile

- ▶ Exempt from \$500.00 anti-fraud police fee, but other filing fees apply.
- ▶ Premium Processing is Not available.

TN Work Visas

TN for Mexico & Canada

- ▶ Eligibility requirements:
 - Profession on the NAFTA list (E.g. accountant, architect, engineer, graphic designer, research assistant, nurse, scientist, teacher, management consultant)
 - Letter of employment
 - Mexico: apply directly at U.S. Consulate with TN documents
 - Canada: does not require visa; present TN documents at Border or airport

TN Work Visas

TN for Mexico & Canada

- ▶ Unlike the H-1B for other countries, must establish coming temporarily and after completion of work assignment will depart the U.S. Thus Section 214b of the law applies, which is the section of the law that also makes it difficult for people applying for F & J visas. To avoid this potential problem may request an H-1B from the general quota.

E-3 Visa for Australian Citizens

- ▶ May apply at a U.S. Consulate for the E-3 without first applying with CIS or can apply for change of visa status by filing with the CIS office in St. Albans, Vermont.
- ▶ 10,800 E-3 visas available each fiscal year.
- ▶ Same eligibility requirements as H-1B including approved Labor Condition Application (LCA).



E-3 Visa for Australian Citizens

- ▶ Unlike the H-1B for other countries, must establish coming temporarily and after completion of the work assignment will depart the U.S. Thus Section 214b of the law applies, which is the section of the law that also makes it difficult for people applying for F & J visas. To avoid this potential problem may request an H-1B from the general quota.

E-3 Visa for Australian Citizens

- ▶ Spouse of E-3 may be granted employment authorization.
- ▶ E-3 may be granted in two-year increments indefinitely but beware of 214b rules.
- ▶ Exempt from both the \$500.00 anti-fraud fee and Department of Labor training fee.
- ▶ Premium Processing is Not available.

Transition to Permanent Residence

- ▶ When do you need to start planning to apply for permanent residence?
- ▶ How long does it take from the time of filing to Greencard?
- ▶ Can I apply for a Green Card while still enrolled in school? What about as a Postdoc or Research Assistant?

Greencards

- ▶ National Interest
- ▶ Extraordinary Ability
- ▶ Faculty Labor Certification
- ▶ Non-Faculty Labor Certification
- ▶ Greencards through Family
- ▶ Greencards through Marriage



Self Sponsored Greencards

National Interest Greencard (EB-2)

- ▶ A path to permanent residence for highly qualified professionals whose work is in the National Interest of the United States.
- ▶ You DO NOT need to be sponsored by an employer to obtain the National Interest Greencard. You can sponsor yourself.
- ▶ You don't need a Labor Certification for a National Interest Greencard.

Self Sponsored Greencards

National Interest Greencard

- ▶ To qualify for the National Interest Greencard, the applicant must demonstrate:
 - (1) that he or she is working in a field of substantial national importance
 - (2) the benefits of his or her work are national in scope
 - (3) the applicant, by virtue of his or her personal accomplishments in the field can better serve the National Interest than a U.S. worker with the same qualifications

Self Sponsored Greencard

National Interest Greencard

- ▶ You must show you serve the NATIONAL INTEREST
 - ▶ Ex: Nanotechnology is considered very important for the future. If you are a recognized expert in nanotechnology, you could sponsor yourself for a National Interest Greencard.
- ▶ You must show that your work has influenced your WHOLE field
 - Ex: You developed a computer chip that made artificial vision possible.
 - A good way of showing your impact: a lot of citations!

Self Sponsored Greencards

Extraordinary Ability in the Sciences, Arts, Education, Business or Athletics (EB-1)

Extraordinary Ability means a level of expertise indicating that the individual is one of a small percentage who has risen to the very top of his or her field.

Self Sponsored Greencards

Extraordinary Ability

You can achieve Extraordinary Ability by:

- ▶ 1) Evidence the individual has received a major, internationally-recognized award

OR

Self Sponsored Greencards

Extraordinary Ability

- ▶ 2) Must have at least three of the following:
 - ▶ Recognized prizes or awards for excellence in the field
 - ▶ Membership in associations which require outstanding achievement
 - ▶ Media or publications about the individual's work
 - ▶ Serve as a judge of the work of others in the same field
 - ▶ Original research contributions of major significance
 - ▶ Evidence the individual has had a lead role in an organizations or with distinguished reputation
 - ▶ Display of the individual's work at artistic exhibitions or showcases
 - ▶ A high salary in relation to others in the field

Self Sponsored Greencards

Extraordinary Ability

However,

Just because you can provide 3 of the 10 documents does not automatically mean you qualify as an alien of Extraordinary Ability

Evidence must still establish that you have reached the very top of your field

Employer Sponsored Greencards

Professionals Possessing an Advanced Degree (or equivalent) or Individuals of Exceptional Ability in the Sciences, Arts, or Business.

- ▶ (At least 40,000 visas annually)
- ▶ Individuals applying in this category must first obtain a Labor Certification.
 - Labor Certification: a determination by the US Department of Labor that no American worker could be found for the job after a recently completed recruitment.
 - But, full-time college and university faculty need to only show that he/she was found to be more qualified than the other applicants.

Employer Sponsored Greencards

- ▶ Normally apply during H-1 B visa period.
- ▶ Greencards require a full-time job.
- ▶ Easy to obtain Labor Certification for full-time “permanent” faculty positions.

J Visa Waivers

- ▶ How do you know if you have the J visa 2 year home residency requirement?
- ▶ If subject, how do you get the waiver?
- ▶ Timeframes
- ▶ Can you change to another visa status or obtain the green card if you are subject to the 2 year home residency requirement?

Other Paths to a Greencard

- ▶ Diversity Visa Lottery Program
- ▶ Investment Visa – EB5
 - If you are willing to invest at least \$500K in the United States, you can get a Greencard

Family Sponsored Greencards

Who may be Sponsored for a Greencard?

- ▶ **Immediate relatives of U.S. citizens** — spouses (straight or gay), parents, unmarried children under 21 years of age and some widows and widowers. Unlimited number are eligible to immigrate each year (no quota).
- ▶ American Citizen Uncles, Aunts or Cousins **CANNOT** sponsor you for a Greencard.
- ▶ U.S. born child must be 21 to sponsor parents

Family Sponsored Greencards

- ▶ Wait times for sponsoring family members are very LONG. (But not if marrying a US Citizen.)
- ▶ Being in the queue DOES NOT entitle you to remain in the U.S. during the family waiting period.
- ▶ If you are in the U.S., you must be in lawful status.



Greencards through Love



- ▶ Marriage to an American Citizen
 - Processing time is 4–6 months.
 - Can apply for US citizenship 3 years later.