Navigating Immigration Options After Graduation

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Nonimmigrant Visas Vs. Immigrant Visas
H-1B Visa

- Employer sponsored for up to 6 years in a “specialty occupation”
- Job must require a Bachelor’s degree or higher in a specific field
- Beneficiary must have at least the relevant Bachelor’s degree or higher
- Employer must pay a required wage
Employer Sponsorship

- Employer Specific, Location Specific, Wage Specific
- Job Title & Job Duties Specific
- Self-Employment Not Allowed and Employee Cannot Pay or Reimburse for H-1B
The H-1B Visa Cap

Register **March 1-20**th.
Start H-1B work **October 1st**.

**65,000 per fiscal year**

Lottery

20,000 separate for **U.S. Master’s degree or higher**

Start preparing **NOW**
H-1B Visa Process

- Employer Pre-Registers Online Between March 1-20th with Information on the Applicant
- USCIS Conducts H-1B Lottery of Pre-Registration Applications and Notifies Employers of Selections by March 31st
- Employer Will Have 90 Days to Prepare and Submit Full H-1B Petition to USCIS
- USCIS Adjudicates H-1B Petition
H-1B Cap Exemptions

- College/University Employees
- Nonprofit Affiliated To Institution of Higher Education
- Nonprofit or Government Research Organization
- Extensions of Status & Changes of Employer
H-1B Cap-Gap

Provides automatic extension of stay and OPT work authorization for F-1 students with pending H-1B petitions until October 1st

H-1B timely filed

Requested change of status

Terminates upon rejection, denial, or revocation of H-1B petition
OPT Timeline & Cap-Gap Extension

- **Apply Feb. 25, 2022**
  - Program end date
  - May 25, 2022
- You choose employment start date
- **Submit H-1B Registration**
- **Submit Full H-1B Petition (if selected)**
- **EAD expires**
- **H-1B starts**

- Apply up to 90 days before program end date and no later than 60 days after
- March 1-20, 2022
- April/May 2022
- Jul. 25, 2022
- October 1, 2022

12-month OPT plus cap gap extension
H-1B Portability

Individuals currently in H-1B status can “port” their H-1B status to a new employer before the expiration of their current H-1B status.

Upon termination of the H-1B relationship you have 60 days to find a new H-1B employer and “port” your existing H-1B status.
Other Nonimmigrant Visa Options

- **L-1A**: Intra-Company Manager or Executive Transferee
- **E-1 / E-2**: Treaty Trader or Investors
- **O-1**: Extraordinary Ability in the Arts, Science, Business, etc.
- **TN**: Mexican & Canadian Professionals in Limited Occupations
- **E-3**: Australian Professionals
U.S. Permanent Residence

Family-Based  Employment-Based  EB-5