

VISA OPTIONS POST GRADUATION

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Optional Practical Training

- ❑ Optional Practical Training (OPT) - temporary employment directly related to an F-1 student's major area of study.
 - authorized to receive up to a total of 12 months of practical training either before (pre-) and/or after (post-) completion of studies.
- ❑ Pre-completion OPT: eligible after enrolled for one full academic year.
 - must be directly related to the student's major area of study.
 - must work part-time while school is in session.
 - may work full time when school is not in session.
- ❑ Post-completion OPT: upon completion of studies.
 - post-completion OPT must be directly related to student's major area of study.

STEM

- ❑ 17-month OPT extension for a student who has received a degree included in the STEM Designated Degree Program List.
- ❑ Computer Science Applications
- ❑ Biological and Biomedical Sciences
- ❑ Actuarial Science
- ❑ Mathematics and Statistics
- ❑ Engineering
- ❑ Military Technologies
- ❑ Engineering Technologies
- ❑ Physical Sciences
- ❑ Science Technologies
- ❑ Medical Scientist

STEM (continued)

- ▣ Eligibility requirements for the 17-month extension of post-completion OPT
 - The student must have a bachelor's, master's, or doctorate degree included in the STEM Designated Degree Program List.
 - The student must currently be in an approved post-completion OPT period based on a designated STEM degree.
 - The student's employer must be enrolled in E-Verify.
 - The student must apply on time (i.e., before the current post-completion OPT expires).

H-1B

H-1B -Professional Temporary Workers within designated Specialty Occupations

Cap of 65000 H-1Bs per year

Due to set asides for Chile and Singapore –number is 58,200

Add in 20,000 visa for persons who have earned a master's degree or higher from a U.S. institution of higher education

Cap-Exempt: Institutions of higher education, non-profit research organization or governmental research organization

O-1 Alien of Extraordinary Ability

▣ Types:

- O-1A: individuals with an extraordinary ability in the sciences, education, business, or athletics (not including the arts, motion pictures or television industry)
- O-1B: individuals with an extraordinary ability in the arts or extraordinary achievement in motion picture or television industry

O-1A Evidentiary Criteria

- ▣ Evidence that the beneficiary has received a major, internationally-recognized award (e.g. Nobel Prize), or evidence of at least (3) three of the following:
 - Receipt of nationally or internationally recognized prizes or awards
 - Membership in associations in the field for which classification is sought which require outstanding achievements, as judged by experts in the field
 - Published material in professional or major trade publications, newspapers or other major media about the beneficiary and the beneficiary's work in the field

O-1A Evidentiary Criteria (Cont.)

- Original scientific, scholarly, or business-related contributions of major significance
- Authorship of scholarly articles in professional journals or other major
- A high salary or other remuneration for services as evidenced by contracts or other reliable evidence
- Participation, as a judge of the work of others in the same or in a field of specialization allied to that field for which classification is sought
- Employment in a critical or essential capacity for organizations and establishments that have a distinguished reputation

O-1B Evidentiary Criteria

- ▣ Evidence of a significant national or international award in the particular field, such as an Academy Award or evidence of at least (3) three of the following:
 - Performed services as a lead or starring participant in productions or events which have a distinguished reputation
 - Achieved national or international recognition for achievements, as shown by critical reviews or other published materials by or about the beneficiary in major newspapers, trade journals, or other publications

O-1B Evidentiary Criteria (Cont.)

- Performed in a lead, starring, or critical role for organizations and establishments that have a distinguished reputation (evidence: articles in newspapers or testimonials.)
- A record of major commercial or critically acclaimed successes, as shown by box office receipts, motion picture or television ratings and other occupational achievements reported in trade journals, major newspapers or other publications
- Significant recognition for achievements from organizations, critics, government agencies or other recognized experts in the field, with testimonials
- A high salary or other substantial remuneration for services in relation to others in the field

Categories of Employment-based Immigrant Visas

Employment First Preference (EB1)

- 1) No Labor Certification is needed, but an I-140 petition must be filed with USCIS.
- 2) Types that may apply:
 - a) Persons of extraordinary ability in the sciences, arts, education, business, or athletics or
 - b) Outstanding professors and researchers

EB-1 Aliens of Extraordinary Ability

- ▣ Evidence:
 - One time major-achievement: international recognized reward (e.g. Nobel Prize) OR any three of the following:
 - ▣ Receipt of lesser nationally or internationally recognized rewards
 - ▣ Membership in an association in the field which requires outstanding achievement as judged by national or international experts
 - ▣ Published material about the person in professional or major trade publications or major media

Aliens of Extraordinary Ability (Cont.)

- Participation as a judge of the work of others
- Evidence of original scientific, scholastic, artistic, athletic or business-related contributions of major significance
- Authorship of scholarly articles in the field
- Artistic exhibitions or showcases
- Performance in a leading or cultural role for organizations or establishments that have a distinguished reputation
- High Salary in relation to others in the field
- Commercial Success in the performing arts

EB-1 Outstanding Professors and Researchers

- ▣ Must demonstrate international recognition for outstanding achievements in a particular academic field.
- ▣ Must have at least 3 years experience in teaching or research in that academic area.
- ▣ Must be entering the United States in order to pursue tenure or tenure track teaching or comparable research position at a university or other institution of higher education.

EB-1 Outstanding Professors and Researchers (cont.)

- ▣ And provide at least two of the following:
 - Receipt of major prizes or awards for outstanding achievement
 - Membership in associations that require their members to demonstrate outstanding achievement
 - Published material in professional publications written by others about the alien's work in the academic field
 - Participation, either on a panel or individually, as a judge of the work of others in the same or allied academic field
 - Original scientific or scholarly research contributions in the field
 - Authorship of scholarly books or articles (in scholarly journals with international circulation) in the field

Categories of Employment-based Immigrant Visas

Employment Second Preference (E2)

- 1) All E2 applicants must have a labor certification approved by the DOL , file a National Interest Waiver Application or Schedule A designation.
- 2)
 - a) Professionals holding an advanced degree (beyond a baccalaureate degree) or a baccalaureate degree and at least five years progressive experience in the profession –need Labor Cert
 - b) Schedule A: Persons with exceptional ability in the arts, sciences, or business
 - c) National Interest Waiver –Several factors to be considered

National Interest Waiver

- ▣ Usually granted to those who have exceptional ability and whose employment in the United States would greatly benefit the nation.
- ▣ May self-petition (do not need an employer for sponsorship) and
- ▣ May file the labor certification directly with USCIS along with their Form I-140, Petition for Alien Worker

National Interest Waiver

- ▣ Evidence: Must meet three of the following criteria:
 - Official academic record showing that you have a degree, diploma, certificate, or similar award from a college, university, school, or other institution of learning relating to your field
 - Letters documenting at least 10 years of full-time experience in your occupation
 - License or certification to practice your profession
 - Evidence of a high salary that demonstrates your exceptional ability
 - Membership in a professional association(s)
 - Recognition for your achievements and contributions to your industry by your peers, government entities, professional or business organizations
 - Other comparable evidence of eligibility is also acceptable

Categories of Employment-based Immigrant Visas

Employment Third Preference (E3)

- 1) Requires the filing of a labor certification approved by the DOL or Schedule A designation
- 3) Three subgroups:
 - a) Skilled workers are persons capable of performing a job requiring at least two years of training or experience
 - b) Professionals with a baccalaureate degree
 - c) Other workers are those persons capable of filling positions requiring less than two years of training or experience

Visa Bulletins (Department of State)

- The Department of State publishes a monthly visa bulletin for immigrant visa cut-off dates.

VISA BULLETIN MAY 2011

	All Chargeability Areas Except Those Listed	CHINA mainland born	INDIA	MEXICO	PHILIPPINES
E1	C	C	C	C	C
E2	C	01AUG06	01JULY06	C	C
E3	22AUG05	15APR04	15APR02	08SEP04	22AUG05
Other Workers	08SEPT03	22APR03	22JAN02	08SEP03	08SEP03
E4	C	C	C	C	C
Certain Religious Workers	C	C	C	C	C
E5	C	C	C	C	C
Targeted Employment Areas/ Regional Centers	C	C	C	C	C

Diversity Immigrants

- 1) No visas will be issued to aliens from countries that have high admission rates of immigration in the U.S.
- 2) Eligibility
 - a) Be a native of a low admission country, and
 - b) Have a high school diploma or its equivalent, or
 - c) Have, within five years of applying, at least two years of work experience in an occupation requiring at least two years of training or experience, and
 - d) Obtain the visa within the fiscal year in which he or she applied

Family-Based Immigration

- ▣ Permanent Residents and U.S. Citizens can sponsor family members for permanent residence
- ▣ Categories:
 - Immediate Relative: children, spouses and parents of U.S. citizen
 - F-1: U.S. citizen parents applying for sons and daughters
 - F-2A: Permanent resident parents applying for spouses or children

Family Permanent Residence (cont)

- F-2B- Permanent Residents applying for unmarried sons and daughters
- F-3- U.S. Citizens applying for Married Sons and Daughters
- F-4- Adult U.S. Citizens applying for Siblings