

Common Visas for US Employment Authorization

Visa	Designation	Uses	App. Process Timing	Requirements	Things to know	Cost to apply	Max. Stay
H1B	Non-Immigrant Visa - Specialty Occupation Worker	For individuals having the equivalent of a US bachelor degree (Foreign degrees and/or work experience may be found to be equivalent to a US bachelor degree).	3-6 months, but for a substantial fee, it can be expedited to under a month. Effective date for first time applicants is Oct 1st.	Used for staff in specialty occupations. The job must meet one of the following criteria to qualify as a specialty occupation: • Have a minimum entry requirement of a Bachelor's or higher degree or its equivalent. • The degree requirement for the job is common to the industry or 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 someone to qualify to accept a job offer in a specialty occupation, they must meet one of the following criteria: • Have completed a US bachelor's or higher degree required by the specific 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 in the specialty occupation. • Hold an unrestricted state license, registration, or certification which authorizes the employee to fully practice the specialty occupation and be engaged in that specialty in the state of intended employment. • Have education, training, or experience in the specialty that is equivalent to the completion of such a degree, and have recognition of expertise in the specialty through progressively responsible positions directly related to the specialty.	• Annual cap in number of visas approved • Some years there is a lottery • Use for first-year associates could be troublesome down the road • H1B holders can apply for a green card during the time they have their H1B and be extended beyond the life of the visa with an approved green card. • H1B holders who want to continue to work in the U.S. after six years, but who have not obtained permanent residency status, must remain outside of the U.S. for one year before reapplying for another H1B visa. • The H1B visa can be transferred to another employer provided the new employer sponsors the transfer. • Applications accepted April 1, apply early!!	\$5,000 - \$7,000	Initially granted for 3 years, but can be extended for up to 6 years

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F-1 OPT	Non-Immigrant Visa - Optional Practical Training extension of F-1 student visa	For students who have satisfied their F-1 requirements, the OPT allows an extension for practical training by working full-time in the US in a field directly related to their area of study.	2-3 months	Students are eligible for OPT if they are in F-1 status and have been studying full-time for at least one academic year. - The request for the visa can be filed without a job offer. - Students may apply up to 90 days before the study program end date and up to 60 days after the study program end date. - Applications must be received by USCIS within 30 days of the date the International Student Advisor's OPT recommendation in SEVIS. - Student must complete OPT within 14 months of graduation.	- The onus is on the student to obtain the visa; the employer must verify the student has the OPT in order to lawfully employ them - The clock starts ticking on the 12 months from the granting of the OPT, not from the first date of employment, so an employer may not get the full 12 months - The latest the OPT period can start is 60 days after the student completes their degree program, and the max time a student can be unemployed while on OPT is 90 days (which is relevant for those who may start work in the fall following a May graduation) - Employers may want to "nudge" the students to apply for the visa, as it can take up to 90 days to get approval	Generally no cost to employer, unless the reimburse the filing fee (~\$380)	Generally 12 months, up to 17 for certain disciplines (e.g., IP) The OPT can be extended to cover the "cap gap" allowing an individual with a pending (or approved) H1-B visa application to continue working with their employer under OPT while awaiting a decision on their application, or until their H1-B period begins on October 1

J-1 Trainee /Internship	Non-Immigrant Visa - Exchange Visitor	Trainee program designed to allow foreign professionals to come to the US to gain exposure to the culture and receive training in US business practices in their chosen occupational field.	5-10 days	A trainee must be a foreign national who: - Has a degree or professional certificate from a foreign post-secondary academic institution and at least one year of prior related work experience in his or her occupational field outside the United States - OR has five years of work experience outside the United States in the occupational field in which they are seeking training	Some J-1 holders are subject to the two-year home residence requirement, which means that they must return home (or at least leave the U.S.) for two years before being eligible for a different temporary visa status or permanent residence in the U.S.	\$6,000	Up to 18 months
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TN	Non-Immigrant Visa - NAFTA Professionals	Permits qualified Canadians and Mexicans to seek temporary entry into the US to engage in business activities on a professional level; generally open to accountants, engineers, lawyers, pharmacists, scientists and teachers	Same day - Entering Canadian citizens can obtain one at US customs when entering the US from Canada	- You are a citizen of Canada or Mexico; Your profession qualifies under the regulations; - The position in the United States requires a NAFTA professional; - You have a prearranged full-time or part-time job with a U.S. employer (but not self-employment - see documentation required below); and - You have the qualifications to practice in the profession in question.	- TN visa status indicates non-immigrant intent. If the individual ultimately wants to seek permanent residency, transfer to an immigration visa is required (i.e. H1B). - Requirements differ slightly for Mexicans, but most attorney hiring is from Canada. - The incoming employee generally applies for the visa on their own, however an employer can also file on their behalf.	~\$150 application fee	Initially granted for 3 years, but can be extended indefinitely at the discretion of the border official (1 year increments).

Perm. Resi- dency (Green Card)	Immigrant Visa - Second Preference Priority Worker	Professionals with advanced degrees or those with exceptional ability in the sciences, arts or business.	15-24 months	The employer must show the Department of Labor that it cannot find qualified U.S. workers for the position. Usually, this is done by advertising the job in a newspaper or journal. This process is called PERM Labor Certification. If qualified U.S. citizens apply, then the Labor Certification cannot be granted at that time. In some regions of the country, certain jobs are considered shortage occupations and require minimal advertising.	The filing of applications is the responsibility of the employer, not the employee. However, the employee can benefit from understanding the program being utilized on his/her behalf. In general, the DOL works to ensure that the admission of foreign workers to work in the U.S. will not adversely affect the job opportunities, wages and working conditions of U.S. workers. Once a permanent labor certification application has been approved by the DOL, the employer will need to seek the immigration authorization from USCIS.	\$13,000 - \$15,000	Permanent

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H-3	Non-Immigrant Visa - Trainees	For non-employees who are paid by their employer abroad while they are training in the US.	2 - 4 1/2 months	Employers must demonstrate: - The proposed training is not available in the foreign national's native country; - The foreign national will not be placed in a position which is in the normal operation of the business and in which US citizens and resident workers are regularly employed; - The foreign national will not engage in productive employment unless such employment is incidental and necessary to the training; and - The training will benefit the beneficiary in pursuing a career outside the US.	If H-3 visa holder stays in the US on the visa for the full 2 year period, they cannot extend, employer needs to change their status or be readmitted on another H or L status until they have spent the prior 6 months outside the US.	Base fee is \$325, expedited processing is \$1225	2 years
L1B	Non-Immigrant Visa - Intra-Company Transferee	For specialized knowledge employees who have worked for at least one year in the past three for a foreign parent, subsidiary, affiliate, or branch office of the proposed US employer.	2-4 months	Show that employee: - Possesses knowledge that is valuable to the employer's competitiveness in the marketplace - Is uniquely qualified to contribute to the US employer's knowledge of foreign operating conditions - Has been utilized as a key employee abroad and has been given significant assignments which have enhanced the employer's productivity, competitiveness, image or financial position; and - Possesses knowledge, which can be gained only through extensive prior experience with the employer.	- Can be highly scrutinized for attorneys, as "specialized knowledge" often refers to the specialized skill sets in Company's proprietary processes, tools, technology, and products. - Individual must have been employed by the same employer abroad continuously for 1 year within the three preceding years.	\$2,500	3 years, renewable for up to a max of 5 years