SFSU

H-1B/U.S. Permanent Residency Workshop

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Overview 2017

• Immigration 101
• Transition from F-1 Student to Work Visas
• Green Card Strategies
• Obtaining a Visa at US Consular Post Abroad
• Trump Administration Initiatives
• Question & Answer
Immigration 101

Key Immigration Concepts:

• citizen vs. alien
• legal vs. illegal
• nonimmigrant vs. immigrant
• visa vs. status
Sample Nonimmigrant Visas

• The visa is the U.S. entry document issued by the U.S. Department of State that is either stamped or pasted in the individual's passport.
• The visa stamp bears the name and date and place of birth of the individual.
• The visa also indicates the non-immigrant status of an individual and is valid during the validity period noted on it.
• Other restrictions may be noted on the visa stamp.
H-1B visa

The most common hiring tool for foreign nationals
Leading Occupations of Arriving H-1B Workers
(2016)

- Computer Related: 70.4%
- Architecture, Engineering, & Surveying: 7.5%
- Administrative Specializations: 5.7%
- Education: 4.8%
- Medicine & Health: 3.8%
- Mathematics and Physical Sciences: 1.7%
- Others: 6.2%
Country of Origin of Arriving H-1B Workers (FY 2016)

- India: 74.2%
- China, People's Republic of: 9.3%
- Philippines: 1.1%
- South Korea: 1.0%
- Canada: 1.0%
- United Kingdom: 0.6%
- Others: 12.8%
H-1B Visa Petitions Approved, FY1994 – FY2014

Source: CRS presentation of data from the DHS Office of Immigration Statistics (OIS) and its predecessor in the Immigration and Naturalization Service.

Notes: Congress increased the H-1B cap to 115,000 for FY1999-FY2000 and to 195,000 for FY2001-FY2003. The H-1B Visa Reform Act of 2004 set aside up to 20,000 H-1B visas for those who have U.S.-earned masters or higher degrees in addition to the 65,000 cap. Not all H-1B workers with approved petitions actually use the visa.
H-1B Filing Window Opens
H-1B Lottery
Only “Specialty Occupations” require BA/BS
H-1B jobs must REQUIRE not prefer degree
H-1B Visa Alternatives

- E-3 Australian H-1B
- J-1 practical trainee
- O-1 extraordinary worker
- TN Canadian professional
- L-1 intra-company transferee
- E-2 treaty investor / employee
Getting a “Green Card”
Permanent Residence

• Labor Certification – Shortage of Americans
• Intra-Company Transfer on Permanent Basis
• Extraordinary Individuals; Researchers
• US$1MM investment creating 10 new jobs
• Relative Visa Petitions – Immediate / Distant
Coming to America

• Biometrics for visa applicants & ESTA for Waiver
• 214b Presumption of Immigrant Intent [but H & L]
• DS-160 Online Visa Application Form
• SAO Security Advisory Opinions [delay]
Country Blacklist

Effective 10/18/17 - Countries subject to “categorical exceptions and case-by-case waivers”

- Chad¹
- Iran¹
- Libya¹
- Somalia¹

- Venezuela
- North Korea
- Yemen¹
- Syria¹

¹ On 10/17/17 U.S. District Judge Derrick K. Watson in Hawaii blocked country’s travel ban
Total Legal Immigration by Year: 1900-2015
11 Million Unauthorized Immigrants
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