SFSU

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

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Overview 2015

• Immigration 101
• Transition from F-1 Student to Work Visas
• Green Card Strategies
• Obtaining a Visa at US Consular Post Abroad
• Strategies for the Undocumented
• Question & Answer
**Immigration 101**

**What Part of Legal Immigration Don’t You Understand?**

Mike Flynn and Shikha Dalmia

Illustrated by Terry Colon

Opponents of illegal immigration are fond of telling foreigners to "get in line" before coming to work in America. But what does that line actually look like, and how many years (or decades) does it take to get through? Try it yourself!

**UNITED STATES CITIZEN**

- Are you that alien's parent, spouse, or child?
  
  Yes
  
  No

- Adult children and siblings of U.S. citizens can apply for a green card.
  
  Wait time depends on home country and marital status.

- Single adult children 21-years old or less.
  
  Married adult children 21-years old or less.

- If you are the spouse or parent of a lawful permanent resident for 10 years, you can apply for a green card.

**LEGAL PERMANENT RESIDENT**

- Are you the sponsor's child of a lawful permanent resident?
  
  Yes
  
  No

- If you are the sponsor's child of a lawful permanent resident, you can apply for a green card.
  
  Wait time depends on home country and marital status.

**Green Card Holders**

- Are you a green card holder for 5 years?
  
  Yes
  
  No

- If you are a green card holder for 5 years, you can apply for a U.S. citizenship.

**Naturalization**

- Total time to immigrate and become a citizen: 10 TO 21 YEARS.

**Visas Made Easier 2016**
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.
F-1 Foreign Student OPT visas made easier 2016
the most common hiring tool for foreign nationals
Leading Occupations of Arriving H-1B Workers

- Computer-related: 25.0%
- Managers: 6.5%
- Medicine & health: 7.7%
- Education: 13.6%
- Administrative specializations: 13.5%
- Architecture, engineering & surveying: 14.1%
- Others: 19.6%
Country of Origin of Arriving H-1B Workers

- India: 20.4%
- China: 11.4%
- Philippines: 6.4%
- Canada: 7.6%
- United Kingdom: 4.1%
- Korea: 3.8%
- Japan: 2.9%
- All other: 43.4%
H-1B Visa Petitions Approved, FY 1992-2002
H-1B Filing Window Opens

visas made easier 2016
H-1B Lottery
visas made easier 2016
Only “Specialty Occupations” require BA/BS visas made easier 2016
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]

New DS-160 Online Application Form

SAO Security Advisory Opinions [delay]
Country Blacklist

Group of 7: State Sponsors of Terrorism
- Iran
- Iraq
- Syria
- Libya
- Cuba
- North Korea
- Sudan

Group of 26: Extra Scrutiny
Bangladesh, Egypt, Indonesia, Jordan, Kuwait, Pakistan, Saudia Arabia, Afghanistan, Algeria, Bahrain, Eritrea, Lebanon, Morocco, North Korea, Oman, Qatar, Somalia, Tunisia, United Arab Emirates, Yemen, Iran, Iraq, Libya, Sudan, Syria, Cuba
### Foreign-born Population by Legal Status, 2008

<table>
<thead>
<tr>
<th>Population</th>
<th>Millions</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total foreign born</td>
<td>39.9</td>
<td>100%</td>
</tr>
<tr>
<td>Legal immigrants</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Naturalized citizens</td>
<td>14.2</td>
<td>36%</td>
</tr>
<tr>
<td>Legal permanent resident aliens</td>
<td>12.3</td>
<td>31%</td>
</tr>
<tr>
<td>Legal temporary migrants</td>
<td>1.4</td>
<td>4%</td>
</tr>
<tr>
<td>Unauthorized Immigrants</td>
<td>11.9</td>
<td>30%</td>
</tr>
</tbody>
</table>


Source: A Portrait of Unauthorized Immigrants in the United States, Pew Hispanic Center Report, April 14, 2009
Patriotism in Action

visas made easier 2016
Thank you!

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