Non-Immigrant Visas
Temporary Visas
Most Common Work Options

- OPT arising from F1 or J1 status
- H1B
- TN – Canadian Citizen
- E3 – Australian Citizen
- O1 – Extraordinary ability in Sciences, Arts, Education, Business or Athletics
H1B Employment

- Employer Sponsored–Employer Specific
- Working in a “Specialty Occupation”
  - Theoretical and practical application of a body of highly specialized knowledge
  - Minimum baccalaureate degree or equivalent
- Only authorized for work as outlined in the petition.
- No advertising requirements (internal posting only).
- Up to 3 years initially, renewable for additional 3 years.
H1B Cap Issues

- Capped at 65,000 per year

- Additional 20,000 for individuals with Masters or PhD for U.S. School

- Filing for capped H1B petitions begins April 1\textsuperscript{st}

- Cap usually reached very quickly– June 11\textsuperscript{th}, 2012.

- Some employers are exempt from the cap.
Cost of H1B Filing

- USCIS filing fee $325
- Anti-Fraud Fee $500 – must be paid by employer
- ACWIA Education and Training Fee
  - $1500 for employers with more than 25 employees
  - 750 for employers with less than 25 employees
  - Must be paid by the employer

Processing time for the H1B can be anywhere from 60 to 180 days depending on when application is filed.

Premium processing is available for an additional filing fee of $1,225, which gives a decision within 15 days of date of filing.
Cap–Gap Extension

- Regulatory provision which extends OPT status to bridge the gap between the end of F1 OPT status and the begin date of H1B status.

- Authorized to continue working as long as H1B application is pending prior to expiration of OPT status.
Immigrant Visas
Permanent Residency

- Family-Sponsored
- Employment Based
- Diversity
Employment Based

1st Preference –
   a) Extraordinary ability in the sciences, arts, education, business or athletics
   b) Outstanding professors and researchers
   c) Multinational executives and managers

2nd Preference –
   a) Members of the professions holding advanced degrees. (Labor Certification)
   b) Alien of exceptional ability (National Interest Waiver)

3rd Preference – Skilled workers, professionals (w/o advanced degrees)

4th Preference – “special immigrants” – religious workers, government employees

5th Preference – “employment creation” – investments of $1,000,000 that employ 10 Americans
More Information

- Additional Information on Non-Immigrant or Immigrant Visas can be found on my website
  - [www.uwyo.edu/intprograms/immigration/](http://www.uwyo.edu/intprograms/immigration/)
  - or by emailing chesco@uwyo.edu