

Visa Update 2013

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Overview

- Introduction to relevant visa categories
- Legal Knowledge
- Practical Knowledge
- Frequently Asked Questions
- Legislative Changes??

Practical Knowledge

- Legal Market
- Internships
- Job Search Skills
- Experience
- Contacts
- Discussing visa status during search
- Timing

J-1

Cap-Gap

CPT

OPT

F-1

Quotas

H1B

Visas: The Basics

Sample cycle of a student visa

- F-1
- Curricular Practical Training
- Optional Practical Training
- H-1
- Permanent Resident

Overview

- Laws & Regulations
- I-20s
- Maintenance of Status
- Travel
- Employment Authorization
 - OPT/CPT
- Work Visas

CPT

- Completed one full academic year
- For credit & degree related
- 12 month maximum
- Part-time during academic year/full-time during summers
- Timing

OPT

- Related to course of study
- 12 months
- Full time or part time
- Paid or Volunteer
- CAP Issues/ CAP Gap
- Cost

OPT Timing

- Application timing (considering graduation dates)
- Limit on “unemployment”
 - July Bar Exam
- For permanent positions: know H timing and be prepared

What is an H1B?

- Specialty Occupation:

Theoretical and practical application of highly specialized knowledge and the attainment of a bachelor degree is a minimum requirement for entry into the field.

Basic Requirements:

- Bachelor Degree
- Position requires a bachelor degree
- Minimum Salary

H1B:

- Employer Specific
- Job Specific
- Multiple H's OK
- Part-time OK
- 3 year terms maximum
- 6 year limit (with exceptions)

H1B Process

- Filing the petition
- Processing times
- Cap Issues
- Fees

Transition to Permanent Residence

- Marriage or other relative petition
- Extraordinary or exceptional ability
- Labor certification

Alternatives to H1/Other Options

- J-2
- L-1
- L-2
- E-2
- E-3 - Australia
- TN – Canada & Mexico
- Singapore/Chile Exemption

Other Considerations

- Volunteer/unpaid internships
 - NYS *Pro Bono* rule
- Federal Government
- Starting in or transferring from an overseas office
- Lateral hires

Potential Legislative Changes

- No limits on employment based visas for STEM, “outstanding professors and researchers” and “aliens of extraordinary ability in the sciences, arts, professions, or business.”
- H1B cap raised to 110,000
- Students seeking student visas do not have to prove intent to return home – “dual intent visas”
- New “merit-based” visa lottery

✓ Good news for law students!

J-1

Cap-Gap

CPT

OPT

F-1

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Q&A

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