

MEMORANDUM

TO: NALP Executive Board
FROM: Claire Lee and Caroline Ruhle, NALP International & Advanced Degree
Section Chairs
DATE: March 20, 2025
RE: NALP International & Advanced Degree Section Board Report

Please find below a report of the International & Advanced Degree Section's activities since the last Board Report in January 2025.

Section Call

On March 6, 2025, the International and Advanced Degree Advising and Recruiting Section held its quarterly Section meeting. Claire Lee and Caroline Ruhle, Section Co-Chairs, moderated. The meeting was attended by approximately 40 members, mostly by law school representatives.

Guest Speaker Michael J. Wildes, Managing Partner, Wildes & Weinberg, P.C. (Introduced by Clara Solomon)

Immigration Attorney Michael J. Wildes of Wildes & Weinberg, P.C., was invited to our section meeting to discuss post-OPT and visa topics and provide regulatory space and market updates relevant to advising international students due to recent administration changes. Specifically, he spoke to members about relevant postgraduate employment authorization options, including OPT, non-immigrant visa categories, and employment-based immigration visa options available to international law graduates beyond their OPT and H-1B period.

Some Key Takeaways from the presentation:

Postgraduate Employment Authorization Options for F-1 Students (OPT)

Optional Practical Training (OPT)

OPT is a post-graduation employment authorization available to eligible F-1 students for 12 months. OPT is not tied to a particular employer but must be related to the student's field of study (i.e., Law for international LLM/JD students). Students must obtain an OPT recommendation from their school's DSO and apply for an Employment Authorization Document (EAD Card) to the USCIS prior to commencement of employment. Students can receive a new one (1) year OPT for each ascending degree (Bachelor/Master/Doctorate).

- **Maintaining OPT:** Students should not accrue an aggregate of more than 90 days of unemployment during OPT. They must work at least 20+ hours per week (paid or

unpaid), and volunteer work is okay.

- **Income Tax:** All international students are required to file U.S. taxes, even if they do not work or receive some other type of U.S. income. International students who do not receive U.S. income are required to file U.S. Internal Revenue Form 8843 and those who do receive U.S. income (including scholarships) will need to file non-resident federal and state forms.
- **H-1B “Cap-Gap” Relief for those who hold OPT:** A student who holds OPT at the time the H-1B is filed (prior to October 1) is entitled to an automatic extension of status and work authorization through October 1 if an H-1B petition is filed and accepted with a request for a change of status from F-1 to H-1B. A student who held OPT which expired less than 60 days prior to the time the H-1B is filed is entitled to an automatic extension of status only (not work authorization) until October 1 if an H-1B is filed and accepted with a request for a change of status from F-1 → H-1B. If OPT expires more than 60 days prior to filing, or if the H-1B is filed after October 1, a student is NOT eligible for Cap Gap relief.

Most Common Visa Options for Law Graduates after OPT: H-1B and TN

H-1B Visa: Specialty Occupation Workers

The H-1B Visa is for professionals with a U.S. bachelor’s degree or a master’s degree (LLM) or higher (PhD, MD, JD, etc.) who perform services in occupations requiring the theoretical and practical application of highly specialized knowledge. The H-1B visa can be given for a maximum of 6 years (exceptions: those pending the green card process). The petitioning U.S. employer must offer a prevailing wage, and the position must be directly related to the foreign national’s field of study.

- **Annual H-1B Cap: 65,000 Regular Cap/20,000 U.S. Master’s Cap**

For the Fiscal Year 2025, both caps were reached during the initial online filing period, resulting in a lottery. For the Fiscal Year 2026, the H-1B filing window will be open from March 7, 2025, to March 24. We will learn more about this year’s H-1B caps and results after the registration period ends on March 24, 2025. H-1B lottery results will be available no later than March 31, 2025.

- **H-1B Portability**

This option enables non-immigrants currently in H-1B status to begin working for a different employer upon filing a new H-1B petition. A person may hold more than one H-1B at a time and work for multiple employers while on concurrent H-1B status for each employer.

- **Termination of H-1B Employees**

A 60-day grace period applies when H-1B employees are terminated, during which time the individual must either find a new employer, apply to change status, or depart the U.S. The Employer is responsible for return transportation to the home country.

TN Visa: For Canadian and Mexican NAFTA Workers

TN is a special visa type limited to specific occupations listed on the NAFTA treaty: Canada and Mexico. The applicant's educational credentials must match the requirements for the occupation. TN Visa initial admission is 3 years, and TN visa holders can't have dual intent. Canadian nationals do not need a visa and may apply at the border, while Mexican nationals require a visa. Although there is no statutory limitation on how many times the TN can be renewed, a renewal request will eventually be denied for immigrant intent.

Obtaining Permanent Residency & US Citizenship

Michael further discussed various visa options for international graduates seeking permanent residency and provided an overview of employment-based Green card preferences and a self-petition option, the EB-1 (Extraordinary Ability) and EB-2 (National Interest waiver), and eligibility for US citizenship.

Following his presentation, a few section members raised questions related to the 1) National Interest Waiver option for law graduates, 2) J-1 Visa options for those not selected in the H-1B lotteries, and 3) the best practices in answering the work authorization questions in applications were discussed.

Following the section meeting, members received a link to the recording of the presentation.

Board Report – Cassandre Charles Stump, Board Liaison

Our Board Liaison, Cassandre Charles Stump provided a review of the last Board Meeting for the section.

Some Key Takeaways:

NALP continues to be in a strong financial position.

NALP is developing advanced training for recruiters; additionally, next year, there will be a Lateral Recruiting Interest Group and a Lateral Recruiting Summit.

At the Board's February meeting, President-Elect Alison Ashe-Card previewed her Business Plan; it will be another busy year for NALP, and there will be many opportunities for members to volunteer and get involved.

RFP Deadlines & Annual Education Conference – Caroline Ruhle, Section Co-Chair

Section Co-Chair Caroline Ruhle informed the members that two RFP processes are now open, one for the 2025 Professional Development Institute in Washington, DC (Deadline: May 16) and one for the 2026 Annual Education Conference in Hollywood, FL. (Deadline: August 1).

She also highlighted the upcoming Annual Conference in April and noted that our Section meeting will take place on Thursday, 4/10, at 1:00 PM during AEC in Cleveland. Caroline noted that we will follow up with a virtual meeting to include all members who were unable to travel to Cleveland and provide an update on what was discussed in the section meeting at the AEC.

Two of our Section members, Clara Solomon, NYU School of Law, and Caroline Springer, Georgetown University Law will be presenting a program entitled “Global Thinking and Clerkship Success” at the AEC on Wednesday, April 9, 3:00-4:00pm; it is being co-sponsored by the Judicial Clerkship section.

Work Group Updates

Amy Kimmel, Vice Chair, Bar Exam Issues

Vice Chair Amy Kimmel updated the section on what's happening to the California Bar. She reported that there were major technical issues and challenges during the February administration of the California Bar exam, in large part due to the California Bar moving away from the NCBE and hiring another platform to administer the bar so they could remote options. She noted that the upcoming July 2025 administration of the California bar exam, originally planned to be held in a hybrid format, will be held in person following the March 4 directive from the California Supreme Court. She further noted that the application period for the July 2025 California bar exam has not opened, but the California Bar will waive the late fees for applicants who register late in April. Amy will update Section members as additional information becomes available.

Amanda Thyden, Vice Chair, Well-Being Champion

Vice Chair Amanda Thyden will follow up with section members through an email or informal survey to see if there are any major wellness or mental health issues that students are currently facing. She will also continue to share Well-Being Circles-related resources and webinars with Section members.

Legislative Monitoring Workgroup

The legislative monitoring workgroup continues to monitor changes in visa rules and legislation that may affect international students' eligibility to work (CPT, OPT, H-1B, etc.) due to changes in administration. The group last met on January 29 to discuss the best ways to pool resources, articles, and links to important developments in these areas. The group will continue to monitor

any changes and look to share them more widely with NALP.

Membership Update

The following new members have recently joined our Section:

- Maura Karayane Tulane Law School
- Anna Rappaport Excelleration Coaching
- Karley Clayton Indiana University Robert H. McKinney School of Law
- Eric Bono University of Denver Sturm College of Law
- Joseph Simon Washington & Lee University School of Law
- Iliana Seife White & Case LLP - New York NY
- Leah Hollar George Washington University Law School

Each new member is sent an email to welcome them to the Section, which includes information about getting involved by submitting Bulletin articles, conferences RFPs or being part of work groups. Members also receive NALP's LLM advisor manual.

Next Steps

Our next Section meeting will be held in person at the Annual Education Conference in Cleveland on Thursday, April 10, 2025, from 1:00 to 2:15 p.m.

We will follow up with a virtual meeting to include all members who were unable to travel to Cleveland.