

HIRING EMPLOYEES ON WORK VISAS

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AGENDA

- Nonimmigrant Visa Options – short-term work authorization
- Employment-Based Permanent Residence – long-term work authorization
- Key Considerations for HR Professionals
- Q&A

NONIMMIGRANT VISA OPTIONS: F-1 STUDENTS

- Curricular Practical Training (CPT)
 - Work authorization during studies
 - Must be integral to curriculum
- Optional Practical Training (OPT)
 - Up to 12 months post-graduation, must be related to their major
 - STEM extension: additional 24 months
- Employer Considerations
 - No sponsorship required initially
 - Must use E-Verify for STEM OPT extensions

NONIMMIGRANT VISA OPTIONS: H-1 B

- Specialty occupation - bachelor's degree or higher in a specific field
- Federal government sets minimum wage requirement based on occupation and geographic location
- Employer-sponsored petition – employer must pay all costs
- Annual cap (lottery system, unless employer is cap exempt – nonprofit affiliated with university). Lottery is open for about 2 weeks every March.
- 6-year maximum stay (with exceptions) – issued in 3 year increments
- Compliance requirements

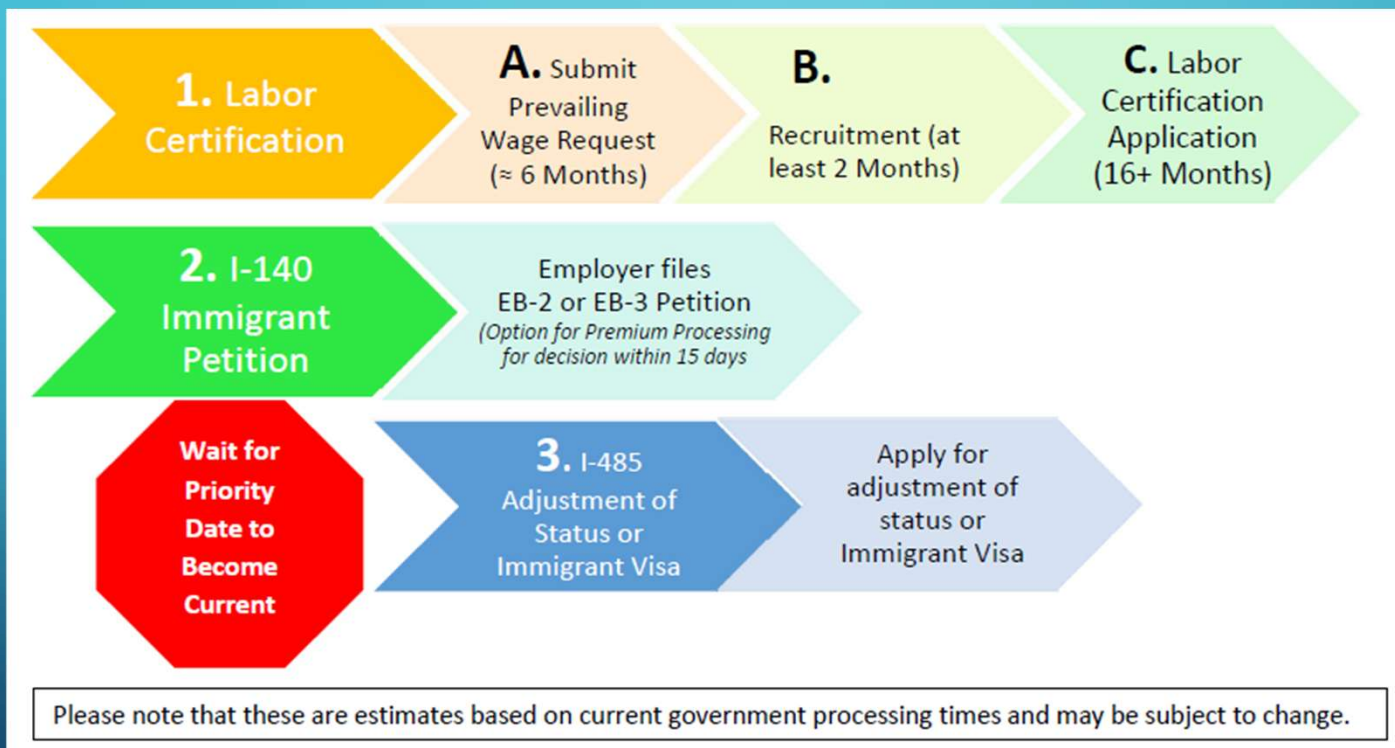
OTHER NONIMMIGRANT VISA OPTIONS

- TN (Mexico and Canada only) - for designated professional occupations
- O-1 – extraordinary ability in sciences, arts, education, etc.
- J-1 – exchange visitors

EMPLOYMENT-BASED PERMANENT RESIDENCE

- Green card (indefinite work authorization, pathway to US citizenship)
- Based on labor shortage (unable to find qualified US workers)
- Employer must cover the costs for wage determination and recruitment (attorney fees and advertisement costs). Either employer or worker can pay the costs for the I-140 petition and I-485 green card form
 - Ads include 2 Sundays in biggest area newspaper, internal posting at worksite, state job bank, and 3 additional options (local newspaper, online job search, campus recruitment, etc)

EMPLOYMENT-BASED PERMANENT RESIDENCE



KEY TAKEAWAYS FOR EMPLOYERS

- Start early – ideal to discuss sponsorship requirements at interview stage and set expectations
- Understand employee visa timelines and deadlines (including H-1 B lottery registration period)
- Coordinate closely with legal counsel
- I-9 procedures for nonimmigrants can be found in Employer Handbook
<https://www.uscis.gov/i-9-central/form-i-9-resources/handbook-for-employers-m-274>