

THE STUDENT'S PATH TO PERMANENT RESIDENCE



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F-1 ----->

Duration of Status (D/S):
While in full course of study as on
I-20 plus 60 days to depart.
Duration extendable by DSO.

F-1 Optional Practical ----->
Training

1 year, and an additional 17 mo.
if in STEM field and employer
is enrolled in e-verify. (Deduct
O.P.T. time used prior to completion
of studies). Must be approved
by USCIS after DSO recommend-
ation. File 90 days prior or 60 days
after completion of studies w/
I-765 (EAD application) at USCIS.

H-1B ----->

"Specialty Occupation"
Employer files Labor Condition
Application (LCA) with
U.S. DOL and awaits endorsement.
Employer files I-129 with USCIS
and assume 1 to 4 months to process.
File prior to expiration of
Practical Training as work may
begin only after approval for 1st H-1B petition.

Up to 3 years each application;
up to 3 years extension (6 year total). May be
Part time, full time; several applications
may be filed simultaneously or
sequentially. For extension, work
may begin when petition
is filed by new employer.

65,000 Cap in 2004, and thereafter,
(Colleges, Universities and their affiliates, and non-profit research organizations are exempt)
plus 20,000 cap for holders of U.S. Masters degree.
or higher . Gov't fiscal year begins 10/1.

Must be filed 6 months prior (4/1).

USCIS Filing Fee of \$325.00.
Optional \$1,225.00 fee for 15 day USCIS processing;
\$1,500.00 training fee by employer, or \$750.00 if company has 25 or fewer
workers (colleges exempt). \$500.00 fraud prevention fee by all employers.
Additional \$2,000.00 for "Company having 50 or more employees in the
U.S. with more than 50% being non-immigrants working H-1B or L1/L2
No "intending immigrant" problem.

LPR ----->

Employer files for Labor Certification.
Obtain prevailing wage, place job order, do professional recruitment.
Place 2 Sunday newspaper ads. (Except "Special Handling" - college
faculty). Posting 10 consecutive business days. PERM filing takes
several months, unless audit by Labor Dept. Must notify Union
representative, and 3rd parties may contest availability.

No labor certification for first employment preference category; or
2nd category with National Interest Waiver; or physical therapists,
professional nurses; or those of exceptional ability in the arts or
sciences.

The final steps are filing the visa petition for the appropriate
visa category with USCIS, and simultaneously making the green
card application if in the U.S.; or abroad-provided quota is current.

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