



GOLDMAN & PARTNERS
IMMIGRATION LAW

Immigration Options for International Business Students

September 23, 2021






Agenda


1. CPT and OPT Overview
2. Temporary Work Visas / H-1B Tips for MBA students
3. Employment Based Green Cards
4. Job Interview Tips for MBA students
5. Q&A





Curricular Practical Training (CPT) & Optional Practical Training (OPT)

TIP FOR STUDENTS:

1. Think about your concentration early on to be sure you qualify for STEM OPT
 2. Entrepreneurs can self-sponsor for OPT; for STEM OPT, can outsource training requirement; create employer-employee relationships.
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F-1 CPT- only when curriculum requires off-campus work; caution: USCIS questioning CPT for those on second master's degree

F-1 Post-Completion OPT

- Must be directly related to the major area of study;
- Work authorization up to 12 months;
- Volunteering allowed;
- May work part-time or full-time;
- Up to 90 days of unemployment allowed.

F-1 STEM OPT

- I-983 Training Plan is required;
- Must be directly related to the major area of study;
- Additional 24 months of work authorization;
- Must be filed BEFORE OPT expires;
- Must be paid the equivalent or more to similarly situated people (if no one is paid, you don't have to be paid);
- Min 20 hours a week;
- Additional 60 days of unemployment allowed.



Work Visa:

H-1B



H-1B Visa

- Most common work visa option for professional workers
- Employer must offer a position that requires at minimum the equivalent of Bachelor's degree in a specific specialty or equivalent
- Employee must have completed at least equivalent of a Bachelor's degree in this specialty field by June 30 if selected in the lottery
- Capped annually at 85,000 new H-1Bs per year: 65,000 Regular Cap and additional 20,000 for Foreign Nationals with U.S. Master's degrees; Lottery system in place

Are you a Founder? You can self-sponsor your H-1B Visa:

- Establish Employer/Employee Relationship by showing employer control over employment (can be done in your company bylaws)
- Ensure strong specialty occupation (your title matters)
- Demonstrate sufficient amount of work within specialty field
- Demonstrate sufficient funds in the company



H-1B sample wages

Level 1 wages	SOC Code	San Francisco	New York City	Houston
Financial Manager	11-3031.00	\$106,912	\$125,986	\$76,398
Marketing Manager	11-2021.00	\$125,029	\$123,469	\$82,077
Supply Chain Manager	11-9199.04	\$99,070	\$92,539	\$82,659
Human Resources Manager	11-3121.00	\$98,259	\$102,918	\$90,376
Advertising & Promotions Manager	11-2011.00	\$112,986	\$108,285	\$76,606
PR & Fundraising Manager	11-2031.00	\$86,008	\$100,360	\$81,182
Logistician	13-1081.00	\$52,728	\$59,332	\$52,229
Statistician	15-2041.00	\$78,936	\$71,947	\$53,789
Business Intelligence Analyst	15-1199.08	\$72,696	\$45,282	\$52,146
Operations Research Analyst	15-2031.00	\$73,694	\$62,982	\$54,371





H-1B Tips for MBA Students



H-1B can be part time! Could be helpful to fit into wage

Think ahead about your Specialty Occupation

To qualify for and H-1B, you will need to have the equivalent of a U.S. Bachelor's degree in a specialty occupation; can use bachelor's degree or combination of Bachelor's, Master's, and/or work experience.

Dept of Labor's Occupational Outlook Handbook (OOH) states:

- “Marketing managers typically need a bachelor's degree in marketing or a related field”. **GOOD SPECIALTY OCCUPATION**
- “Market research analysts typically need a bachelor's degree in market research or a related field, such as communications, statistics, or computer and information technology.” **SOMETIMES GOOD SPECIALTY OCCUPATION**
- “Financial managers typically need at least a bachelor's degree in business, economics, or a related field”. **GOOD SPECIALTY OCC.**
- “Financial Analysts: Most entry-level positions for financial analysts require a bachelor's degree. Appropriate fields of study include accounting, business, economics, finance, mathematics, and statistics. Some employers prefer to hire applicants who have a master's degree.” **OFTEN NOT GOOD SPECIALTY OCCUPATION**



Work Visas:

L-1, O-1, E-1,

E-2



L-1

For multinational executive or manager, or employee with specialized knowledge; requires one full year of employment abroad with an affiliated company.

E-1

National of a country with which the US has a treaty for trade. Must be coming to be an executive, supervisor, or essential worker of a company that carries on substantial trade, principally between the US and the treaty country.

O-1

For individual who is of Extraordinary Ability and has received sustained national or international acclaim. Must meet 3 of 8 criteria provided by USCIS.

E-2

National of a country with which the US has a treaty for investment. Must be coming to be an executive, supervisor, or essential worker of a company that has received a substantial investment; investment must be “at risk”.



Work Visa: Cap-Exempt H-1B




Cap-Exempt H-1B Visas

- For full or part-time employees of Universities; Non-Profits affiliated with universities; Non-Profit research organizations; Government research organizations
- Not subject to the annual lottery cap; petition can be filed at any time throughout the year
- Private companies can access cap-exempt H-1B visas by partnering with cap-exempt organizations




Global Talent Fellowship: Global Talent Fellows work as industry-project leaders with students from Open Avenues' partner universities for **5 hours per week**, enabling their full-time employers (including their own companies) to concurrently sponsor a cap-exempt H-1B visa. Ideal candidates have a Master's degree in a STEM related field or MBA with STEM concentration; BA in STEM field with 2+ years work experience in that field accepted



Employment - Based Green Cards:

**EB-1, EB-2,
EB-3, EB-5**



EB-1

- Foreign nationals with Extraordinary Ability. Can be self-sponsored.
- Outstanding Researchers and Professors
- Multinational Executives and Managers

EB-5

Applicant, spouse, and unmarried children under 21. who invest in a commercial enterprise in the U.S. to create 10 permanent, full-time jobs. The investment threshold is \$1.8 million or \$900,000 in a high unemployment or rural area—**but Court just ruled it must \$1m/\$500K!**

EB-2 (Advanced Degree)

- PERM: Employer proves no U.S. worker available to fill job.
- National Interest Waiver: Prove it would be in the national interest of the U.S. to grant you a waiver of the normal job offer and PERM requirements. Can be self-sponsored.

EB-3 (No Advanced Degree Required)

- PERM: Employer proves no U.S. worker available to fill job.



How to talk about immigration status at interview

Don't jump the gun! Employers should not ask about your immigration status prior to offering you a job; don't volunteer this information until offered the job.

Focus on your skills, work history, ability to get along with everyone.

Only if asked, let the employer know the positives. “I have three years of OPT permitting me to work!”; “I have H-1B and your company does not need to enter the lottery!”; “The H-1B lottery costs only \$10 to enter!”

Come informed about your options: Know which visa options you qualify for and why. Speak to an attorney to do an evaluation for you. De-risk this for a potential employer by sharing a plan A and B.



Contact Us

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