Career Planning with 12 Visa Choices: Cap-Covered H-1Bs w/ Lottery Are AWFUL

Serratelli Mijal PLLC
*Immigration Attorneys-at-Law*

[Email](immigration.art@gmail.com) | FALL 2023 | [Website](www.smimmigrationlaw.com)
Art & Mara: Contact Information

Law Firm: Serratelli Mijal PLLC

Email: immigration.art@gmail.com
      art@smimmigrationlaw.com

Cell: 757.235.4624    Web: www.smimmigrationlaw.com
About Art

- **Bachelor’s Degree in Business (summa cum laude):** Georgetown University
  - Worked at “Big 8” CPA Firm: Ernst & Whinney (EY) 1984-86

- **MBA:** University of Virginia Darden Graduate School of Business 1986-88

- **JD (honors):** George Washington University National Law Center 1990-93
  - Vandeventer Black LLP
    - Government Contracts Lawyer 1993 - 1999
    - Partner & Chair, Immigration Law Group 1999 - 2015

- **Serratelli Mijal PLLC  2015 - Present**
Internet / Social Media

Website

- smimmigrationlaw.com

Facebook

- facebook.com/Serratelli.Mijal.PLLC/
- facebook.com/immigration.art/
- facebook.com/Immigration.Attorneys.at.Law/

LinkedIn

- linkedin.com/in/art-serratelli-44b03913/
- linkedin.com/company/serratelli-mijal-pllc-immigration-attorneys-at-law/

Instagram

- instagram.com/immigration.art/

Twitter

- twitter.com/Immigration_Art

YouTube

- youtube.com/@ArthurSerratelli
Employment & Marriage Based Green Card Options

Begin with the End Goal in Mind: GREEN CARD

1. Employment Based Path to GREEN CARD: OPT, Work Visa, Green Card

   - F-1 Student: In School
   - GRADUATION
   - F-1 OPT
   - F-1 OPT Expires: 12 WORK VISAS H-1B + 11 Others

2. Marriage Based Path to GREEN CARD: American or Green Card Spouse

   - Get Married
   - 3 Years STEM OPT
   - GREEN CARD
# Employment Green Card Choices

<table>
<thead>
<tr>
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<th>Self – Sponsored</th>
<th>Employer – Sponsored</th>
<th>Employer Sponsored Other</th>
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<tbody>
<tr>
<td><strong>EB – 1</strong></td>
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<tr>
<td>You Are Special</td>
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<td><strong>Extraordinary Ability</strong></td>
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<td>* “Among the Best of the Best in Your Field”</td>
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<td>* “You Have Risen to the Top of Your Profession”</td>
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<td><strong>STEM: Critical &amp; Emerging Technology</strong></td>
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<td><strong>EB – 2</strong></td>
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<td>* PhD * Masters</td>
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<td>* Exceptional Ability</td>
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<td><strong>National Interest Waiver</strong></td>
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<td>* Your Work is Important*</td>
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<td>* Your Work is Important All Over the USA*</td>
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<td>* Your Contribution is Unique*</td>
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<td>* WAIVER OF: Advertising Requirements*</td>
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<td><strong>PERM Labor Certification</strong></td>
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<td>SPECIAL HANDLING for TENURE TRACK Professors</td>
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<td>Advertise to find THE BEST Professor</td>
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<td><strong>Everyone Else with a “regular job”</strong></td>
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<td>Advertise to find the Lowest Acceptable American</td>
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<td><strong>EB – 3</strong></td>
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<td>Bachelors <em>“Other Workers”</em></td>
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<td><strong>EB – 4</strong></td>
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<td>Religious Worker</td>
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<td><strong>Religious Worker Green Card</strong></td>
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<td>* 2 Years of Paid Religious Work*</td>
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<td>* Denominations Match*</td>
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STEM: *EB-2 NIW Green Card*  
Critical & Emerging Technologies

President Biden’s List  
Dated February 2022:  
[Click Here](#)

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**CRITICAL AND EMERGING TECHNOLOGIES LIST UPDATE**

*A Report by the*  
FAST TRACK ACTION SUBCOMMITTEE ON CRITICAL AND EMERGING TECHNOLOGIES  
of the  
NATIONAL SCIENCE AND TECHNOLOGY COUNCIL

February 2022
PERM Labor Certification Green Card: Timelines

**Actions**
- Enroll: Maintain F-1 status
- Graduate: Apply for H-1B
- Maintain H-1B status

**Status**
- Enrolled in school
- OPT Work
- H-1B or other lawful work status
- Temporary work status
- LPR pending
- LPR status

**Timeline**
- Start EB green card
- File I-140
- File I-485
- USCIS (6 mos to 2 yrs)
- USCIS (5 yrs)
- USCIS
- U.S. Citizenship
- U.S. Citizenship
- LPR
- LPR

**REMINDER**
- STEM OPT
- Marriage (0-9 yrs)
Marriage Green Cards

Video Playlist
Click Here
Work Backwards from the
12 Work Visa Choices

Plan Your Job Search AFTER You Know Which Visa Categories Fit
Your Interests & Country of Citizenship

How to Plan Your Job Search:

#1 Which work visas are available based on your citizenship?

#2 Of the available work visas, which are applicable to your major, and employment goals?

#3 Based on above, target employers for NETWORKING / INTERVIEWING!

- F-1 Student: In School
- F-1 Student: Graduation
- F-1 Student: OPT

No Longer a Student: WORK VISA

Look for Jobs That Qualify You for Many Work Visas

Know Your Work Visa Options EARLY (to guide your job search)

[*] 3 Employer types; Chile; Singapore; E-3 Australia is H-1B undercover

12 WORK VISAS
- * H-1B/ “Lottery”
- * H-1B/ Cap-Exempt*
- * G-Visa
- * L-1A/L-1B
- * R-1
- * E-3
- * TN
- * E-1/E-2
- * O Visa
- * P Visa
- * A Visa
- * I-Visa
Work Backwards from the 12 Work Visa Choices

- Plan Your Job Search Based on the Work Visas For Which You Qualify:
  - **Country of Citizenship** - Controls Work Visa Choices
    - [Click Here for Spreadsheet of Visa Options by Country](#)
  - **Education Major / Interests**
  - **Where You Want to Work** - Company; NGO; College/University; Religious Work, etc.

- **NOTE:**
  - **Country of Birth** Determines Wait for the Green Card
  - **Country of Citizenship** Determines Work Visa Options
Resources:
Plan Your Job Search

● “Job Search” Websites for International Students *(Free)*
  ○ [https://www.myvisajobs.com/](https://www.myvisajobs.com/)
  ○ [https://h1bgrader.com/](https://h1bgrader.com/)

● “Immigration Information” Websites *(Free)*
  ○ [https://redbus2us.com/](https://redbus2us.com/)

● On-Campus Career Center Databases

● Career Coaches - Private ([www.icaway.com](http://www.icaway.com)) or On-Campus Career Center

● My Tips for Answering Immigration Questions During Job Search
  ○ *Click for Video:* [https://www.youtube.com/watch?v=HG0q5cBpg7E](https://www.youtube.com/watch?v=HG0q5cBpg7E)

● **REMEMBER** -- Human Beings Give Jobs to Other Human Beings

  ○ NETWORK! Request *Informational Interviews!*
  ○ Resumes sent to HR or websites are much more effective if you have introduced yourself to a Human First!
Visa Choice #1

H-1B “Lottery” / “Cap-Covered”

H-1B Regular: Limited by a “Cap” / Quota

[duration: 6 yrs]

H-1B “Specialty Occupation” Requirements

- A job offer w/ a company with a “proven financial track record”
- For a position that requires at least a 4 year college degree in a related specific specialty; and
- You have the required degree in the related specific specialty

Other Issues: Concurrent H-1Bs | "Prevailing Wage" | Who Pays the Fees
H-1B “Specialty Occupation” Videos and Informational Links

- H-1B Specialty Occupation Rules:
  - Video Playlist: Click Here

- H-1B Electronic Registration for the Lottery:
  - Video: Click Here
  - USCIS Website Step-by-Step Instructions: Click Here

- H-1B Cap Gap Questions / Considering a December Graduation?
  - Click Here for Videos
Why You Need Other Visa Options: The H-1B “Lottery” is Awful!

Why?

○ Each Applicant has less than a 20% Chance of Winning the Lottery
○ In March 2022, USCIS received 483,927 lottery registrations
○ And the Supply was a woefully tiny 85,000 quota-limited H-1B visas

The H-1B Lottery is All LUCK – it is Terrible

○ You’re Betting Your American Future on a Game of Chance
  ■ AND the Game is Stacked Against You
○ You Need to Have Other Visa Options as a Back-Up!
Visa Choice #2
The H-1B Cap-Exempt / No Lottery

3 Types of Employers are Cap-Exempt

- **Type #1** U.S. institutions of higher education
- **Type #2** Non-profit entities affiliated with U.S. institutions of higher education (Teaching Hospitals; Research Foundations)
- **Type #3** Non-profit research organizations such as Think Tanks, Public Policy Research Organizations & Trade Associations:
  - [https://www.guidestar.org/nonprofit-directory/education-research/research-institutes/1.aspx](https://www.guidestar.org/nonprofit-directory/education-research/research-institutes/1.aspx)
  - [http://guides.library.harvard.edu/content.php?pid=481539&sid=3945886](http://guides.library.harvard.edu/content.php?pid=481539&sid=3945886)

Other Choices That Behave Like “Cap-Exempt H-1Bs:”
- **Chile; Singapore; E-3 Australia is H-1B “undercover”**
Visa Choice #3

G-Visas: “International Organizations”

Specially Designated NGOs

- Get a Job with one of the designated International Organizations on the G-Visa List and you qualify for a G-Visa!
- 10 Page List of G-Visa Employers: Click Here
- Duration of G-Visa varies depending on the job
Visa Choices #2 & #3
H-1B “No Lottery” / “Cap-Exempt” & G-Visas

VIDEOS Click Here:
- **H-1B Cap-Exempt and G-Visa Video Playlist**
Visa Choice #4

L-1A & L-1B: Multinational Employers

- **L-1A**: Manager or Executive [duration: 7 years]
  - EB-1 Green Card “Short-cut”

- **L-1B**: Specialized Knowledge [duration: 5 years]
  - Inside “proprietary” info specific to employer:
  - EXAMPLES: Nuclear Cooling Tower engineer; Siemens Robotics Equipment Diagnostician

- **Requirements**
  - Work 1 full year outside USA for **Company X**
  - Transfer to **Company X** Affiliated Office in USA

- **VIDEO**
  - L-1A & L-1B Work Visas for the Intracompany Transferee: [Click Here](#)
Visa Choice #5

R-1 Religious Worker Visa

- R-1 Religious Worker Visa Requirements:
  - A job offer from a religious organization that
  - Has the same religious denomination / religious beliefs as you do, and
  - The job must require knowledge of your denomination’s religious beliefs, as
  - Demonstrated by your membership in the denomination for 2 full years prior to USCIS application for R-1

- R-1 Duration: 5 yrs

- R-1 USCIS Description: Click Here

- R-1 Video: Click Here
Visa Choice #6 / Country Specific
E-3 Work Visa: For Australians

● **E-3:** “H-1B for Australians” [duration 2 years+]

● **Requirements:** *No Cap / No Lottery! Australian Citizenship, and…*
  ○ A job offer w/ a company with a “proven financial track record”
  ○ For a position that requires at least a 4 year college degree in a *related specific specialty*; and
  ○ You have the required degree in the *related specific specialty*

● **E-3 Video** *“Calling All Australians”*
Visa Choice #7 / Country Specific
TN (Treaty NAFTA) Visa for Canadians & Mexicans

● TN Requirements:
  ○ You MUST be from Canada or Mexico
  ○ You MUST Get a Job Listed on the “TN Job Titles List” and
  ○ You MUST Have the Required Education Shown on the List

● TN Job Titles List with Required Education: [Click Here]

● TN Video Link:
  ○ [Click Here]
Visa Choice #8 /Country Specific
E-1 Treaty Trader Visa & E-2 Treaty Investor Visa

- E-1 Treaty Trader / E-2 Treaty Investor: Visa duration 2-5 yrs+

- Requires E-1/E-2 Treaty between your country of citizenship and USA: [Click for List of Treaty Countries on State Dept Website]

- E-Visa allows you to work for a foreign-owned business in the USA IF:
  - USA company owners outside USA (corporate or individual) have citizenship which matches yours
  - Individual company owners in USA must have have the citizenship you have; and E-Visa status, NOT permanent residency status
  - Job can not be “unskilled”

- E-Visa allows you to start your own business (or purchase an existing business) in the USA and get a visa based on the investment in that business. Minimum investment: about $100,000

[VIDEO E-1 / E-2: Click Here]
Visa Choices #9 - #10
More Options!

- O-1 - Extraordinary Ability
  - Extraordinary Ability Described | USCIS

- P-1 - Athlete/Entertainer
  - Athlete Described | USCIS
  - Entertainer Described | USCIS

Video:
What Are the O & P Visas?
Visa Choices #11 - #12
Even More Options!

A-visa - Foreign Ambassador / Embassy Personnel
- [A-Visa Described | State Department](#)

I-visa - Foreign Media / Journalist visa
- [Foreign Media Visa Described | USCIS](#)
Questions?
Send us an email! We would be happy to answer your immigration questions free of charge!

We can also schedule an appointment for a one-on-one, free video consultation with Immigration Art!

Art Serratelli, Partner
Serratelli Mijal PLLC
Immigration Attorneys-at-Law