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MURTHY LAW FIRM

We know immigration matters! ®
The Visa Marathon: How to Navigate Your Way Through The Changing Landscape of Visa Opportunities in the USA

Society of Toxicology
Association of Scientists of Indian Origin (ASIO)
Webinar endorsed by Toxicologists of African Origin (TAO), Korean Toxicologists Association in America (KTAA), Hispanic Organization of Toxicologists (HOT) and American Association of Chinese in Toxicology (AACT) Special Interest Groups

September 24, 2020
Why Is It Important to Know Immigration Law?

- Immigration law is complex.
- You may be required to provide evidence of maintenance of nonimmigrant status (F-1, H1B, O-1, etc.) in the future.
- Maintenance of status issues may result in Requests for Evidence (RFEs) and/or denials of future applications and petitions.
Green Card Options

- Immigrant Petition (Form I-140)
  - PERM
  - EB-1 Extraordinary Ability/Outstanding Professor and Researcher
  - EB-2 National Interest Waiver
Green Card Overview

• Stages of a “green card” case
  • I-485 Adjustment of Status Application
  • Adjustment of Status v. Consular Processing
  • Priority Dates and Visa Bulletin
# Visa Bulletin

<table>
<thead>
<tr>
<th>Employment-based</th>
<th>All Chargeability Areas Except Those Listed</th>
<th>CHINA-mainland born</th>
<th>EL SALVADOR GUATEMALA HONDURAS</th>
<th>INDIA</th>
<th>MEXICO</th>
<th>PHILIPPINES</th>
<th>VIETNAM</th>
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<td>01MAR18</td>
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<td>15JAN16</td>
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<td>3rd</td>
<td>01APR19</td>
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<td>Other Workers</td>
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<td>4th</td>
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<td>Certain Religious Workers</td>
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<td>5th Regional Center (I5 and R5)</td>
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In general, changing jobs before the filing of an adjustment of status application will require numerous steps to have to be re-done with a new employer.

- Priority date retention possible if I-140 has been approved.

- After filing of adjustment of status application, job changes are governed by permanent portability as described in the American Competitiveness in 21st Century Act (AC-21)
# F-1 Employment: Common Pitfalls

Issues the government typically questions

<table>
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<th>CPT</th>
<th>OPT</th>
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<tbody>
<tr>
<td>• Coop agreements</td>
<td>• Unemployment maximum</td>
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<td>• Directly related to field of study</td>
<td>• Experience in field of study,</td>
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<td>• Integral part of study</td>
<td>• Reporting requirements</td>
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<td>• STEM extensions.</td>
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</table>
Transition to "Work Visa" - H1B Status

- H1B Petition and Request for Change of Status
- Who qualifies for H-1B?
- Cap-subject H1B Petitions and the timing of filing
- Master’s Cap v. Regular Cap
Transition to "Work Visa" - H1B Status (Cont.)

• What is a Cap Gap?
• Travel during Cap Gap
• Unemployment and Cap Gap
O-1 Status for People with Extraordinary Ability

- Employment based
- Stringent Criteria (Similar to EB1)
- Can be Extended Indefinitely
Other Nonimmigrant and Immigrant Options

- J-1 / TN
- Family Based Immigration
Questions?