

THE BUSINESS IMMIGRATION “VISA CHEAT SHEET”

CATEGORIES	ANNUAL QUOTA	BASIC ELIGIBILITY REQUIREMENTS	RESTRICTIONS ON WORK AUTHORIZATION	MAX TIME LIMIT	DUAL INTENT ¹	USCIS FILING FEES (NOT INCL. PREMIUM PROCESSING)	PREMIUM PROCESSING AVAILABLE (ADDL \$2,500 GOV'T FEE) ²	PREVAILING WAGE & LCA REQ'D ³	SPOUSAL WORK AUTHORIZATION	USCIS PETITION REQUIRED	TREATY-BASED (SPECIFIC CITIZENSHIP REQ'D)	GLC CASE PREPARATION TIME ³¹
H-1B: WORKER IN SPECIALTY OCCUPATION	85,000 ⁴	Working in “specialty occupation” (requiring at least a Bachelor’s degree in a specific field).	Must work only for sponsoring employer, subject to Labor Condition Application (LCA) requirements.	6 yrs. ⁵	YES	\$2,460 ⁶	YES	YES	YES (LIMITED) ⁷	YES	NO	10 days
H-1B1: FREE TRADE WORKER	6,800 ⁸	Citizen of Chile or Singapore working in “specialty occupation.”	Must work only for sponsoring employer, subject to Labor Condition Application (LCA) requirements.	NONE	NO	\$460 ⁹	NO ¹⁰	YES	NO	YES	YES Chile and Singapore	10 days
L-1: MULTI-NATIONAL TRANSFEREE	NONE	Must have worked for parent, affiliate or subsidiary of U.S. employer abroad for at least one yr. in previous 3 yrs., and coming to work for U.S. employer in managerial, executive (L-1A) or specialized knowledge (L-1B) capacity. ¹¹	Must work only for sponsoring employer.	L-1A: 7 yrs. L-1B: 5 yrs.	YES	\$960 ¹²	YES	NO	YES	YES	NO	2-3 weeks
L-1 “BLANKET”: MULTINATIONAL TRANSFEREE	NONE	Similar to above, but L-1 blanket is reserved for larger multinational companies. ¹³	Must work only for sponsoring employer or other employer listed on blanket approval.	L-1A: 7 yrs. L-1B: 5 yrs.	YES	\$960 ¹⁴	N/A	NO	YES	NO	NO	10 days
TN: NAFTA PROFESSIONAL	NONE	Citizen of Canada or Mexico working in a profession enumerated in Appendix 1603.d.1 of the NAFTA. ¹⁵	Must work only for sponsoring employer.	NONE	NO	\$460 ¹⁶	YES ¹⁷	NO	NO	NO	YES Canada & Mexico	3 - 5 days
O-1: ALIEN OF EXTRAORDINARY ABILITY	NONE	Must prove person is “one of the small percentage who has risen to the very top of his or her field.” ¹⁸	Must work only for sponsoring employer.	NONE	QUASI-DUAL INT.	\$460 ¹⁹	YES	NO	NO	YES	NO	6 - 8 weeks
F-1: STUDENT	NONE	Must be enrolled full-time at DHS approved academic institution, and pursuing degree, diploma or certificate.	12 mos. Optional Practical Training (OPT) work authorization available in position related to study. Additional 24 mos. available for STEM grads at E-Verified employers. 12 mos. of Curricular Practical Training (CPT) may also be available for internships while enrolled in school.	NONE	NO	N/A ²⁰	N/A	NO	NO	NO	NO	N/A
B-1: BUSINESS VISITOR	NONE	Entering the U.S. for business activities of commercial or professional nature that do not involve local employment. ²¹	With limited exceptions, B-1 status does not provide work authorization.	NONE	NO	N/A ²²	N/A	NO	NO	NO	NO	3 - 5 days
H-3: TRAINEE	NONE	Coming to receive training that is not available in the foreign national’s home country. ²³	Must work only for sponsoring employer. Employment must be incidental to training.	24 months	NO	\$460 ²⁴	YES	NO	NO	YES	NO	2 - 4 weeks
E-3: FREE TRADE WORKERS	10,500 ²⁵	Australian citizen working in specialty occupations.	Must work only for sponsoring employer, subject to LCA reqs.	NONE	QUASI-DUAL INT.	\$460 ²⁶	NO ²⁷	YES	YES	NO	YES Australia	10 days
J-1: INTERN & TRAINEE	NONE	Interns or trainees seeking to participate in work-and-study-based exchange visitor programs. ²⁸	Employment must be incidental to training. Employer must be approved by sponsoring organization.	<u>Intern</u> : 12 mos. / <u>Trainee</u> : 18 mos.	NO	N/A ²⁹	NO	NO	YES ³⁰	NO	NO	2 - 3 weeks

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NOTES:

¹ Persons working in “Dual intent” classifications may seek permanent residency without restrictions

² Premium processing guarantees adjudication of petition filed with USCIS within 15 calendar days, at an additional filing fee cost of \$2,500. It is not applicable for classifications that do not require petition filing, where visa application is made directly to U.S. consulate or Embassy abroad, or at port of entry, if the person is visa-exempt (Canadians).

³ H-1B, H-1B1, and E-3 classifications require that the employer file a labor condition application (LCA) prior to filing the H-1B petition, or H-1B1, or E-3 visa application. By signing the LCA application, the employer is attesting that it will comply with certain statutory requirements designed to protect U.S. workers, which include paying the foreign worker at least the prevailing wage (or the “actual” wage offered to similarly situated workers at the employer, if this wage is higher), and not offering working conditions that are less favorable than those offered to U.S. workers. The employer must also notify other workers of the filing, and create and maintain a public inspection file. This file must be made available to any member of the public who wishes to see it. For more details on LCA requirements, see our LCA Handbook.

⁴ The 85,000 total cap for H-1Bs is comprised of 65,000 “regular” H-1Bs, and additional 20,000 for graduates w/ US Master’s or higher. Note that the quota applies only to “new” H-1B petitions; persons who are in H-1B status, have previously held H-1B status are in most cases not subject to the quota.

⁵ Exceptions to the six yr. time limit apply in certain circumstances where green card sponsorship is started for the H-1B worker before the limit is reached.

⁶ Represents filing fees for new petition; filing fees for extensions are less. Filing fees are also \$750 less for companies with 25 or fewer employees. Figures do not include optional \$2,500 premium processing fee.

⁷ Spouse work authorization is available in limited circumstances where green card process has been started for principal H1B beneficiary.

⁸ 1,400 for Chileans and 5,400 nationals of Singapore. H-1B1 quota has never been reached.

⁹ Does not require petition with USCIS; may be filed directly at US consulate abroad.

¹⁰ Note that H-1B1 visa may be applied for directly at U.S. embassy or consulate abroad without prior USCIS approval. Premium processing is not applicable for visa applications.

¹¹ For detailed explanation of eligibility criteria, see our website.

¹² Represents filing fees for new petition; filing fees for extensions are less. These figures do not include optional \$2,500 premium processing fee.

¹³ Foreign nationals must have worked for qualifying company abroad for 1 continuous yr. within 3 yrs. immediately preceding his or her admission to US.

¹⁴ Does not require petition with USCIS; may be filed directly at US consulate abroad. Must pay \$500 antifraud fee.

¹⁵ Profession must require someone in that professional capacity.

¹⁶ If a TN petition is filed with the USCIS (optional), a \$460 filing fee is required. This does not include the optional \$2,500 premium processing fee.

¹⁷ Note that TN visa may be applied for directly at U.S. embassy or consulate abroad (for Mexicans), or at the port of entry or pre-flight inspection (Canadians), without prior USCIS approval.

¹⁸ This standard applies to persons working in the fields of science, education, business or athletics. Note that there are slightly different standards that apply to persons working in the arts, motion picture and television. The specific eligibility criteria for O-1 classification may be found on our website.

¹⁹ This figure does not include the optional \$2,500 premium processing fee.

²⁰ Does not require petition with USCIS; may be filed directly at US consulate abroad.

²¹ Must show the purpose is legitimate, plan to remain for a specific limited period of time, have the funds to cover the expenses of the trip, have residence abroad and have no intention of remaining in the US, and otherwise admissible to the US.

²² Does not require petition with USCIS; may be filed directly at US consulate abroad.

²³ The foreign national cannot be placed in a position of normal operation of business in which US workers are regularly employed, or engage in productive employment unless it is incidental and necessary to training.

²⁴ This figure does not include the optional \$2,500 premium processing fee.

²⁵ E-3 quota has never been reached.

²⁶ Does not require petition with USCIS; may be filed directly at US consulate abroad.

²⁷ Note that E-3 visa may be applied for directly at U.S. embassy or consulate abroad without prior USCIS approval. Premium processing is not applicable for visa applications.

²⁸ Interns must be currently pursuing studies at a foreign degree or certificate granting post-secondary academic institution outside of the US; or have graduated from such an institution no more than 12 months prior to their exchange visitor start date. Trainees must have a degree or professional certificate from a foreign post-secondary academic institution and at least one yr. of prior related work experience in his or her occupational field outside the US; or have 5 yrs. of work experience outside US in training field.

²⁹ Does not require petition with USCIS; may be filed directly at US consulate abroad.

³⁰ In most cases, J-2 visa holders can apply for an employment authorization document (EAD).

³¹ From the time of receiving all required information and documentation from the company and foreign national.