



Immigration Solutions for American Business

Immigration Support Services
Webinar Series Presents

Hiring International Teachers 101

MASPA – 12/15/23

Today's Agenda

- Understand the US government agencies involved in immigration
- Understand the basics of visa classifications
- For Teachers; likely two options
- The big question- are you H-1B cap-exempt?
- Short-term/Long-Term: The Green Card
- Costs
- Questions

An Immigration Overview

A flyover of the immigration process



Government Entities





Two Types of Visas

- First, let's define visa
 - an endorsement on a passport indicating that the holder is allowed to enter, leave, or stay for a specified period of time in a country – dictionary.com
- Non-immigrant visa
 - Temporary
 - May or may not have work authorization
- Immigrant visa = Permanent Resident = Green Card
 - Live and work in the US
 - Path to citizenship

Non-immigrant visas

- Visa waiver – 90 days
- B visa – 90 to 180 days but can't work
 - Business or pleasure
 - I-94



The screenshot shows the U.S. Customs and Border Protection website. At the top, there is a header with the department's logo and the text "U.S. Customs and Border Protection Securing America's Borders". Below the header, there are two tabs: "Get I-94 Number" and "I-94 FAQ". The "I-94 FAQ" tab is selected. The main content area is titled "Admission (I-94) Number Retrieval". It displays the following information:

Admission (I-94) Record Number: 69000888062

Admit Until Date (MM/DD/YYYY): 10/10/2012

Details provided on Admission(I-94) form:

Family Name:	LI
First (Given) Name:	LYDIA
Birth Date (MM/DD/YYYY):	01/01/1990
Passport Number:	P123123213
Passport Country of Issuance:	Mexico
Date of Entry (MM/DD/YYYY):	04/11/2012
Class of Admission:	B1

J-1 Visa

- Cultural Exchange
 - 212(e)
- 3rd party Agents
- Three-year term (typically)
- Long term employment concerns
- Become your own sponsor
- Link (below) to state dept very helpful



BridgeUSA

Connecting global leaders, creating lasting impact

H-1B

- Professional position (Bachelor's degree)
- Two 3-year terms (6 years maximum)
- Prevailing wage/LCA (CBA if you have one)
- Limited to 85,000 **new** visas per year
- Path to Green Card



USCIS H-1B Cap Count

Year	Cap reached (65,000)	Master's cap reached (20,000)	Total cap
FY2024	April 1, 2023	April 1, 2023	85,000
FY2023	April 1, 2022	April 1, 2022	85,000
FY2022	April 1, 2021	April 1, 2021	85,000
FY2021	April 1, 2020	April 1, 2020	85,000
FY2019	April 6, 2019	April 6, 2019	85,000
FY2017	April 7, 2017	April 7, 2017	85,000
FY2015	April 7, 2014	April 7, 2014	85,000
FY2013	June 11, 2012	June 11, 2012	85,000
FY2011	January 26, 2011	December 22, 2010	85,000
FY2009	April 5, 2008	April 5, 2008	85,000
FY2007	May 26, 2006	July 26, 2006	85,000
FY2005	October 1, 2004	Not reported	85,000
FY2004	February 17, 2004	-	65,000
FY2003	Not reached	-	195,000
FY2002	Not reached	-	195,000
FY2001	Not reached	-	195,000

758,994

USCIS Continues to Process

- H-1B Cap Hit, However ...
 - **USCIS** Continues to Process:
 - H-1B extension of stay
 - H-1B amendments
 - H-1B change of employer - “transfers”
 - H-1B to work concurrently for another employer
 - **Caution** – Cap exempt to cap subject transfer

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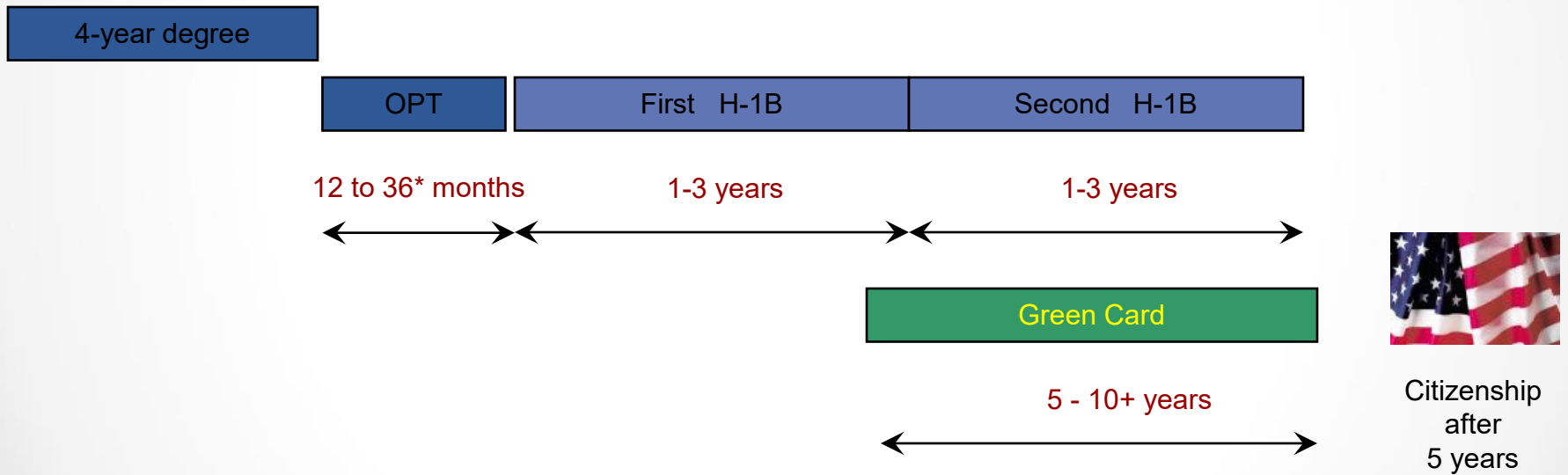
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Taj Mahal, India

Cap Exempt Employers

- *Cap Exempt/ACWIA Exempt:*
 - (A) an institution of higher education (4-year college or university);
 - (B) a nonprofit entity related to or affiliated with an institution of higher education; or
 - (C) a nonprofit research organization;
 - (D) or a governmental research organization.
- *How to be 'related to' or 'affiliated with' ...*
 - *Memorandum of Understanding (MOU)*

Typical Timeframe



* STEM Extension for E-Verify Employers

Employment Based Green Card

- U.S. Employer – Full Time, Permanent Employment
- Most Cases - Labor Market Test
- Candidate Must Meet Qualifications for Job
- Employer Must Demonstrate Means to Pay
- Employer/Candidate – Mutual Intention re: Position



Employment-based Green Card

- Labor Certification (PERM)
 - Unavailability of US workers
 - Prevailing wage
- CIS Approval (I-140)
- Adjustment of Status (I-485)
 - Retrogression



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Your Questions

- *What are the different types of visas that we may see?*
- *What do you do just before a person's visa expires and then when it actually expires?*
- *Who bears the costs of a visa.*
- *What happens if someone is working under a spousal work visa and that visa expires?*
- *What can you do while you are waiting for the visa to be processed?*
- *How long does it take for a visa to be processed?*
- *What happens if INS comes in to audit your I-9's? Do you have any best practices with tracking visas and their expirations?*
- *How do you proceed if INS comes to the school for someone who may not have a valid visa?*
- *The news has been mentioning expedited work visas for some immigrants, this could be helpful in filling some of our roles (including non-teaching roles), could you please speak to this?*

Follow Up Questions?

- Contact Us page at our website, happy to chat and help if you'd like to email and set up a time:

<https://immigrationsupport.com/contact>

- General Information can be found at our website

<https://immigrationsupport.com/>

