

VISAS AFTER GRADUATION



Cornell University | Kristal Ozmun | March 12, 2026

MILLER MAYER LLP
ATTORNEYS AT LAW



MILLER MAYER^{LLP}

ATTORNEYS AT LAW



Founded In 1985

Headquartered in Ithaca,
New York, home of
Cornell University



Making a Difference for More than 30 Years





Immigration Law 6

All Categories



All Immigrant and non-immigrant categories



Family based and employment based



Entrepreneurs, Hospitals, Schools, Industry



Program Overview

- 1) Overview of U.S. Immigration
- 2) Temporary Visas after Graduation
- 3) Long-term Residence

A close-up, slightly blurred photograph of a US dollar bill. The focus is on the large, embossed letters 'USA' in the center. The background shows the intricate security patterns and the words 'THE UNITED STATES OF AMERICA' repeated in a circular pattern. A semi-transparent blue overlay covers the bottom half of the image, and the text 'Overview of U.S. Immigration' is written in white, bold, sans-serif font across the middle.

Overview of U.S. Immigration

U.S. Immigration Overview

Nonimmigrants (NIV)

- Employment limited
- Duration of stay limited
- Starting place for most students and graduates
- Examples: H-1B, TN, O-1
- Can hold NIV for years

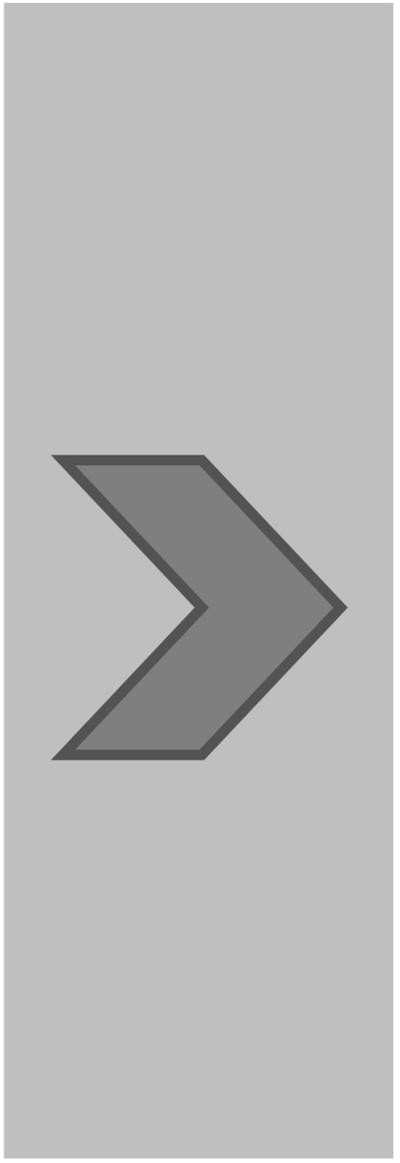
Employment Based (I-140, I-526, I-360)
 Family Based (I-130)
 Diversity Lottery

Visa Backlogs (Particularly for Chinese and Indian born Foreign Nationals)

J-1 Two Year Foreign Residence Requirement

Permanent Residents (IV)

- “Green Card Holder”
- Can live or work anywhere in the U.S.
- Cannot vote in U.S. elections or serve on a jury
- Can be deported



Citizens

- Can work or live anywhere
- Can vote in U.S. elections and serve on juries
- No fear of deportation

DACA, TPS, Undocumented not on Continuum



Typical Immigration Pathways

Student Employee Pathway

U.S. Graduated F-1/J-1 Students' work permit (OPT)

Employer-sponsored Work Visa (H-1B or other)

Green Card, LPR

U.S. Citizenship (Naturalization)

International Employee Pathway

Employer-sponsored Work Visa (H-1B or other)

Green Card, LPR

U.S. Citizenship (Naturalization)

Family, Asylee, or Employment Pathway

Green Card, LPR

U.S. Citizenship (Naturalization)





Temporary Visas after Graduation

Typical Work Visas for Graduates

- A** Diplomats
- B** Visitors (business/pleasure)
- C** Transit
- D** Crewman
- E** Treaty trader/investors/Australian professionals
- F** Academic students
- G** International organizations
- H** **Temporary workers**
- I** Journalists/Media
- J** Exchange visitors
- K** Fiancés/fiancées of U.S. citizens
- L** **Intra-company transferees**
- M** Vocational students
- N** Parents or children of special immigrants
- O** **Persons of extraordinary ability**
- P** Athletes or entertainers
- Q** International cultural exchange visitors
- R** Religious workers
- S** Federal witnesses
- T** Trafficking of persons victims
- TN** NAFTA professionals (Mexico and Canada)
- U** Certain crime victims
- V** Certain spouses/children waiting for green cards



H-1B Professionals

- Employer sponsored for up to 6 years in a “specialty occupation.”
- Requirements:
 1. Job must require a bachelor’s degree or higher in specific field.
 2. Beneficiary must have at least the relevant Bachelor’s degree or equivalent.
 3. Employer must pay the required wage.
 4. License (if required for occupation).



Advantages of H-1B

1. Duration:

- 6 year maximum.
- 1 year stay outside U.S. refreshes 6 years.
- Additional H extensions if green card started by end of 5th year or I-140 or I-526 petition approved.

2. Time to work toward green card.

3. No advertising or test of the U.S. labor market.

4. No delay when you change employers.

5. Limited spousal work authorization.



Disadvantages of H-1B

1. **New: \$100,000 fee for H-1B petitions that must be effectuated from abroad.**
2. **Self-employment limited.** *BUT, good news on this front: new H-1B modernization rules that took effect in January 2025 allow H-1B beneficiary-owners to qualify for an H-1B. Purpose: “to promote access to H-1Bs for entrepreneurs, start-up entities, and other beneficiary-owned businesses.” The regulations add extra requirements to address situations where an H-1B beneficiary owns a controlling interest (i.e. at least 50%) in the petitioning entity.*
3. **Paperwork, cost and delay.**
4. **Primary disadvantage is inadequate supply →
H-1B lottery!**



What is the H-1B Cap?

Non-university employers are subject to H-1B cap (annual quota)

20,000 for U.S. master's degree or higher.

- Must have degree by the time of H-1B filing.
- Accredited U.S. institutions, excluding for-profit schools.
- All advanced degrees included.
- Master's cases considered under both caps

65,000 for all others.

Exempt Employers*

- Colleges/universities.
- University-affiliated nonprofits (i.e., university teaching hospitals).
- Non-profit/government research institutions

***Limits on changing to cap-subject jobs.**

Exempt Individuals

- Prior cap H-1B holders.
- Employed "at" cap-exempt worksite.
- Concurrently employed by cap-exempt employer.
- J-1 shortage area waived doctors.



H-1B Quota, Lottery & Cap Gap

- **H-1B Process:**
 - **March 4-19:** All cap-H-1B employers register beneficiaries with USCIS
 - **By March 31:** USCIS will notify employers of selected registrations
 - **Starting April 1:** employer may file H-1B petitions for those selected
- **Cap Gap:**
 - Extends status and work authorization until April 1 of the following year if EAD expires between H-1B filing and October 1
- **Major change for H-1B Cap FY 2027:**
 - **Prioritization of H-1B registrations with highest (“level 4”) wages for lottery selection process (per new rule going into effect on 2/27/2026).**



Other Visa Options: L-1 and E-3

	L-1: Multinational Transferee	E-3: Australian Professionals
Can I work?	<ul style="list-style-type: none"> As authorized by I-94 and I-797. Up to 5 years for Specialized Knowledge employees. Up to 7 years for Managers and Executives. 	<ul style="list-style-type: none"> Yes – as authorized by I-94 and visa. No limit on extensions (2-year intervals). AUSTRALIANS ONLY.
Who can I work for and what am I allowed to do?	<ul style="list-style-type: none"> L-1B can work as a specialized knowledge employee L-1A can work as a manager or executive for company on I-797. Must have previously worked (1 year within the last 3) for a related company abroad as manager, executive or specialized knowledge employee. 	<ul style="list-style-type: none"> Similar to H-1B. Must work for employer on LCA performing duties listed in initial submission to consulate.
How can I be compensated?	Fairly flexible.	Must be paid at least prevailing wage.
Can my spouse work?	Yes	Yes



Other Visa Options: TN and O-1

	TN: NAFTA Professional	O-1: Extraordinary Ability
Can I work?	<ul style="list-style-type: none"> As authorized by I-94. 3-year intervals (no limit for most occupations). MEXICANS AND CANADIANS ONLY. 	<ul style="list-style-type: none"> Yes – as authorized by I-94 and I-797. Initial term of 3 years with no specific limit on extensions.
Who can I work for and what am I allowed to do?	<ul style="list-style-type: none"> Can work for the employer specified on your application. Employment must be in a designated occupation (and you must have the qualifications for that occupation). Self-employment prohibited. 	<ul style="list-style-type: none"> Must work in a field in which you have extraordinary ability for either an employer or via an agent. Must show receipt of a major nationally or internationally recognized prize, or three lesser achievements (e.g., nationally or internationally recognized prizes or awards, prestigious memberships, major media coverage, service as a judge of the work of others, original contributions to the field, scholarly publications, high salary, critical role in a prestigious organization). Ownership of employer possible – must be handled carefully.
How can I be compensated?	Flexible	Flexible
Can my spouse work?	No	No



Other Visa Options: E-1 and E-2

	E-1: Treaty Trader	E-2 Treaty Investor
Can I work?	<ul style="list-style-type: none"> As authorized by I-94 and visa stamp (for reentry). Must be from a treaty country. 2 year increments. 	<ul style="list-style-type: none"> As authorized by I-94 and visa stamp (for reentry). Must be from a treaty country. 2 year increments.
Who can I work for and what am I allowed to do?	<ul style="list-style-type: none"> Can start or buy a company engaged in substantial trade between U.S. and your home country. Can work for a company engaged in substantial trade between U.S. and your home country if majority owned by nationals of your home country (not U.S. citizens or LPRs), and you are coming to work as an executive, supervisor, or special skill employee. 	<ul style="list-style-type: none"> Can start or buy a company making a substantial investment in the United States. Can work for a company owned by nationals of your home country (not U.S. citizens or LPRs), where those nationals have made a substantial investment in the U.S. company, and you are coming to work as an executive, supervisor, or special skill employee.
How can I be compensated?	Flexible.	Flexible.
Can my spouse work?	Yes	Yes



The image shows a residential scene with two American flags. One large flag is in the foreground on the left, and a smaller one is on a pole in the background. The background features a house with grey siding, a window, and lush green trees and pink flowers. The text 'Long-term Residence' is centered in white.

Long-term Residence

Transitioning to Permanent Residence

- **Permanent Residence Pathways:**
 - **Family-Based:** Must be related to a U.S. citizen or permanent resident.
 - **Employment-Based:** Your employer sponsors you. Your position, credentials, and stock ownership may determine your eligibility or wait time.
 - **Diversity Lottery:** Must come from a country that sends fewer immigrants (not China, India, Mexico, Canada).



Family-based Green Card Categories (FB)

- **Immediate Relative – spouses, unmarried children under 21, and parents of US citizens**
- **F1 – unmarried sons and daughters of US citizens**
- **F2A – spouses and children under 21 of US citizens**
- **F2B – unmarried sons and daughters 21 and older of US permanent residents**
- **F3 – married sons and daughters of US citizens**
- **F4 – brothers and sisters of US citizens**



Visa Bulletin – Chart A (FB: 03/2026)

Family-Sponsored	All Chargeability Areas Except Those Listed	CHINA-mainland born	INDIA	MEXICO	PHILIPPINES
F1	08NOV16	08NOV16	08NOV16	22DEC06	01MAR13
F2A	01FEB24	01FEB24	01FEB24	01FEB23	01FEB24
F2B	01DEC16	01DEC16	01DEC16	15FEB09	22DEC12
F3	08SEP11	08SEP11	08SEP11	01MAY01	01MAR05
F4	08JAN08	08JAN08	01NOV06	08APR01	01SEP06



Employment-based Green Card Categories (EB)

Priority Workers (EB-1)

40,000 visas per year

- Extraordinary ability (can self-sponsor).
 - Gold Card? Lawsuit pending
- Outstanding professors and researchers (tenure-track position).
- Business executives and managers (no labor certification required).

Advanced Degree Holders (EB-2)

40,000 visas per year

- Professionals with advanced degrees or exceptional ability in sciences, arts and business (labor certification required).
- National Interest Waiver of labor certification requirement (can self-sponsor).
 - Gold Card? Lawsuit pending

Skilled & Unskilled Workers (EB-3)

40,000 visas per year

- Skilled workers in short supply.
- Professionals with bachelor's degree.
- Unskilled workers in short supply (all require labor certification).

Special Immigrants (EB-4)

10,000 visas per year

- Religious workers; certain US govt. employees; Panama Canal employees; plus certain dependent juveniles.

Investors (EB-5)

10,000 visas per year

- Must invest between \$800,000 and \$1.05 million.
- Must create at least 10 full-time jobs in 2 years.



No PERM Required

EB-1 priority workers:

- 1. EB-1-A Extraordinary ability aliens**
 - Can self-sponsor
 - Similar to O-1A NIV
- 2. EB-1-B Outstanding professors and researchers**
- 3. EB-1-C Multinational executives and managers**
 - Similar to L-1A NIV

EB-2 “national interest” workers:

- Can self-sponsor
- Advanced degree, Bachelors + 5 years of experience or exceptional ability
- Doing work in the national interest. See *Matter of Dhanasar* as precedent decision outlining qualifications for EB-2 NIW.



Visa Bulletin – Chart A (EB: 03/2026)

Employment-based	All Chargeability Areas Except Those Listed	CHINA-mainland born	INDIA	MEXICO	PHILIPPINES
1st	C	01MAR23	01MAR23	C	C
2nd	15OCT24	01SEP21	15SEP13	15OCT24	15OCT24
3rd	01OCT23	01MAY21	15NOV13	01OCT23	01AUG23
Other Workers	01NOV21	08DEC18	15NOV13	01NOV21	01NOV21
4th	15JUL21	15JUL21	15JUL21	15JUL21	15JUL21
Certain Religious Workers	15JUL21	15JUL21	15JUL21	15JUL21	15JUL21
5th Unreserved (including C5, T5, I5, R5, NU, RU)	C	15AUG16	01MAY22	C	C
5th Set Aside: Rural (20%, including NR, RR)	C	C	C	C	C
5th Set Aside: High Unemployment (10%, including NH, RH)	C	C	C	C	C
5th Set Aside: Infrastructure (2%, including RI)	C	C	C	C	C



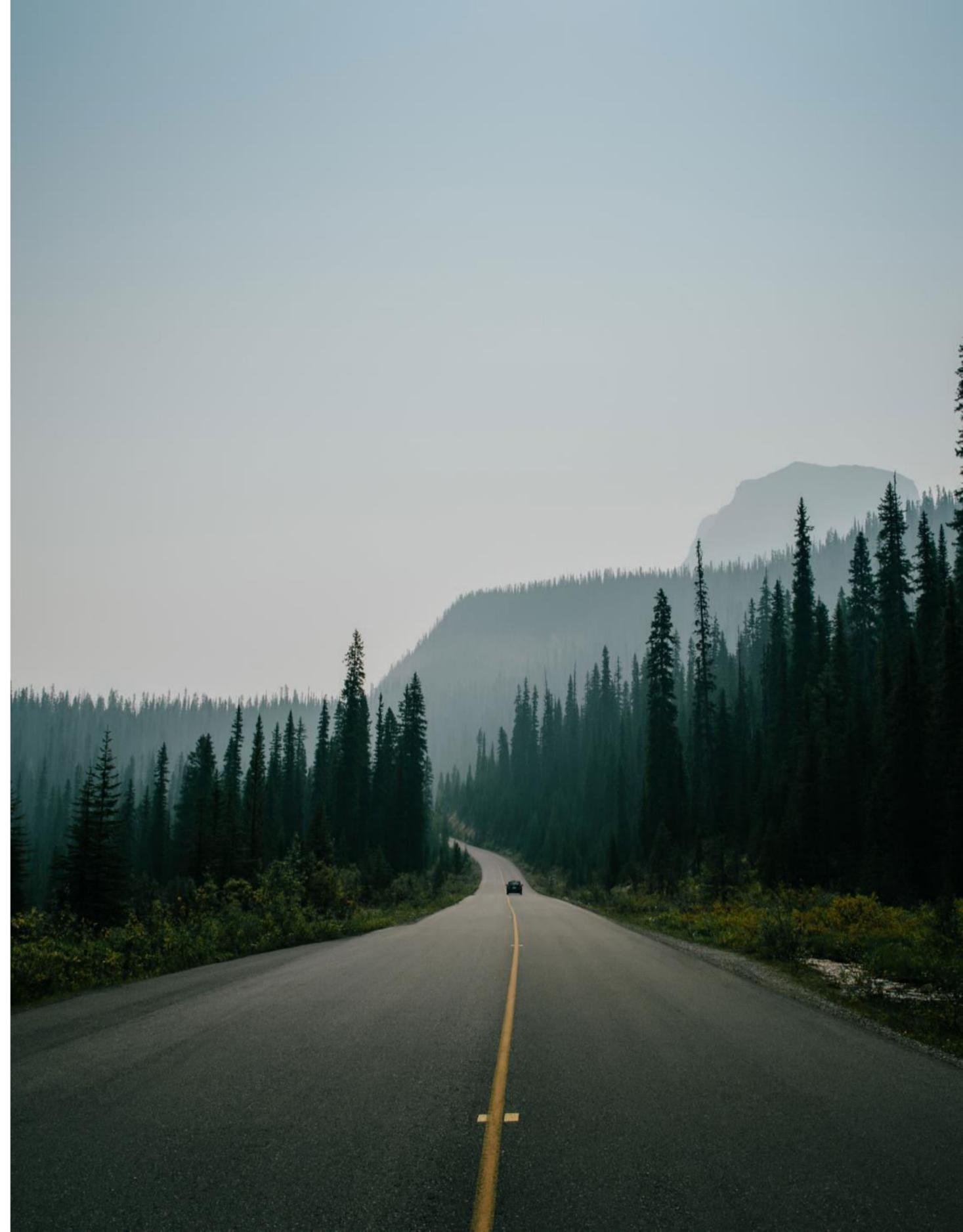
EB-5 Investors

- Self-sponsored.
- Must invest in U.S. companies that benefit U.S. economy and create or save at least 10 full-time U.S. worker jobs.
- \$1,050,000 million normally required to invest; \$800,000 in rural or high unemployment areas.
- Receive conditional residence for two years; then file petition to show job creation and receive permanent green card.



The Road Ahead

- Realistic assessment is important.
- Planning ahead is key.
- Get to know employers soon.
- Meet with immigration counsel before starting a company.
- Think of alternative and creative employment options.



Questions?

MILLER MAYER^{LLP}
ATTORNEYS AT LAW



215 E. State St
Ithaca NY 14850



607.273.4200



aa@millermayer.com



www.millermayer.com

Learn more:

www.millermayer.com