

VISAS AFTER GRADUATION

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Cornell | Kristal Ozmun | October 8, 2026

MILLER MAYER^{LLP}
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A low-angle photograph of the Statue of Liberty's head and crown, with the sun shining brightly behind it, creating a lens flare effect. The statue is green, and the sky is a clear blue.

Immigration Law⁶

All Categories



All Immigrant and non-immigrant categories



Family based and employment based



Entrepreneurs, Hospitals, Schools, Industry

U.S. IMMIGRATION SERVICES

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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 Visa stamp on a passport page. The stamp is blue and features the word "USA" in large, bold letters. Below it, the word "VISA" is partially visible. The background of the stamp has a repeating pattern of "THE UNITED STATES OF AMERICA". The text "Overview of U.S. Immigration" is overlaid in white, sans-serif font across the center of the image.

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)



A woman with long dark hair, wearing a white turtleneck, is smiling and looking out over a city skyline at sunset. The sun is low on the horizon, creating a warm glow and lens flare. The city skyline in the background features several tall skyscrapers, including the Freedom Tower. The foreground shows a rocky area with some greenery and a body of water.

Temporary Visas after Graduation

Typical Work Visas for Graduates

A	Diplomats	L	Intra-company transferees
B	Visitors (business/pleasure)	M	Vocational students
C	Transit	N	Parents or children of special immigrants
D	Crewman	O	Persons of extraordinary ability
E	Treaty trader/investors/Australian professionals	P	Athletes or entertainers
F	Academic students	Q	International cultural exchange visitors
G	International organizations	R	Religious workers
H	Temporary workers	S	Federal witnesses
I	Journalists/Media	T	Trafficking of persons victims
J	Exchange visitors	TN	NAFTA professionals (Mexico and Canada)
K	Fiancés/fiancées of U.S. citizens	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. H-1B petitions are employer, occupation, worksite and wage specific.
2. Repeated costs (for registration, potentially, and extensions).
3. 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: 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?	- As authorized by I-94 and I-797. - Up to 5 years for Specialized Knowledge employees. - Up to 7 years for Managers and Executives.	- 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?	- 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.	- 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?	- As authorized by I-94. 3-year intervals (no limit for most occupations). - MEXICANS AND CANADIANS ONLY.	- 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?	- 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.	- 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?	- As authorized by I-94 and visa stamp (for reentry). - Must be from a treaty country. 2 year increments.	- 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?	- 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.	- 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



A photograph of a residential scene featuring two large American flags. One flag is in the foreground, partially obscuring a house with a brown door and white trim. The second flag is further back, also in front of a house. The background is filled with lush green trees and flowering branches with pink blossoms. The text 'Long-term Residence' is centered over the image in a white, sans-serif font.

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: 10/2026)

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Family-Sponsored	All Chargeability Areas Except Those Listed	CHINA-mainland born	INDIA	MEXICO	PHILIPPINES
F1	22JAN20	22JAN20	22JAN20	08SEP08	01NOV13
F2A	22SEP26	22SEP26	22SEP26	22MAR26	22SEP26
F2B	22AUG19	22AUG19	22AUG19	15MAY10	01OCT13
F3	22OCT14	22OCT14	22OCT14	01JUL01	22JUL06
F4	22OCT11	22OCT11	15DEC06	22APR01	15MAY08



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.

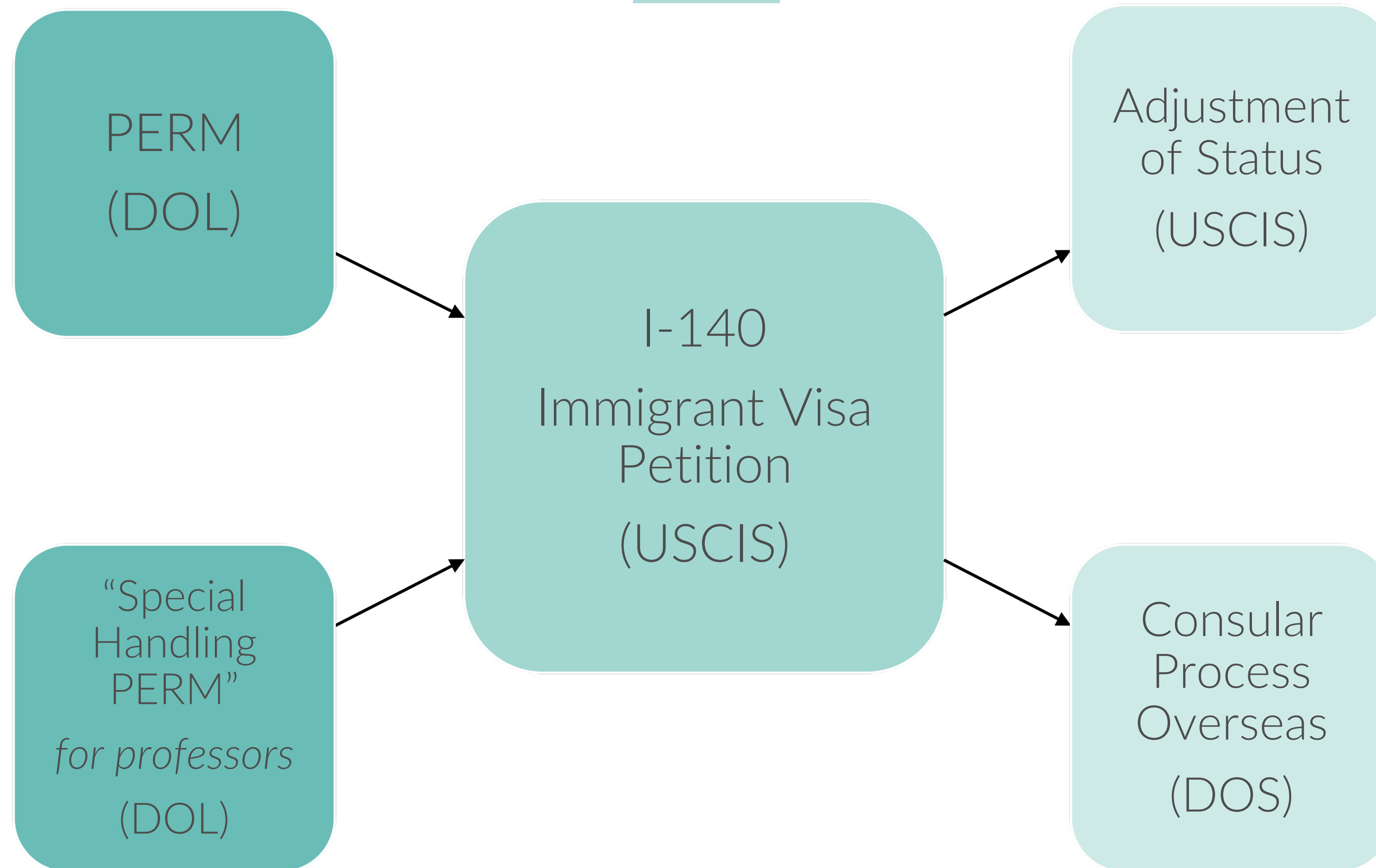
Investors (EB-5)

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.



PERM-based Green Card Process



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: 10/2026)

Employment-based	All Chargeability Areas Except Those Listed	CHINA-mainland born	INDIA	MEXICO	PHILIPPINES
1st	C	01JUL23	01FEB23	C	C
2nd	01JAN25	01OCT21	01NOV13	01JAN25	01JAN25
3rd	15MAY24	08JAN22	01JAN14	15MAY24	15AUG23
Other Workers	01JAN22	01OCT19	01JAN14	01JAN22	01JAN22
4th	15DEC22	15DEC22	15DEC22	15DEC22	15DEC22
Certain Religious Workers	15DEC22	15DEC22	15DEC22	15DEC22	15DEC22
5th Unreserved (including C5, T5, I5, R5, NU, RU)	C	01DEC16	01DEC23	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.



Additional Challenges

- New I-485 Adjustment of Status Memo from May 2026, calling AOS an “act of administrative grace” and purporting to make it more difficult to AOS
- **Travel bans/visa pauses in effect for nationals of 38 countries**
- **Heightened scrutiny of all petitions and applications filed with USCIS and increased processing times**
- **Additional scrutiny also being at visa interviews at consulates and embassies abroad**





Questions?

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