

EMPLOYERS AND LAWYERS,

WORKING TOGETHER

Ogletree  
Deakins



© 2018, Ogletree, Deakins, Nash, Smoak & Stewart, P.C.

# Immigration Law in the Age of Enforcement: Employment

## Quick Immigration 101

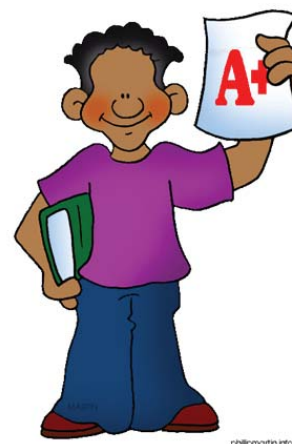
### ■ Common Employment Based Visas:

- B: Business Visitors
- F: Students
- H: Temporary Workers
- L: Intracompany Transfers
- O: Aliens of Extraordinary Ability



# Foreign (F-1) Students

- Studying at U.S. universities (all levels)
- Can receive curricular practical training (CPT) work authorization (co-op, intern)
- 1 year of post-university completion optional practical training (OPT)
  - Plus 2 more years if they graduated with STEM degree



# H-1B Professional Workers

## Specialty Occupation means:

- An occupation which requires theoretical and practical application of a body of highly specialized knowledge
- And which requires the attainment of bachelor's degree or higher in a specific specialty, or its equivalent, as a minimum for entry into the occupation in the U.S.
- Including, but not limited to, engineering, mathematics, physical sciences, business specialties, accounting, law, etc.

# H-1B "Cap" (Quota): 85,000 per year

"Cap" refers to annual numerical limitations set by Congress on the number of workers authorized to be admitted on different types of visas or authorized to change status if already in the United States.

Each person is counted against the cap once.

- New college grads are subject to the H-1B cap.
- Experienced candidates transferring from a different U.S. employer to employer are generally NOT subject to the H-1B cap.

Test Your Knowledge:

## H-1B Quota

How does USCIS decide which H-1Bs it will select to "count" towards its annual quota?

- A. Salary level
- B. Preference given to Ph.D.
- C. Employer reputation
- D. Lottery

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](https://utcle.org/elibrary)

## Title search: Immigration Law in the Age of Enforcement: Employment

Also available as part of the eCourse

[Immigration Law in the Age of Enforcement: Family-Based, Citizenship Case, Employment, Removal and Asylum Cases](#)

First appeared as part of the conference materials for the  
2018 Fundamentals of Immigration and Nationality Law session  
"Immigration Law in the Age of Enforcement: Employment"