

POST-GRADUATION Work Visas & Permanent Residence Options



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WORCESTER POLYTECHNIC INSTITUTE

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BEFORE WE BEGIN

- The information provided in this presentation is for educational purposes only. The opinions expressed in this presentation are solely those of the presenters. No attorney-client relationship is created or intended to be created by virtue of this presentation.
- Immigration law is complex and nuanced. This presentation provides information in general terms. Please seek individualized guidance from a competent professional before taking any action.
- The information presented today is current as of today. However, immigration statutes, rules, policies and procedures change frequently. Accordingly, before taking any action, it is imperative to seek guidance from a licensed attorney.



AGENDA

- Overview of Immigration Categories
- Entrepreneurial activities
- Preservation of your lawful immigration status
- Temporary Work Visa Options
- Permanent Residence Pathways
- The Trump Administration
- Q&A

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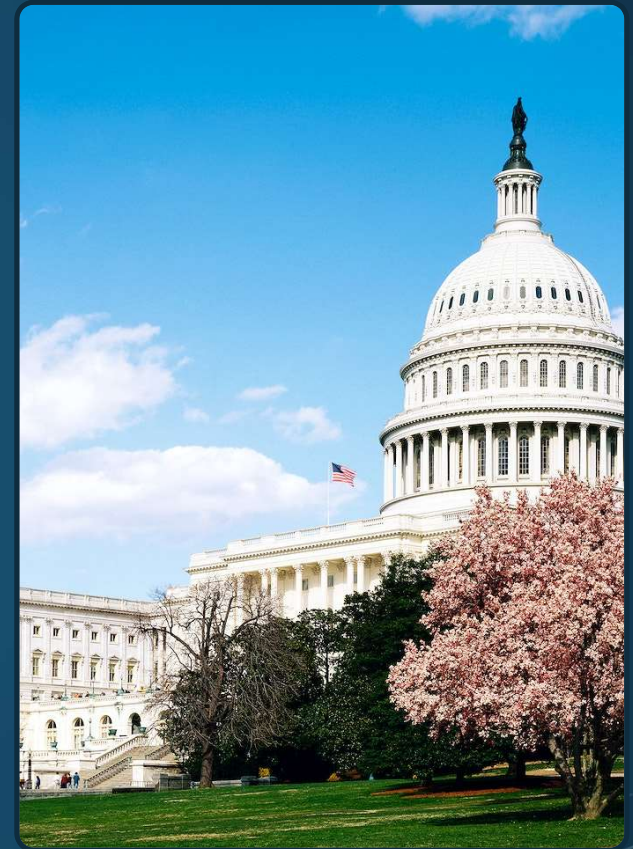
U.S. IMMIGRATION CATEGORIES

U.S. Citizens

- At Birth (law of the soil and law of blood)
- Through Naturalization
 - Generally, must be a permanent resident for 5 years and in some limited situations 3 years

Non-Citizens

- Immigrants: Lawful Permanent Residents ("green card holders")
- Nonimmigrants: Persons Permitted in U.S. for Temporary Stay
- Humanitarian Categories: Refugees; Asylees; Temporary Protected Status (TPS); Deferred Action for Childhood Arrivals (DACA); Parolees
- Persons present without lawful status



The collage features a variety of international travel documents, including:

- UK Visas:** Multiple UK visas with dates like 02 DEC 2009, 107 DEC 2009, 20 FEB 2009, and 22 DEC 2008, issued by the MIA-MOMBASA and Immigration Officer.
- Canada:** A Canadian visa dated 26 OCT 2009, issued by the Sri Lanka Immigration, and a Canadian passport stamp dated 26 OCT 2009.
- Australia:** An Australian visa dated 19 DEC 2010, issued by the Sydney Airport, and a visa dated 08 FEB 2008.
- Other Countries:** Stamps from Switzerland (Schweiz), Venezuela, Mexico, and others, with dates ranging from 2008 to 2011.
- Passports:** Several passport covers are visible, including one from the United Kingdom and another from the United States.

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WHAT IS EMPLOYMENT & CONSEQUENCES IF NOT AUTHORIZED (ENTREPRENEURS BEWARE!)

- ✓ No concrete definition of “employment”
- ✓ Generally, DHS considers employment as encompassing any service rendered in exchange for remuneration—cash, tuition, fees, books, supplies, room, food, or any other benefit performed in the U.S.
- ✓ **“Boots on the ground” interpretation = DHS looks to see where the employment is performed regardless of employer to determine if employment authorization is needed**
- ✓ Bona-fide volunteer activity is not generally employment – civic/humanitarian activity in which there is no expectation of remuneration
- ✓ Some services rendered without cash payment for an activity that would normally be compensable can be construed as employment
- ✓ Most **“passive investments”** are permitted
- ✓ **Severe** consequences for unauthorized employment
- ✓ Loss of status and potential ineligibility for work visas and green card status



WHERE IS THE (BLURRY) LINE?

Business: When does a startup become employment?

- Developing a Business Plan = **OK**
- Interviewing individuals in the field area = **OK**
- Registering company = **OK but be careful**
- Outreach to Venture Capital / Investors / Fundraising / Crowdsourcing = **Possible Employment**
- Contractually signing with a VC Venture Capital = **Employment**
- Manufacturing beyond a prototype = **Employment**
- Cultivating suppliers or buyers = **Employment**
- Signing contracts for services or sales = **Employment**

Plan ahead before you fall into unauthorized employment!

BEWARE OF SIDE HUSTLES

- Gig work for ride share app (Uber)
- Buying and Selling on online auctions and marketplaces
- Open Coding
- Crowdsourcing or Fundraising for your business
- Campus Representative for a product, company, etc.
- Blog editor
- Publications / Creative Works
- Day trading
- Investing in start-ups
- Investing other people's money
- Working for Foreign Company while in US----"Boots on the ground"



IMPACT OF SOCIAL MEDIA & DIGITAL FOOTPRINT

Department of State reviews via a DS-160, visa applicant's Social Media accounts

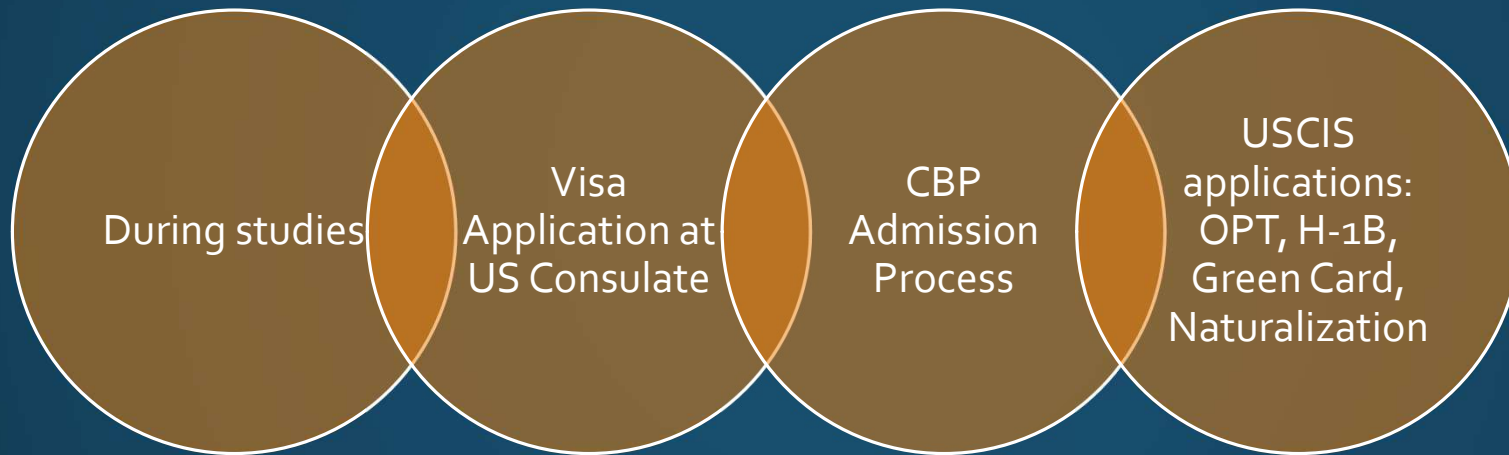
- Must provide all identifiers used for all listed platforms.
- Consular officers will not request passwords.
- Not listing an account could be considered "lying to secure an immigrant benefit."

CBP Can also look up your social media presence



HOW WILL THEY KNOW??

CONSUL & DHS OFFICERS MAY INVESTIGATE



CONSEQUENCES OF VIOLATION OF FEDERAL CONTROLLED SUBSTANCE REGULATIONS & DUI

- ✓ Controlled Substances Regulations at State and Federal Level are different
- ✓ Activities that are lawful at State level can be unlawful under Federal law
- ✓ Federal Immigration Rules generally bar admission of non-citizens who are convicted of OR admit to acts in violation of any drug law whether state, federal, or foreign
- ✓ Cannabis use, possession, or trafficking by non-citizen can lead to loss of status, deportation, and ineligibility to naturalization
- ✓ **Work in cannabis industry** by non-citizen can lead to loss of status, deportation, and ineligibility to naturalization
- ✓ Other: DUIs (automatic cancellation of visa) – If you face any arrest, you must obtain criminal defense counsel versed in “crimmigration law”/or also consult with an immigration attorney



F-1 STATUS ... INCLUDING ENTREPRENEURIAL ACTIVITY

During school:

Limited activities possible—must be pre-approved & related to curriculum (CPT) or as Pre-Completion OPT

Must secure permission from school's International Office—in advance!

VERY LIMITED ACTIVITIES PERMITTED- Such as setting up a company

Optional Practical Training (OPT):

Start-up and self-employment permitted during regular OPT

Must be directly related to degree field

Must be able to demonstrate active work on a business venture: business license, incorporations documents, etc.

New Regulations Now allow for majority ownership H-1B but limited H-1B periods

STEM OPT:

Requires a training plan outlining activities related to degree, objectives, and supervision of student during 2-year STEM period

Available only for training with E-Verify employers

Pure self-employment **not** possible

ALL F-1 Employment should be discussed with International Office ALWAYS



J-1 EXCHANGE VISITORS: SPECIAL ISSUES TO BE AWARE OF WHEN TRANSITION TO H-1B OR PERMANENT RESIDENT STATUS

- **Home Residency Requirement applies to some but not all J-1 visitors:**
 - Physicians in graduate medical training program
 - Program participation financed by U.S. or foreign government
 - Home country in need of J-1's skills--DOS "skills list"
 - **As of December 2024, the Skills List has dramatically changed, and some countries no longer subject based on the Skills List**
- **2-year Home Residency Requirement**
 - Must return to place of last permanent residence for 2 years, in aggregate, to gain eligibility for permanent residence, H-1B, L-1, or K-1 visas
 - If transitioning to another category (O-1, TN, F-1) - no change of status permitted within the U.S. Must depart the U.S., apply for visa at the U.S. embassy (except Canadians) and enter to activate status.

J-1 WAIVER TYPES

Four Possible Grounds for a Waiver

- ✓ Request by Interested Government Agency (IGA)
- ✓ Exceptional Hardship to U.S. Citizen/Permanent Resident Spouse or Child
- ✓ Persecution on Account of Race, Religion or Political Opinion
- ✓ No Objection Letter from home country
 - ✓ **Most Common--not available to J-1 medical trainees**

WORK VISA OPTIONS POST- OPT

Symbol	Type of employment	Availability
H-1B	Specialty occupation	All nationalities. Cap-subject and cap-exempt. Cap subject quota: 65,000 for bachelor's, additional 20,000 for U.S. master's and above
H-1B1	Specialty occupation	Chile (1,400) & Singapore (5,400)
TN	TN specific occupations listed in treaty	Canadians & Mexicans. No quota.
E-3	Specialty occupation	Australians. 10,500
O-1	Extraordinary ability	All nationalities. No quota.
E-1/E-2	Traders/Investors	Countries w/specific U.S. treaties. No quota.
L-1	Intracompany transferee	All nationalities. No quota.

H-1B VISA PROGRAM

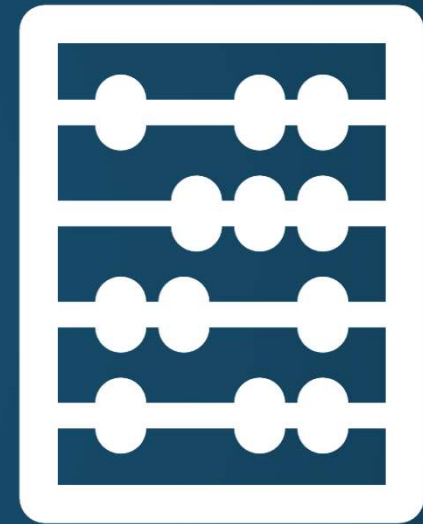
Basic Criteria

Annual Quota & Timing

Benefits and Limitations

Unique issues for entrepreneurs and start-up
companies

Alternatives to the H-1B



BASIC H-1B CRITERIA

- Sponsorship by U.S. Employer
- “Specialty Occupation” = Requires at least a Bachelor’s degree in a specific field directly related to job duties
- Required Wage
 - Employer must provide public notice of intent to hire H-1B worker and rate of pay
- Ability to Pay
 - Employer must show ability to pay the prevailing wage
 - Wages vary dramatically based on occupation and worksite location
- Candidate must possess required degree or equivalent at time of filing (change in lottery process helps)
- Licensed occupations require license before petition approval

H-1B BENEFITS

- Preferred way to transition to a green card due to “Dual Intent”
- Permits up to 6 years of work status
- Full-time or part-time H-1B is allowed
- Concurrent employment allowed--separate petition by each employer required
- Part-time study allowed
- Non-competitive: Do not have to be the best or only candidate
 - Labor Certification /PERM (market test) NOT required
- Dependents eligible for H-4 status (employment allowed in limited circumstances)
- *Up to a 60-day grace period available for job loss or change of employer*

H-1B LIMITATIONS

H-1B stay generally may not exceed 6 years

- Extensions beyond 6 years possible
- 6-year clock rewinds if 1 year outside U.S. but must go through lottery again
- Worker can recapture all time spent outside U.S.
- No self-employment or contract work

H-4 spouse eligible for Employment Authorization if:

- H-1B spouse is a beneficiary of an approved I-140 or
- H-1B spouse has been granted an AC21 Extension

H-1B FOR ENTREPRENEURS

- Biden Administration final rules on H-1B Entrepreneurs went into effect January 17, 2025
- Much more streamlined pathway for entrepreneurs
- If entrepreneur holds a controlling interest in company, must show:
 - Entrepreneur will spend majority of time performing duties of the specialty occupation
 - May devote balance of time to directing and managing company
- Historically, USCIS has closely scrutinized petitions involving entrepreneurs and founders

ANNUAL H-1B QUOTA & TIMING

- Applies to Cap-Subject employers (i.e., private industry)
- Annual, national quota (“cap”) of 65,000 new H-1B positions
- Additional 20,000 H-1Bs for holders of a U.S. Master’s degree or higher
- Visas become available October 1st each year
- ‘Cap gap’ protection for F-1 students on OPT expanded under new H-1B Modernization Regulations
 - New rules allow for a “cap gap” extension of OPT/STEM OPT beyond September 30th up and until the following April 1st

ADVANCED REGISTRATION

- Employers (Registrants) transmit sponsored worker's (Beneficiary) bio data on-line to USCIS in March--this year: noon March 7 through noon March 24
- Registration submission allowed only during official registration period
- USCIS will run random computer-generated lotteries based upon Beneficiary (the non-citizen) identified by passport number
 - USCIS runs general 65,000 lottery first then 20,000 U.S. Master's degree lottery
- If registration is selected, Employer must submit H-1B petition to USCIS between April 1 & June 30
 - ***** Allows soon-to-be graduates to register because only need to prove degree at time of filing.**
- There have been additional selections in July/August and even late fall until USCIS reaches 85,000 approved H-1B petition BUT employers cannot register new beneficiaries. USCIS selects from the original March registrations.

H-1B LOTTERY EXEMPTIONS (CAP-EXEMPT)

- Employment by college or university
- Employment by non-profit organization CLOSELY affiliated with college or university (NOT ALL Non-Profits qualify)
- Employment by non-profit or governmental research organization
 - Research must be *among* fundamental activities of organization, need not be sole activity
 - Basic and applied research in sciences, social sciences, or humanities
 - May include designing, analyzing, and directing the research of others if on an ongoing basis and throughout the research cycle
- Employment by for-profit enterprise where work location is “at” university/college
- Part-time or full-time employment by university/college with concurrent employment by for-profit enterprise (each employer must file separate petition)
- There are incubator programs at universities/Cap-Exempt organizations that help start ups to leverage the Cap-exempt H-1B

FREE TRADE AGREEMENT PROFESSIONALS

- **TN: Mexico & Canada** under US-Mexico-Canada Agreement (USMCA)
 - Basics:
 - No quota
 - Valid for 3 years at a time
 - Requires employment by U.S. employer.
 - Offered job must be one that is identified by the treaty, approximately 63 occupations (NOT MANY BUSINESS OCCUPATIONS)
 - Application Process:
 - Canadians may apply at the border
 - Mexicans must obtain a visa at U.S. Consulate
 - ***Up to a 60-day grace period available for job loss or change of employer***

OTHER FREE TRADE AGREEMENT PROFESSIONALS



- **H-1B1: Singapore and Chile**
 - Similar to H-1B
 - High quota, low usage
- **E-3: Australia**
 - Similar to H-1B
 - High quota, low usage
 - *E-3 Spouse eligible for employment authorization*
- Application Process for H-1B1 and E-3:
 - No USCIS pre-approval required
 - Worker may apply for visa directly at US Consulate
- ***Up to a 60-day grace period for job loss or change of employer***

E-1 TREATY TRADERS & E-2 TREATY INVESTORS

- Available to a citizen of a country that has a treaty of commerce and navigation (trade) with the U.S.
- U.S. employer must then also be owned $\geq 50\%$ by nationals of the same treaty country
 - Over 80 countries have either E-1 or E-2 or both types of treaties with U.S.:
<https://travel.state.gov/content/visas/en/fees/treaty.html>
- **E-1 Treaty Trader:** Engaged in substantial trade with treaty country and U.S.
- **E-2 Treaty Investor:** Substantial investment in the U.S.- No Set \$\$
- Typically, process is completed at a U.S. Embassy or Consulate but can also elect change of status without leaving the U.S.
- *Up to a 60-day grace period available for job loss*

O-1: EXTRAORDINARY ABILITY

- **Persons of extraordinary ability**
 - Sciences, Education, Business, Athletics
 - Arts (fine arts, visual arts, culinary, performing arts)
- Must be sponsored by a U.S. employer, foreign employer or “agent” for an “event”
- Available for initial period of 3 years
 - Renewals in 1-year increments

O-1: EXTRAORDINARY ABILITY

- Must prove sustained national or international acclaim
- Two Step Analysis:
 - **Step 1 (Objective):** Receipt of major, internationally award (i.e., Nobel Prize) OR three (3) of the following:
 - Original **contributions of major significance** having a widespread impact (not an individual business)
 - Authorship of **scholarly articles** in professional or major trade publications
 - Performance of a **leading or critical role** in distinguished organizations
 - **Judged the work of others**
 - Receipt of nationally or internationally recognized **prizes or awards** for excellence
 - **Membership** in associations that demand outstanding achievement of members (nominated)
 - **Published material about the scholar** in professional publications (not citations but media attention)
 - Commanded or will command a high salary or other remuneration
 - Comparable Evidence (i.e., patent and grant funding)
 - Two Step Analysis:
 - **Step 2 (Very Subjective):** In the totality of the evidence, has the individual risen to the top % of their field.

L-1 INTRA-COMPANY TRANSFEREES

- Requires sponsorship by U.S. employer
- Employee must have worked abroad for one complete year in the last three years
- Qualifying employment must be with the Parent, Branch, Subsidiary or Affiliate of the U.S. employer
 - Managers/Executives:
 - ✓ 7 years max
 - Specialized Knowledge Employees:
 - ✓ 5 years max
- *Up to a 60-day grace period available for job loss*

PATHWAYS TO LAWFUL PERMANENT RESIDENCE

- Employment Based
- Family Based
- Diversity Lottery
- Investment
- Asylum/Refugee
- Others: Registry, Cuban Adjustment Act, other special statutes



EMPLOYMENT-BASED GREEN CARD CATEGORIES

EB-1:

- EB-1A Persons of Extraordinary Ability
- EB-1B Outstanding Professors & Researchers
- EB-1C Multinational Managers & Executives

EB-2: Masters Degree or equivalent

- National Interest Waiver (NIW)
- PERM (Labor Certification) – Majority Fall Into this Category

EB-3: Bachelors Degree/Skilled Workers

- PERM (Labor Certification) – All Fall Into this Category

ALL CATEGORIES SUBJECT TO STRICT ANNUAL QUOTA —See Visa Bulletin for backlogs

TRANSITIONING TO GREEN CARD FROM NONIMMIGRANT VISA

Maintain Nonimmigrant Status

Examples:

- * H-1B (Ideal)
- * F-1
- * J-1
- * Etc.

Immigrant Petition Filed with USCIS

Different Employment-based categories (NOT A VISA):

- EB1
- EB2
- EB3

File Green Card

May file Green Card application with immigrant petition, or after immigrant petition approved-- strategies involved.

CATEGORY & COUNTRY QUOTA BACKLOGS

- Annual Quota is divided by Category (EB-1, EB-2, EB-3...) and Nationality (country of birth not citizenship)
- Backlogs can occur in both **category** and **country** queues, some very severe
- Place in queue (“priority date”) determined by filing date of PERM or Immigrant Visa Petition, whichever is earlier
- Planning the entire process early while maintaining legal nonimmigrant status is critical
- Priority date must be “current” at time of filing immigrant visa or adjustment of status application **and** at time of ultimate green card approval
 - Dual Charts – Dates for Filing and Final Action

VISA BULLETIN

Final Action Chart

Employment-based	All Chargeability Areas Except Those Listed	CHINA-mainland born	INDIA	MEXICO	PHILIPPINES
1st	C	08NOV22	01FEB22	C	C
2nd	01APR23	22APR20	15OCT12	01APR23	01APR23
3rd	01DEC22	01JUL20	15DEC12	01DEC22	01DEC22

Dates for Filing Chart

Employment-based	All Chargeability Areas Except Those Listed	CHINA-mainland born	INDIA	MEXICO	PHILIPPINES
1st	C	01JAN23	15APR22	C	C
2nd	01AUG23	01OCT20	01JAN13	01AUG23	01AUG23
3rd	01MAR23	15NOV20	08JUN13	01MAR23	01MAR23

The background is a dark blue gradient. On the left side, there are several concentric circular patterns. One of these patterns includes a scale with numerical markings: 140, 150, 160, 170, 180, 190, 200, 210, 220, 230, 240, and 250. There are also smaller circular arrows and dashed lines scattered across the background, suggesting a technical or scientific theme.

EMPLOYER-SPONSORED OPTIONS

LABOR CERTIFICATION (PERM) PROCESS FLOW

Step 1: PERM Labor Certification

Request prevailing wage determination from DOL
(8+ months)

Test local labor market through advertisements and postings
(2-3 months)

File application with DOL
(14+ month review)

Priority Date

Step 2: Immigrant Visa Petition

Prove Ability to Pay Offered Wage

Demonstrate candidate fully qualifies for PERM or where PERM not involved fully qualifies for immigrant category

Step 3: Candidate's Application for Adjustment of Status

Must prove maintenance of status, no unauthorized employment, no unlawful presence, etc.

May file applications for interim employment and travel authorization

Spouse and minor unmarried children may file applications at same time as principal applicant.

EB-1(B): OUTSTANDING PROFESSORS & RESEARCHERS

- Requires employer sponsorship.
- Labor Certification **NOT APPLICABLE**
- Must present evidence of the following:
 1. An **offer of employment** by either:
 - U.S. university or college offering a tenure or tenure-track or permanent research position; **OR**
 - Organization which employs at least 3 full-time researchers
 2. At least **3 years of teaching and/or research** in academic field; **AND**
 3. Evidence that scholar/researcher is recognized internationally as **outstanding in academic field**. This evidence must consist of at least two of the following eligibility criteria (next slide):

EB-1(B) ELIGIBILITY CRITERIA

- Must establish scholar/researcher is **recognized internationally as outstanding in academic field**
- Step 1: Must satisfy at **least two (2)** of the following:
 - ✓ Original scientific, scholarly contributions to the field (not major)
 - ✓ Authorship of scholarly articles in professional or major trade publications
 - ✓ Judging the work of others
 - ✓ Receipt of major prizes or awards for outstanding achievement
 - ✓ Membership in associations which demand outstanding achievement of their members
 - ✓ Published material about the alien in major media
- Step 2: Final Merits Determination (like EB-1A)

EB-1(C) INTRACOMPANY MANAGER/EXECUTIVE

- Similar to the L-1A temporary work visa category
- Allows Manager/Executive to skip the labor certification process
- Must prove was a manager/executive at a related company abroad for at least one year in the prior three years before coming to the U.S. (typically in L-1A status)
- Employer sponsorship required
- Related company – parent, subsidiary, or affiliate

The background is a dark blue gradient. On the left side, there are several concentric circular patterns. One prominent circle has a scale with numbers ranging from 140 to 250, increasing in increments of 10. Other circles are partially visible, some with arrows indicating a clockwise direction. The overall aesthetic is technical and modern.

SELF-SPONSORED OPTIONS

EB-1(A): PERSONS OF EXTRAORDINARY ABILITY

- Extraordinary ability in the sciences, arts, education, business or athletics
- May self-sponsor - Labor Certification **NOT REQUIRED**
- Sustained international acclaim & risen to the top percentage of your field
- Two Step Analysis (*Kazarian*)
 - **STEP 1**: Must present evidence of either:
 - Receipt of a major, internationally recognized award (Nobel Prize); **OR**
 - Meet at least **3** criteria from list of 11



EB-1(A): PERSONS OF EXTRAORDINARY ABILITY (SELF-SPONOSORSHIP)

- ✓ Original contributions of major significance (having a widespread impact on the field)
- ✓ Authorship of scholarly articles in professional or major trade publications or other major media
- ✓ Performance of a leading or critical role in distinguished organizations
- ✓ Judge of the work of others
- ✓ Lesser nationally or internationally recognized prizes
- ✓ Membership in associations which demand outstanding achievement of their members
- ✓ Published material about the candidate in major media
- ✓ Command of a high salary or other remuneration compared to others in the field
- ✓ Display of work at artistic exhibitions or showcases
- ✓ Evidence of commercial success in the performing arts
- ✓ Miscellaneous: Comparable evidence of eligibility may be submitted (i.e., patent or grant funding)

EB-1(A): PERSONS OF EXTRAORDINARY ABILITY

Step 2 - Final Merits Determination:

- After meeting 3+ criteria, USCIS conducts a **final merits review** to evaluate the **totality of the evidence**.
 - Key Considerations:
 - Is the evidence compelling enough to demonstrate **sustained national or international acclaim**?
 - Has the petitioner achieved a **level of expertise placing them at the top of their field**?
- USCIS determines whether the petitioner qualifies as an individual of **extraordinary ability** based on the entire record. Even if USCIS admits you satisfy 3 or more criteria, they can deny the application based on the final merits determination.
- **Even if Step 1 is met, USCIS will evaluate whether:**
 - ✓ The applicant's contributions have a lasting impact on their field.
 - ✓ Their recognition is consistent over time and not a one-time achievement.
 - ✓ Their influence extends beyond their employer and has industry-wide impact
 - ✓ They are among the top experts in their field, comparable to leading professionals.

EB-2: NATIONAL INTEREST WAIVER

Must have a Masters degree (or equivalent) or higher

USCIS may grant a national interest waiver if the Petitioner demonstrates:

- I. Proposed endeavor has both substantial merit and **national** importance
- II. Applicant is well positioned to advance the proposed endeavor
- III. On balance, beneficial to waive the job offer and labor certification requirements

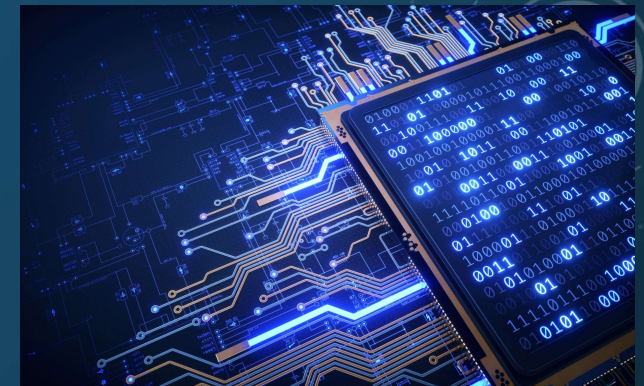
Examples of work deemed to be in the “National Interest”

- Improve wages and working conditions
- Improve education and training programs for children and under-qualified workers
- Improve health care
- Provide more affordable housing for the young and/or old and poor

POLICY GUIDANCE FAVORABLE FOR STEM PH.D.'S & ENTREPRENEURS

In balancing potential benefits or applicant versus protection of US worker opportunities favorable factors include:

- Work furthering a critical and emerging technology
- Work furthering other STEM area important to U.S. competitiveness
- Work that has potential to support U.S. national security
- Work that will enhance U.S. economic competitiveness
- Petition is supported by letters from interested U.S. government agencies



FAMILY-BASED IMMIGRANT CATEGORIES

Sponsored by U.S. Citizen:

- Parent – **no backlog**
- Spouse – **no backlog**
- Unmarried minor children – **no backlog**
- Son or Daughter – married or unmarried
- Sister or Brother

Sponsored by Lawful Permanent Resident

- Spouse
- Unmarried son or daughter



'Spouse' includes same-sex married persons & trans persons of both the same and opposite sex

'Child' includes children adopted before 16 years of age and step-children where the step-relationship was created before 18 years of age

Family-Based Categories: subject to category & country quotas backlogs — See *Visa Bulletin*

FAMILY PREFERENCE CATEGORIES

First: (F1) Unmarried Sons & Daughters of U.S. Citizens

Second: Spouses & Children, and Unmarried Sons & Daughters of Permanent Resident

- **F2A:** Spouses and Children of Permanent Residents:
- **F2B:** Unmarried Sons and Daughters (21 years +) of Permanent Residents

Third: (F3) Married Sons & Daughters of U.S. Citizens

Fourth: (F4) Brothers & Sisters of Adult U.S. Citizens

VISA BULLETIN

Family-Sponsored	All Chargeability Areas Except Those Listed	CHINA-mainland born	INDIA	MEXICO	PHILIPPINES
F1	22NOV15	22NOV15	22NOV15	22NOV04	08MAR12
F2A	01JAN22	01JAN22	01JAN22	15MAY21	01JAN22
F2B	22MAY16	22MAY16	22MAY16	01JUL05	22OCT11
F3	01JUL10	01JUL10	01JUL10	22NOV00	08NOV02
F4	01AUG07	01AUG07	08APR06	01MAR01	01MAY04

TIMING

PLAN EARLY!!!

Start the green card process at least 3 years before your visa max date.

Plan your J-1 waiver perfectly because once you file, you cannot travel or may re-subject yourself. Do not apply to waive it too early if you will be in a backlogged category.

Can get H-1B extension beyond the 6 years max if:

Your PERM is filed at least 365 days before your visa max date (1 year extension)

Your I-140 is approved and you are in a backlogged category (3-year extension)



SECOND TRUMP ADMINISTRATION EXECUTIVE ORDERS AND ACTIONS TO DATE

- Since January 20, 2025
 - Roll back of humanitarian parole programs
 - Termination of TPS for Venezuela
 - New guidance on exercise of enforcement discretion
 - Expanded scope of expedited removal
 - High profile enforcement actions
 - Use of military aircraft to return persons to home country
 - Detention of persons at Guantanamo
- Next 30 to 60 days:
 - DOS and DHS to study visa vetting process and report back to White House—"maximum vetting"
 - America First Trade Policy
 - Review of USMCA

POST ELECTION LANDSCAPE: WHAT TO EXPECT IN THE FIRST 100 DAYS

- In 2017 the Trump Administration Trump signed 24 Executive Orders, 22 Presidential Memoranda, 20 Presidential Proclamations, and 28 Bills in his first 100 days.
- In 2025 we could see:
 - Travel bans for certain countries:
 - In 2017 the travel ban effected Iran, Iraq, Libya, Somalia, Sudan, Syria, and Yemen initially but was expanded to Venezuela and North Korea.
 - Trump V. Hawaii legitimatized the ban
 - If abroad when a travel ban from your country is issued, non-citizens could be stuck abroad indefinitely.
 - Increased Requests for Evidence “RFE” on cases

POST ELECTION LANDSCAPE: WHAT TO EXPECT IN THE FIRST YEAR

- While the law itself will be difficult to change/reform quickly as it takes an Act of Congress, the following are potential changes to immigration policies that can be affected by executive orders, proclamations, agency guidance memos.
- **Visa Issues & Embassy Delays**
 - Delays in visa issuance and processing times and embassies.
 - Embassy staffing will decrease and backlogs for appointment increase
 - Possible introduction of stricter visa requirements
 - Additional screening measures (called “extreme vetting” under the last administration)
 - Increased administrative processing
- Changes to **SEVIS** (Student and Exchange Visitor Information System) compliance rules, requiring more stringent reporting- **So always be in contact with your international student office!**

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