

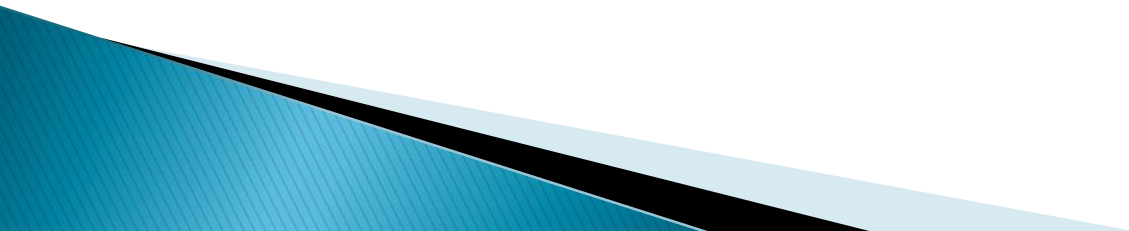


STUDENT LIFE
INTERNATIONAL CENTER
UNIVERSITY OF MICHIGAN

H-1B, F-1, J-1

Faculty and Staff Immigration Services

NOTE: The presentation is for informational purposes only and does not constitute legal advice.



Immigration Basics & Terminology

- ▶ Main Federal Agencies Involved in Immigration
 - Department of Homeland Security (DHS)
 - U.S. Citizenship and Immigration Services (USCIS)
 - U.S. Customs and Border Protection (CBP)
 - U.S. Immigration and Customs Enforcement (ICE)
 - U.S. Department of Labor (DOL)
 - U.S. Department of State (DOS)
 - U.S. Department of Justice

Immigration Basics & Terminology

- ▶ Visa is a travel document
 - Canadian citizens are generally exempt of the U.S. visa requirement (with some exceptions)
- ▶ Status is basis of
 - Authorization to be in the U.S.
 - Authorization to be employed in U.S.
- ▶ Visa and status do not necessarily match
 - Status can be obtained through a “change of status” within the US
 - Visas can only be issued at U.S. consulates and embassies abroad
 - Visa sticker in passport may expire
- ▶ Status is indicated on I-94 record
 - I-94 record can come in multiple formats

**EXPERIMENTAL PROCEDURES**

UMTS NO. 1801-0111

626633123 12

I-94
Departure Record



14 Family Name SAMPLE		15 Birth Date (Day/Mo/Yr) 23, 03, 68	
16 First (Given) Name JANE			
17 Country of Citizenship NEW ZEALAND			

See Other Side

CBP Form 1-94 (10/04)
STAPLE HERE



U.S. Customs and Border Protection
Securing America's Borders

Most Recent I-94

Admission (I-94) Record Number : [REDACTED] 18540

Most Recent Date of Entry: 2016 October 17

Class of Admission : TN

Admit Until Date : 08 / 28 / 2019

Details provided on the I-94 Information form:

Last/Surname :

First (Given) Name :

Birth Date :

Passport Number :

Country of Issuance : Canada

Get Travel History

► Effective April 26, 2013, DHS began automating the admission process. An alien lawfully admitted or paroled into the U.S. is no longer required to be in possession of a preprinted Form I-94. A record of admission printed from the CBP website constitutes a lawful record of admission. See 8 CFR § 1.4(d).

► If an employer, local, state or federal agency requests admission information, present your admission (I-94) number along with any additional required documents requested by that employer or agency.

► **Note:** For security reasons, we recommend that you close your browser after you have finished retrieving your 194 number.

[For inquiries or questions regarding your I-94, please click here](#)

[Accessibility](#) | [Privacy Policy](#)

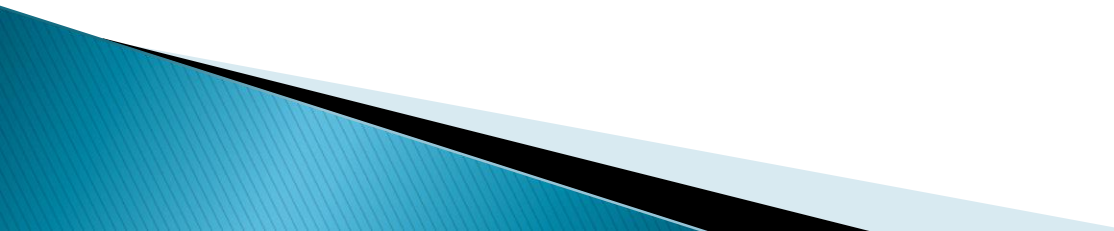
OMB No. 1661-0111
Expiration Date: 10/01/2016

<https://i94.cbp.dhs.gov/I94/>

10/28/2016



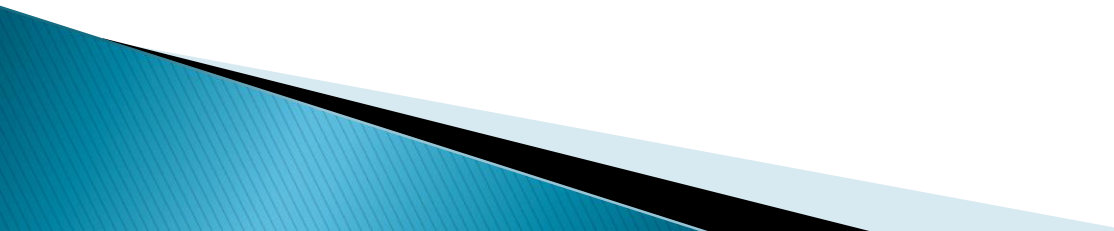
General H-1 B Info

- ▶ H-1 B is a Non-Immigrant Status
 - “Dual Intent” recognized
 - ▶ Authorizes temporary employment in a “Specialty Occupation”
 - ▶ Position must require at least a Bachelor’s Degree or equivalent in a specific field
 - Degree requirements MUST be completed BEFORE filing H-1 B petition
 - Position requirements MUST be met BEFORE filing H-1 B petition
 - Field of study MUST be related to position
- 

General H-1 B Info

- ▶ Employer Sponsored
- ▶ Petition is:
 - Job Specific
 - Wage Specific
 - For a specific time period
- ▶ 6 year limit (max. 3 years per request)
- ▶ Extensions beyond 6 years – only in very limited situations
- ▶ Impact of 212(e) for J-status holders
- ▶ H-4 available for dependents
 - EAD in limited cases

H-1 B Steps

- ▶ Offer and Acceptance of H-1 B employment
 - Company (petitioner) files for H-1 B on your (beneficiary) behalf
 - ▶ The H-1 B approval is valid ONLY for work with the employer that filed the petition and only for the position for which it was filed
 - To add employers/positions, a new petition may need to be filed
 - ▶ Required employment information:
 - Specific duties
 - Exact requirements
 - Geographic location
 - Exact dates of employment
 - Information regarding the supervisors and co-workers of the beneficiary
 - Travel requirements, if any
- 

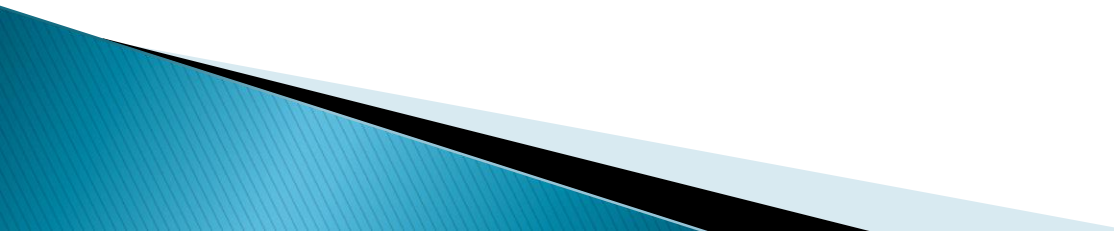
H-1 B Steps

- ▶ 2 wages must be determined
 - Prevailing Wage
 - External
 - Takes into consideration duties and requirements
 - Actual Wage
 - Internal
 - Takes into account “similarly employed” individuals
- ▶ Employer is required to pay the higher of these wages, or more

H-1 B Steps

- ▶ Labor Condition Application (LCA)
- ▶ In LCA, sponsoring employer is attesting:
 - To pay the higher of the two wages (Prevailing vs. Actual)
 - That the employment of this individual will not adversely affect the conditions of other workers
 - That there is no strike for their occupation at the workplace
 - That notice was given to other employees
- ▶ Dept. of Labor certifies LCA and returns it to employer
 - A copy of LCA must be provided to you prior to start of H-1 B employment

H-1 B Steps

- H-1 B Petition assembled & filed with USCIS
 - The filing generally includes:
 - Required forms
 - LCA
 - Fees
 - Education & experience evaluation & documents
 - Training certificates, resume, employment agreement and letter of support
 - Immigration Documents (I-20, EAD, Passport, Visa stamps, previous J-documents, etc.)
- 

Fees and Wages

- ▶ Petitioner (Employer) required by law to:
 - Pay all costs and fees
 - Pay at least higher of Prevailing Wage or Actual Wage
 - Pay the required wage rate for all nonproductive time caused by:
 - conditions related to employment
 - lack of work/shut-down
 - studying for licensing exam
 - employer required training
- ▶ Employer cannot “Bench” employee

Numerical Cap

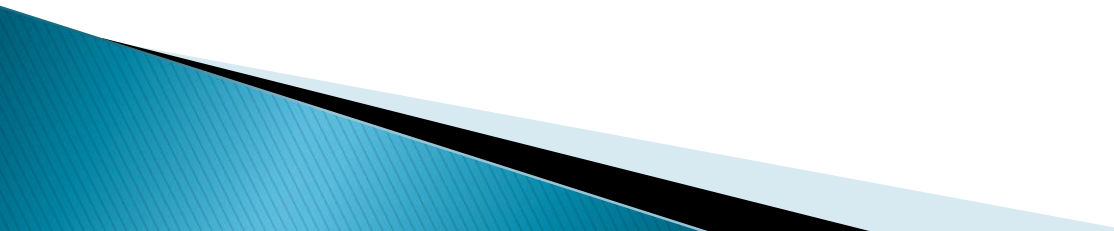
▶ Cap Based Employers

- Statutory numerical limitation of:
 - 65,000 per fiscal year
 - 20,000 U.S. master's degree or higher
- Can file on April 1st for work beginning on Oct. 1st
- Most private sector employers

Cap Exempt

- ▶ **Cap Exempt from numerical limitation:**
 - Institutions of higher education or related/affiliated nonprofit entities
 - nonprofit research organizations or governmental research organizations
 - Petitions filed on behalf of current H-1B workers who have been counted previously against the cap
- ▶ **Can file anytime for work beginning anytime**

H-1B Cap Data

- ▶ The filing period for Fiscal Year (FY) 2018 began on April 1, 2017
 - ▶ Filing Period closed within 1 week
 - USCIS reached the statutory cap of 65,000 and 20,000 for advanced/masters degrees
 - Roughly 30% success rate
 - FY 2018 saw decline of petitions filed
 - ▶ USCIS used a “lottery” to select a sufficient number of petitions needed to meet the caps
 - ▶ If not selected in the “lottery,” USCIS rejects and returns petition including filing fees
 - ▶ Extensions and amendment do not count toward cap
- 



U.S. Citizenship and Immigration Services

Number of H-1B Petition Filings
Applications and Approvals, Country, Age, Occupation,
Industry, Annual Compensation (\$), and Education
FY2007 - FY2017

Note: Unless noted otherwise, all data are based on petitions received during a fiscal year. Note: FY2017 data is as of June 30th, 2017. A large portion of the FY2017 petitions are still pending adjudication as of the date this report.

Trend of H1B Petitions FY 2007 Through 2017: Receipt Volume Overview												
Application and Approvals	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	Total
Receipts	314,621	285,475	246,126	248,272	268,412	308,242	299,690	325,971	368,852	399,349	336,107	3,401,117
Approvals	246,035	219,264	183,850	192,276	207,253	240,440	232,978	259,812	307,129	348,162	197,129	2,634,328

Note: Approvals are for petitions received in a given fiscal year. Actual approval date may occur in a later fiscal year. Additionally, revocations may impact approvals count depending on the time of data extraction.

2017 approvals: partial data

Trend of H1B Petitions Filed FY 2007 Through 2017: Beneficiary Country of Birth (Top Twenty)												
Country	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	Total
India	166,575	157,608	122,475	135,931	155,791	197,940	201,114	227,172	269,677	300,902	247,927	2,183,112
China, People's Republic of	26,370	24,434	22,411	21,119	23,227	22,528	23,924	27,733	32,485	35,720	36,362	296,313
Philippines	12,230	10,713	10,407	8,887	9,098	9,400	7,399	6,772	4,147	3,704	3,161	85,918
South Korea	10,730	10,277	10,704	8,721	7,480	7,204	5,576	4,897	4,298	4,269	3,203	77,359
Canada	8,562	7,111	7,871	7,342	6,761	6,688	5,478	5,267	5,050	4,547	3,551	68,228
Taiwan	5,394	4,088	4,308	4,325	4,511	4,172	3,520	3,267	2,555	2,287	2,200	40,627
Mexico	4,259	3,680	3,599	3,260	3,439	3,602	2,985	2,769	2,462	2,315	2,239	34,609
United Kingdom	5,105	4,241	4,270	3,651	3,241	3,130	2,330	1,988	1,697	1,528	1,783	32,964
Pakistan	4,259	3,803	3,683	3,012	3,033	2,765	2,381	2,497	2,512	2,401	1,536	31,882
France	4,112	3,687	3,035	2,660	2,531	2,292	2,192	2,024	2,048	1,998	1,474	28,053
Brazil	3,056	2,498	2,495	2,595	2,644	2,557	2,346	2,353	2,111	1,992	1,517	26,164
Nepal	2,775	2,538	2,724	2,467	2,169	2,066	1,788	1,598	1,512	1,504	1,249	22,390
Japan	2,913	2,374	2,253	2,225	2,172	2,030	1,755	1,664	1,553	1,481	1,077	21,497
Turkey	2,415	2,028	2,041	2,023	2,020	1,966	1,658	1,665	1,711	1,709	1,177	20,413
Germany	3,168	2,482	2,182	1,875	1,737	1,650	1,319	1,256	1,164	1,006	1,127	18,966
Iran	2,531	1,930	1,952	1,897	1,755	1,676	1,362	1,331	1,230	1,152	1,332	18,148
Italy	1,353	1,533	1,437	1,361	1,613	1,922	1,722	1,865	1,894	1,639	918	17,257
Russia	2,446	1,760	1,544	1,434	1,570	1,499	1,318	1,323	1,275	1,154	948	16,271
Venezuela	1,262	1,159	1,302	1,299	1,398	1,540	1,370	1,339	1,247	1,208	873	13,997
Spain	1,079	974	933	1,018	1,233	1,140	1,230	1,201	1,110	1,094	861	11,873
All Other	44,027	36,557	34,500	31,170	30,989	30,475	26,923	25,990	27,114	25,739	21,592	335,076

Notes: Ranking is based on the total petitions received in the 10-year period with known country of birth.

Sum of the percent may not add to 100 due to rounding.

Trend of H1B Petitions Filed FY 2007 Through 2017: Beneficiary Age Range												
Age of Beneficiary	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	Total
Under 25	25,737	25,935	18,642	14,921	15,084	18,424	16,137	16,075	15,412	16,316	17,665	200,348
25 to 34	205,353	188,772	162,468	168,686	187,822	220,472	214,291	233,452	262,417	278,597	226,195	2,346,526
35 to 44	68,281	58,225	53,047	53,314	54,942	58,716	60,084	67,563	81,831	98,955	84,193	737,151
45 to 54	12,634	10,314	9,865	9,351	8,713	8,780	7,677	7,482	7,804	8,186	7,046	97,832
55 to 64	2,391	2,000	1,874	1,796	1,837	1,648	1,323	1,218	1,249	1,154	886	17,176
Over 65	225	229	230	204	214	222	178	181	139	141	122	2,085

Notes: Age is calculated based on the date the petition was received.

Sum of the percent may not add to 100 due to rounding.

Trend of H1B Petitions Filed FY 2007 Through 2017: Beneficiary Occupation Category												
Occupation Category	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	Total
Computer Related	158,078	144,550	107,525	120,257	134,817	182,695	184,944	210,396	253,003	281,017	231,033	2,008,315
Architecture, Engineering, and Surveying	33,985	30,831	27,349	24,431	29,802	29,038	27,496	29,301	28,902	29,822	28,133	318,870
Occupations in Education	29,827	29,159	28,330	24,384	22,380	21,057	19,571	18,981	19,351	19,253	14,355	244,608
Occupations in Administrative Specializations	27,749	23,689	24,041	21,330	22,015	21,636	19,399	20,047	21,140	22,788	21,472	245,304
Medicine and Health	18,602	18,044	20,304	19,089	17,822	17,386	16,342	15,195	14,957	15,196	12,113	185,050
Managers and Officials	10,988	8,835	9,357	8,413	7,888	7,103	5,731	5,706	5,116	5,124	4,422	78,583
Occupations in Life Sciences	7,683	7,072	6,830	6,063	6,050	5,558	5,054	4,887	5,109	5,172	4,257	63,735
Occupations in Mathematics and Physical Sciences	6,286	5,988	5,983	5,363	5,873	5,451	5,445	5,596	5,983	6,898	7,174	65,828
Occupations in Physical Sciences	6,003	4,942	5,002	4,837	5,024	4,509	4,001	4,284	4,180	3,866	3,837	49,985
Other Occupations Categories	15,480	12,465	13,395	14,125	17,141	13,809	11,707	11,588	11,111	10,417	9,811	141,039

Note: Sum of the percent may not add to 100 due to rounding.

Perception? Young/entry-level, IT



U.S. Citizenship and Immigration Services

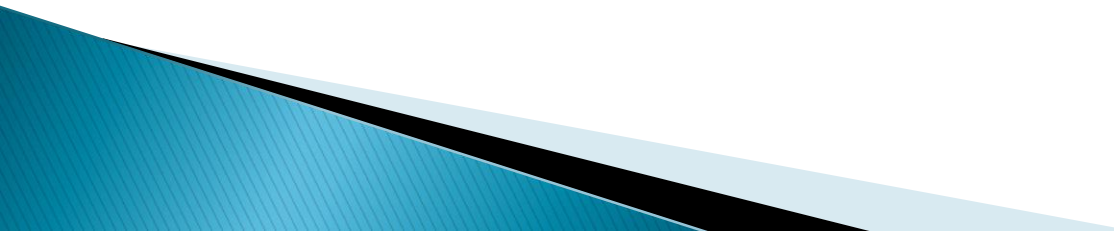
Approved H 1B Petitions
(Number, Salary, and Degree/Diploma)
by Employer
Fiscal Year 2016

Source: USCIS, as of June 30, 2017. Notes: All data are based on approved petitions during the fiscal year. Per USCIS best practices, units of less than 10 are aggregated so as to limit the possibility of the de-anonymization of data. "D" represents data withheld to protect privacy. Total number of beneficiaries includes initial, renewal, cap-subject, and cap-exempt petitions. While some company names may appear multiple times, USCIS does not combine companies even where the names are the same because in all cases the employer tax identification numbers are different. Missing Education means the education field is not captured by the USCIS electronic data storage system. Average salary includes both full-time and part-time employment. In lieu of the required degree a beneficiary may qualify based on a combination of education, training, and/or progressively responsible experience in the specialty that is equivalent to the completion of such a degree, and recognition of expertise in the specialty through progressively responsible positions directly related to the specialty.

Employer Information		Petition Information by Employer			
Employer Tax Number (Last 4 Digits)	Employer Name	Total Number of Approved Petitions	Average Salary (\$)	Beneficiary Degree/Diploma	
4155	COGNIZANT TECH SOLNS US CORP	21459	84,303	Missing Education	D
				Bachelor's	16528
				Doctorate	D
				High School	D
				Master's	4919
0235	INFOSYS LTD	12780	84,344	Missing Education	D
				Associate Degree	23
				Bachelor's	9940
				Doctorate	D
				High School	D
				Master's	2759
				Professional Degree	49
9806	TATA CONSULTANCY SVCS LTD	11295	71,819	Missing Education	D
				Bachelor's	9071
				Doctorate	D
				Master's	2221
2904	ACCENTURE LLP	6831	79,416	Missing Education	D
				Bachelor's	5162
				Doctorate	D
				High School	D
				Master's	1661
				Professional Degree	D
4401	WIPRO LTD	6819	73,937	Missing Education	D
				Associate Degree	65
				Bachelor's	4220
				High School	D
				Master's	2521
1430	IBM CORPORATION	3569	79,275	Missing Education	D
				Bachelor's	2181
				Master's	1385
				Professional Degree	D
				Some College Credits	D
4442	MICROSOFT CORP	3556	126,096	Missing Education	D
				Bachelor's	1494
				Doctorate	151
				High School	D
				Master's	1907
				Professional Degree	D
5035	HCL AMERICA INC	3492	83,980	Missing Education	D
				Bachelor's	2192
				Doctorate	D
				Master's	1295
				No Diploma	D

FY 2016 Top 8: 69,801 approved petitions → 20%

Increased Scrutiny

- ▶ Increased site visits
 - ▶ IT positions
 - ▶ “Entry level” positions
 - Do entry level positions qualify?
 - Is a position properly classified as entry level
 - ▶ Degree completion/Educational equivalence
 - ▶ No deference to previous decisions
 - ▶ Intent, if traveling
- 

Impact of International Travel

- ▶ No travel while Change of Status is Pending
- ▶ Travel after COS approval, but before effective date?
 - “Last Action” rule vis-à-vis intent
- ▶ Travel generally during OPT?

Other Options

- ▶ Canadian and Mexican citizens
 - ▶ Profession-specific
 - Many teaching/research positions qualify
 - Management Consultants
 - ▶ No wage requirement
 - ▶ No maximum duration
 - ▶ No immigrant intent
 - ▶ No quota
- ▶ Australian citizens
 - ▶ Same standard as H-1B
 - ▶ No maximum duration
 - ▶ No immigrant intent
 - ▶ Quota of 10,500 has never been filled
 - ▶ Dependent spouse may apply for EAD

TN

E-3

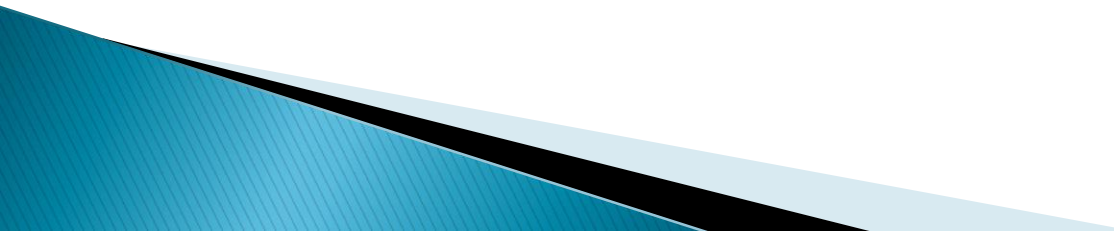
Resources

- www.internationalcenter.umich.edu
- www.USCIS.gov
- Foreign Labor Certification Data Center is available at www.flcdatacenter.com

Employment Options for After Graduation

- ▶ F-1: Optional Practical Training (OPT)
- ▶ J-1: Academic Training (AT)

Review International Center (IC) website first!



A Note on F-1 /J-1 Completion Date

- ▶ The end date of your I-20 or DS-2019 is based strictly on your final term of *enrollment*
- ▶ Degree conferral date is not relevant to I-20 or DS-2019 completion date
- ▶ Completion dates for Winter Term
 - Final term of enrollment Winter A: 02/28
 - Final term of enrollment Winter B: 04/30

OPT Strategy

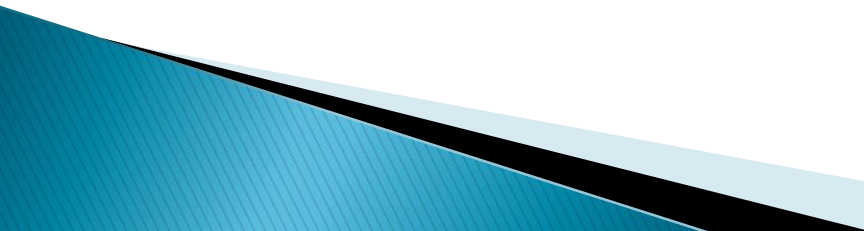
1) When will you file your OPT app. with USCIS?

*Up to 90 days **before** I-20 completion date, or
up to 60 days* **after** I-20 completion date*

2) What requested OPT start date will you use?

*As early as 1 day after the I-20 completion date, or
as late as 59 days after the I-20 completion date*

Recommended practice: mid-April or later OPT start date



Ross Procedures

OBTAINING LETTERS
USED TO APPLY FOR
U.S. WORK AUTHORIZATION

BBA Soph / BBA Jr / MBA1 in F-1 Status

CURRICULAR PRACTICAL TRAINING (CPT)

- Register for BA 525 in Winter B
(Tauber students- OMS 703)
- **Upon accepting a U.S. internship**, complete CPT Faculty Advisor Recommendation form available through Career Development Office
- **Follow Int'l Center process to obtain CPT**

MBA2 / BBA Sr / MAcc in F-1 Status*

*MSCM and PT-MBA upon request to Academic Services

- CDO will send instructions to request letter
- Ross Registrar will generate OPT letters
- Ross Registrar will generate degree completion letters (H-1B) on rolling basis upon completion of degree, once grades are posted

Undergraduate degree holders may not need letter

Students in J-1 Status

- Upon accepting a job or internship, email Academic Services (RossAcadServices@umich.edu) to obtain required letter for Academic Training application
- Graduating students: see previous slide for H-1B letter procedure

Questions?

