

# Immigration Cheat Sheet for Recruiters

Immigration for International New Hires Already Working in US

This is a rough overview! Please contact us to obtain specific advice for your client company, or the potential foreign national recruit or their family. Thanks!

1. Are they a citizen or a green card holder (permanent resident)?  
If yes, you can hire them!
2. If no, check out these alternative options:



 Status	 Grace Period	 Transfer?	 Application	 Max Length	 Notes
<b>E-2 / E-1</b> for nationals of treaty countries	60 days from last day of employment	New company must be qualified for employee's nationality	2-6 weeks with premium processing	5 year visa 2 year status	Not all companies qualify
<b>E-3</b> for Australians	60 days from last day of employment	Must stay within qualifying job	2-6 weeks	2 year visa & status	Relatively simple process
<b>H-1B</b> for professional workers	60 days from last day of employment	6 year max + exceptions, immediate start?	2-6 weeks with premium processing	3 year visa & status	Premium processing intermittent
<b>H-1B1</b> for Chile & Singapore	60 days from last day of ET	Must stay within qualifying job	2-6 weeks	1.5 year visa & status	Relatively simple process
<b>J-1</b> Exchange Visitors	30 days from end of program	Difficult to transfer	2-6 weeks	1-1.5 year visa & status	Typically valid 1-1.5 years Need third party sponsor Intern Trainee Researcher
<b>L-1A / L-1B</b> for intracompany transferees	60 days from last day of employment	Only to another related entity of foreign employer	2-6 weeks with premium processing	3 year visa & status; 5 or 7 years max	Can't transfer to unrelated company
<b>O-1A</b> for extraordinary ability	60 days from last day of employment	Must stay within qualifying job	2 weeks-5 months with premium processing	3 years initially + 1 year renewals	No lottery; available year round
<b>TN</b> for Canadians & Mexicans	60 days from last day of employment	Must stay within qualifying job	2-4 weeks at border	3 year status	Relatively simple process
<b>Work Permit</b>	None	Yes	OK to start	1-2 years	Must Discuss

## General Questions to Ask International Hires:

—1—

If you're on H-1B, how much total time have you spent on this status?

—2—

Do you have a priority date from a prior company sponsoring a green card petition for you?

—3—

Do you have a pending I-485 green card application? If so, how long has it been pending? If pending more than 180 days, might be eligible to transfer green card to new company pretty easily.



### Good Faith Marriages

Also consider green cards from good faith marriages to U.S. citizens - companies can pay for this as a benefit to improve employee satisfaction and retention.