



OVERVIEW AND ALTERNATIVES FOR SPONSORING FOREIGN NATIONAL (“FN”) WORKERS*

ST. LOUIS MOSAIC PROJECT

Type of Status	F-1/OPT	H-1B	H-2B	TN
Primary basis for eligibility	FN is currently enrolled in a U.S. university	Employer sponsors FN for a professional position which requires a specific type of degree, and FN possesses that specific type of degree	Employer will sponsor FN to fill a need which is seasonal, or which is a one-time need	FN is a citizen of Canada or Mexico and will be employed in the U.S. in a “professional occupation”
Specific requirements	Must work in field of study; may be with any U.S. employer	Position requires specific degree; FN possesses that degree; employer agrees to pay at least the “prevailing wage”; employer has the financial ability to pay the wage; must agree to certain attestations	U.S. employer has a need which is temporary, seasonal, or one-time; may be unskilled; not sufficient U.S. workers able and willing to fill the need; FN intends to remain in the U.S. for a temporary period	FN is citizen of Canada or Mexico; has specific job offer; position is listed in NAFTA as a “professional occupation”; FN intends to remain in the U.S. for a temporary period
Employer involvement	Low	High	High	Typically low
Salary reqmt.	At least the minimum wage	Prevailing wage	Prevailing wage	No salary requirements
Timing considerations	FN must request authorization to work through school and USCIS. Must have offer of employment w/in 60 days. Initial grant of OPT for 12 months; if has STEM degree, eligible for additional 24 months	Limit on # of H-1Bs available each yr. Lottery held to determine which applications to accept. Typically must file petition April 1. If selected in lottery and requirements are met, petition will be approved and H-1B will begin Oct. 1. May sponsor FN for permanent residency (“green card”) through the labor certification process. Must begin process within 5 years	Must begin process 180 days prior to start date of need	None
Benefits	Allows work on OPT during same time employer files H-1B petition. If STEM extension & if lottery is problem, may file H-1B 3 times (3 chances at lottery) before OPT expires	One of few visas that allows employer to sponsor FN for permanent residency (“green card”); if meet the requirements, is straightforward process; do not need to show no U.S. workers available	Allows foreign workers to fill positions U.S. workers do not want or cannot fill the need; typically the only option for unskilled labor	Limited employer involvement, relatively low cost
Length of stay	12 months; STEM: 36 months	Initial 3 year approval; extend for add’l 3 years; must sponsor for permanent residency to keep FN longer than 6 yrs	Typically limited to 10 months at a time, unless it is a one-time need	Initial 3 year period; may be approved in 3 year extensions
Fees required to be paid by employer	Very minimal, if any	Gov. filing fees: \$1,575 - \$3,550 Atty. fees appx: \$2,500 - \$5,000 Cost for green card process: gov filing fees appx. \$1,500, Atty fees appx: \$7,000-\$9,000	Gov. filing fees: \$475 - \$1,700, also cover FN’s travel & visa costs Atty. fees appx: \$2,500 - \$5,000	Gov. filing fees: \$50 – \$1,550 Atty. fees appx: \$1,500 - \$3,000 (not reqd. to be paid by employer)

*This information is intended to be general. It does not cover all requirements of the visa options, nor does it describe all possible visa options.