

The immigration laws of the United States provide several options for obtaining temporary employment authorization in the United States. The most common of these permit employment in the United States for professionals (**H-1B**), temporary workers (**H-2**), investors (**E**), multinational executives and managers (**L**), athletes and performers (**P**), persons of outstanding ability (**O**), and nationals of Mexico and Canada (**TN**). In many cases these permissions to work can be obtained in about two weeks. Below are descriptions of the most common types of temporary work categories. **Perez & Associates** has decades of experience with employment authorization for foreign nationals. Employers will be happy to know that with our years of experience we are able to process employment authorization for foreign employees with a minimum of employer time requirements. For an assessment of your, or a prospective employee's, ability to obtain employment authorization in the United States request a **Case e-Valuation** or contact our offices.

### **H-1B STATUS**

This status permits the employment of a foreign national coming to work in a position that requires a four year college degree in an area of study that is necessary for the position. In addition, the foreign worker must have the required degree or its equivalent through education, experience, or a combination of education or experience. There is an annual limit on the number of new H-1Bs that can be approved. There are additional numbers available for persons who have a Masters Degree from a United States university. Persons who are already in H-1B status, or who are coming to work for an institution of higher education, a non profit research organization, or a government research organization are exempt from the numerical limitations. Persons already in H-1B status may start working for a new H-1B employer as soon as the petition filed by the new employer is received by the U.S. Citizenship and Immigration Services (CIS) and before receiving an approval of that petition. The status can be maintained for six years or indefinitely for persons who are in the process of applying for Lawful Permanent Residence. The H-1B process **does not** require a test of the United States labor market to establish that there no United States workers interested in the position.

### **H-2 STATUS**

This status permits the employment of foreign nationals coming to work temporarily in a position that is itself temporary. It is divided into two categories. The **H-2A** category is for persons coming to perform temporary agricultural work and the **H-2B** is for persons coming to perform temporary work in a position that is not agricultural. Prior to applying with CIS an application must be filed by the employer with the U.S. Department of Labor to establish that the need for foreign workers is either temporary or seasonal. **H-2** authorization is granted for up to one year with a three year maximum. Because there are annual limits on the number of **H-2** workers, because of the process that must be undertaken with the U.S. Department of Labor before a petition can be filed with CIS, and because the need is usually tied to a specific time period, it is important that this process be started months before the workers are actually needed in the United States.

**Special Note:**        ***There is a strong possibility that in the near future the Congress of the United States will pass laws that will permit***

***United States employers to employ non-professional workers in large numbers. Employers and workers should visit this web site often for the latest news on new developments on this and other areas of immigration law.***

## **E STATUS**

This status is granted to nationals of treaty countries coming to the United States to develop and direct an investment or trade enterprise. For a detailed explanation of the **E** category visit the web page dedicated to **Treaty Investor Visas** (*hl*).

## **L STATUS**

This status is granted to persons coming to the United States to work as executives (**L-1A**), managers (**L-1A**), or persons with specialized knowledge (**L-1B**) for a United States enterprise that is the subsidiary, affiliate, or branch of a foreign enterprise for which the person has worked for at least one year during the last three. For a detailed explanation of the **L** category visit the web page dedicated to **Intracompany Transferee Visas** (*hl*).

## **P STATUS**

The **P** status is granted to performers and athletes (**P-1**), reciprocal exchange performers (**P-2**), and culturally unique performers (**P-3**) coming to the United States to compete or perform for a temporary period of time.

### **P-1 Athletes and Performer**

**P-1s** may be granted permission to come to the United States for up to five years with extensions up to a maximum of ten years. Athletes can come to compete individually or as part of a team, but must be competing at an internationally recognized level of performance.

**P-2 and P-3 Cultural Exchange Performers and Culturally Unique Performers** **P-2s** and **P-3s** are permitted to come for the time required to complete the performance or performances and upon leaving the United States may not reenter the United States for 90 days.

## **O STATUS**

This status is granted to persons who have an outstanding ability in sports, the arts, science, education or business coming to the United States to work in the area of outstanding ability.

## **TN STATUS**

This status, created by NAFTA, is granted to nationals of Mexico or Canada coming to the United States to work for a United States employer in **positions listed by the NAFTA Treaty as eligible for TN status** (*hl*). Permission to work in the United States is granted for one year and may be extended indefinitely, although sometimes it is difficult to obtain an extension beyond the fifth year. Canadians may apply for the status at a port of entry into the United States or through a petition filed with the U.S.

Citizenship and Immigration Services (CIS) in the United States. Mexican nationals may not apply at a port of entry into the United States and must apply with CIS in the United States.