

H-1B Alternatives (Corrected)

We just sent a newsletter that included this article which had the wrong information by mistake. The amount of spots is not 855,000. The correct number is 85,000

The annual lottery for H-1B visas is closed, and there is no guarantee that any of those **85,000 spots** will open back up, so employers dead-set on hiring foreign professionals must think of alternatives. Here are a few:

1. If the person is outside the U.S., J-1 visas are great and usually can be used for 18 months, which bridges the candidates not only into next year's H-1B lottery but also past the Oct 1, 2023 start date, which allows the candidates to change status within the U.S.
2. If the person is in the U.S., a change of status to an H-3 training visa can serve as a great bridge to the H-1b in 2023 and the person does not have to leave the U.S.
3. If the person has recognition in their field, they may qualify for an O-1 visa based on extraordinary ability. The O-1 is very diverse and the O-1A category applies to all non-artistic fields, including science and business. O-1 status can be granted for 3 years with unlimited renewals. Doing an in-depth analysis of the person's specific scenario is required and this much more nuanced than an H-1B, but the requirements are clear and cases can be built up over time to meet any deficient categories before being submitted.

It is important to note that green card/employment-based immigrant visa processes are SEPARATE from the above, and if the candidate is on Optional Practical Training with a 3-year STEM period, there is enough to do a PERM case for them and an immigrant visa petition as well within that window, while always maintaining their underlying status with the above visa statuses if you are not successful in the H-1B lottery.

If you have any questions, simply reply and ask.

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