

PUBLICATION

The Other Employer Sponsorship Program

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Sponsoring up-and-coming colleagues, particularly those from underrepresented groups, has become more widespread over the last decade. This sponsorship relationship is critical for the development, retention, and success of our human capital, which benefits employers. We talk about these kinds of sponsorships in this recent episode of our *Diversity Ever After* podcast and in this edition of our newsletter. Another type of sponsor relationship that may not immediately come to mind relates to noncitizen university students and employees who enter the U.S. to attend school and/or work pursuant to a visa. These individuals enter the country on a temporary basis with nonimmigrant status, restricting their time in the U.S. to the activity or reason that allowed them entry. Read on to learn more about these kinds of work authorization sponsorships.

Each year, higher education institutions in the U.S. attract some of the best and brightest foreign-educated minds from around the world into their graduate and post-graduate programs. These high achievers often seek temporary or permanent employment with U.S. companies after completing their educational journey. But they can only do so through temporary work authorization visas, which are limited in number and typically take years to obtain.

One temporary visa that provides work authorization after completion of educational studies is the Optional Practical Training (OPT) visa, valid for one year or a maximum of three years for those in STEM-related fields. Obtaining this visa is hassle-free upon completion of studies, making it an attractive option to employers. Once the OPT visa expires, however, the employer must decide whether to sponsor the employee in order to permanently retain them.

In addition to workers who initially came to the U.S. for educational reasons, there are foreign workers with specialized and sophisticated skills, unique expertise, or specialized knowledge, who U.S. companies can only hire and permanently retain through a work authorization visa. Consequently, for nonimmigrant employees, sponsorship not only involves providing opportunities to amplify their accomplishments and connect them to meaningful opportunities, but also requires helping them obtain *permanent* work visa authorization.

The most popular of these visas is the H-1B visa. This temporary visa allows skilled workers who occupy roles with specialty knowledge and who have a bachelor's degree or equivalent experience to work in the U.S. for up to three years, with the option to extend for another three years after the initial term expires. Only 85,000 of these visas can be issued each year. Because of high demand, the selection process is handled through a lottery system, often leaving many applicants out.

Another popular temporary non-immigrant visa is the L-Visa. This visa allows a U.S. company to transfer an executive or manager or a professional employee with specialized knowledge from an affiliated office outside the U.S. to the U.S. They are issued for an initial three years maximum but can be extended to five or seven years, depending on the L-Visa category.

While employees are working under these temporary non-immigrant visas, their U.S. employers can begin the process of obtaining permanent residency status (or green cards) for them through the Employment-Based (EB) Visa. These visas are available to individuals with extraordinary ability in arts, sciences, education,

business, or athletics; professionals with advanced degrees; professionals with exceptional ability in the arts and sciences; professionals, skilled, or unskilled workers without advanced degrees or exceptional ability; and special classes like religious workers and broadcasters. Individuals with extraordinary ability have priority over the other categories, and the United States Citizenship and Immigration Services (USCIS) typically determines such petitions within a year. However, it can be a laborious process for the other categories, with processing times and final approval spanning several years.

Employer commitment to sponsoring nonimmigrant employees is critical to the ability to create and maintain a work environment that uses the best and brightest minds across the world. From their different cultural backgrounds and experiences, nonimmigrant employees bring unique perspectives to solving problems, which helps drive innovation and diversity in the workplace and produce robust solutions for employers' issues. These are only a handful of the reasons why employers should sponsor nonimmigrant employees when possible.

If you want to learn more about these and other employment-related immigration issues, please contact any member of Baker Donelson's [Immigration Group](#).