



# WORK AUTHORIZATIONS

**THIS IS AN EXTREMELY** important piece of understanding candidates work authorization here in the United States. Being we are in the realm of technology, we work with talented individuals from other countries who now live and work in the US. It is important to understand their work authorization to see if we are able to work with them now or down the road.

*Let's review the different types of work authorizations:*

## US CITIZEN

US Citizens are either born in the USA, or have been naturalized as US Citizens, with full right to work for any employer.

### What do I need to ask?

Nothing. If your candidate is a US Citizen, then you are all set.

### What can I use this candidate for?

You can use a US Citizen for any Contract, Contract-Hire or Direct Hire opportunities.

## GREEN CARD HOLDER/PERMANENT RESIDENT

Green Card Holders/US Permanent Residents have the right to live and work in the US permanently, as long as they remain a resident of the US without any significant gaps. They typically get this status through marriage to a US Citizen or through sponsorship by an employer, although there are other paths. Green Cards are typically valid for 10 years but can be extended indefinitely.

### What do I need to ask?

Nothing. If your candidate is a Green Card Holder/US Permanent Resident, then you are all set.

### What can I use this candidate for?

You can use a Green Card Holder/US Permanent Resident for any direct hire, contract to hire, or contract role, as long as the role doesn't require security clearance.

## H1B VISA HOLDER

H1B Visas are given to skilled workers from outside of the US, allowing them to live and work in the US for a pre-determined time period. These visas must be sponsored by a US corporation, and the visa holder can only work directly for the company named on the visa. H1B visa's are typically valid for 3 years, and can be extended for a total of 6 years. These can be extended further if the H1B visa holder is sponsored for a Green Card.

### What do I need to ask?

When is the visa valid until? Will you be able to extend the visa past the expiry date? Which company holds your visa? Do you have an approved form I-140? Are you open to having your visa transferred to a new company?

### What can I use this candidate for?

You can use an H1B visa holder for direct hire roles, if our client is comfortable with transferring a visa. You can also use them for some contract role on a Corp-to-Corp (C2C) basis, whereby the consultant would subcontract with Optomi through their employer.

## TN VISA HOLDER

A TN Visa is available for Citizens of Canada and Mexico, allowing them to work in the USA for a predetermined period of time. The process for obtaining a TN Visa depends on whether the candidate is a Canadian or Mexican Citizen. There is no set time limit for TN Visas, but border patrol can deny TN Visas if they feel they



are being used in lieu of a more permanent immigration method, e.g. H1B visa or Green Card.

### What do I need to ask?

When does your current TN visa expire? Would you be able to obtain a new TN visa for a new opportunity?

### What can I use this candidate for?

TN visas are typically obtained for fixed term contract roles, as an opportunity end date is required on the documentation need

## L1 VISA HOLDER

An L1 visa is an intracompany visa, that allows a foreign national employee of a company to temporarily move to the US, working for that same company. For example, if John worked for Coca Cola in London, and Coca Cola wanted him to start a new job in Atlanta, they could apply for an L1 visa for John.

### What do I need to ask?

You should ask when the L1 visa expires, and also if the candidate's company has applied for their Green Card.

### What can I use this candidate for?

You can't. For an L1 visa holder to be a viable option, Optomi or our client would need to sponsor the candidate for a new H1B visa, which can only happen in April, when a limited number of H1B visas are approved.

## F1 VISA HOLDER

An F1 visa is a student visa, which allows a foreign national to temporarily move to the US to complete a Bachelors' or Masters' Degree Program.

### What do I need to ask?

Do you have a valid EAD to work in the US?

### What can I use this candidate for?

Unless they have a separate employment authorization document (EAD), you can't use this candidate for any positions.

**EAD** – For this you will need to find out what kind of EAD the candidate has.

## GREEN CARD EAD HOLDER

A Green Card EAD can be applied for by an individual in the final stages of their Green Card process (After priority dates are current and after the I-485, adjustment of status has been filed). This will allow the candidate to work for any employer in the US without sponsorship until they receive their Green Card.

### What do I need to ask?

Are your priority dates current? Have you filed your I-485, adjustment of status? Do you need sponsorship?

### What can I use this candidate for?

You can use this candidate for any contract, contract-to-hire or direct hire opportunity. They will not need sponsorship at any time.

## OPT EAD HOLDER

An OPT (Optional Practical Training) EAD can be applied for by F1 (Student) Visa Holders when they have completed their US based Bachelors' or Masters' degree program, allowing them to work in the US for an e-verified employer for a limited time. Typically, these are valid for 1 year, but can be extended for a further 2 years if the candidate graduated from a STEM (Science, Technology, Engineering or Math) university program.

### What do I need to ask?

When does your EAD expire? Will you be able to extend the visa past the current expiration date? Will you need sponsorship for when the EAD expires?



### What can I use this candidate for?

In the immediate term, an OPT EAD holder can work on a contract, contract-to-hire or direct hire basis. However, the EAD can only be extended to a total of 3 years, so if a candidate is hired on a contract-to-hire or direct hire basis, our client must be prepared to sponsor the candidate for a new H1B visa, which must be approved before the visa expires.

### CPT EAD HOLDER

A CPT (Curricular Practical Training) EAD can be applied for by F1 (Student) Visa Holders when they are in the process of completing a US based Bachelors' or Masters' degree program. This allows them to work in the US for an e-verified employer for a limited time, while they are still enrolled full-time in the college program. CPT EADs can either be approved for part time work (Less than 20 hours) or full-time work (more than 20 hours), and are valid until the student graduates, but if they work full-time on a CPT EAD for 12 or more months, they will not be eligible for an OPT EAD.

### What do I need to ask?

When does your CPT EAD expire? Are you approved to work on a full-time or part-time basis? If full-time, how many months have you worked on your CPT EAD?

### What can I use this candidate for?

You can use a CPT EAD Holder for contract, contract-to-hire, and direct-hire roles. However, if they will be working,

### H4 EAD HOLDER

An H4 visa is given to the spouse of an H1B visa holder and is valid until the H1B visa holder spouse's visa expires. H4 visa holders can apply for an EAD through their H4 visa status, allowing them to work in the US. The EAD's expiration date is aligned with the H4 visa expiration date.

### What do I need to ask?

When does your visa and EAD expire? Will you be able to extend your visa and EAD? Have you been sponsored for a Green Card through your spouse's company?

### What can I use this candidate for?

An H4 EAD holder can work in a contract, contract-to-hire or direct hire position. Typically, a H4 EAD holder will be eligible for a Green Card under the H1B spouse's company, so wouldn't require sponsorship, but this needs to be confirmed.

### L2 EAD HOLDER

An L2 visa is given to the spouse of an L1 visa holder and is valid until the L1 visa holder spouse's visa expires. L2 visa holders can apply for an EAD through their L2 visa status, allowing them to work in the US. The EAD's expiration date is aligned with the L2 visa expiration date.

### What do I need to ask?

When does your visa and EAD expire? Will you be able to extend your visa and EAD? Have you been sponsored for a Green Card through your spouse's company?

### What can I use this candidate for?

An L2 EAD holder can work in a contract, contract-to-hire or direct hire position. An L2 EAD holder would be eligible for a Green Card under the L1 visa holder spouse's company if the company sponsors them both for a Green Card. If this happened, they wouldn't ever need sponsorship.

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***Again, it is very important to study the different types of work authorizations, so you can be more efficient in your position and have better time management throughout the day.***