



ISER Young Investigator Blog

What to do about my visa?
Should I apply for a green card?



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November 2021

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To start off, I'll give you a bit of background about myself. My name is Cecilia, and I graduated from Sydney, Australia and got my first post-doc position in New York. YES! **THE BIG APPLE**, and everyone was excited. At that time, I was given a J-1 visa. To be honest with you, I was thinking I would only stay in the States for a year or two and then go back to Sydney—so long as I could work, I was good to go. But as it happens, I stayed at the same University for more than two and half years. I am a clinical and translational research scientist, so my initial plan of working for 1 to 2 years was never going to be enough to get a grant or two and finish all the recruiting for the studies. For me to stay longer and be an independent researcher, I realized that the kangaroo NIH grant (K99-R01) would provide a way without considering my visa status. Unfortunately, I was not supported by my mentor in the early stages of my career (the first 4 years after the completion of my PhD). Therefore, I had to leave the US and go to Singapore for my fellowship when my PI left her position in New York. By the time I came back to another post-doc position in Boston, I was again given a J-1 visa, which I realized later should not have been allowed, as I had already had a J-1 visa before. I have no idea why, but it is what it is. Anyhow, I was able to come back to the US and work. But one day when I was talking with my colleague, I realized that I should apply for a green card if I wanted to stay in academia or stay in the US in general. The reason is simple—I can apply for government grants, be independent, and have no requirement for sponsorship. Also, if I don't have a working visa, then I cannot work in the USA, and would likely have to leave.

So, what are the working visas?

There are 2 main types of visas that universities typically will sponsor for post-docs. I am going to tell you why the sponsor (particularly your employer) usually gives you a J-1 visa and the pros and cons for each of the visas. Well...it is only based on my experience and if you want more information about different types of visas, I suggest that you contact your international officer.

*Note: I am particularly focused on working in academia—not industry. If you work for industry, lucky you! They will usually give you a green card!

J-1 visa: According to the US travel state government website, a J-1 visa is for those who are exchange visitors and it is a non-immigrant visa. The applicants should be approved to participate in exchange visitor programs in the United States.

Pros:

- It does not cost much for the sponsor (application fee: \$160)
- Low minimum wage for the applicant (\$1220 per month) (pros for the sponsor)
- Your spouse can work (apply for a working visa) and will be under J-2 visa
- Stay up to 5 years and can change to another visa if your country has a 2 year home rule that requires a waiver

Cons:

- Cheap labour: low minimum wage for the applicant (\$1220 per month)
- If your home country requires a 2 year home country presence, you will be required to go back home for 2 years at the end of the program before you can return to the US to work—but this can be resolved with assistance from an attorney to see if your country can give you a waiver (or you can try do this process on your own)
- If you are a clinical researcher, you cannot see patients in the clinic.

H-1B visa: According to the US travel state government website, the H-1B visa is considered a temporary working visa for an individual to work in a specialty occupation. It requires a higher education degree or its equivalent. Includes fashion models of distinguished merit and ability and government-to-government research and development, or co-production projects administered by the Department of Defense.

Pros:

- If you work in academia, you don't need to go through the lottery so you can ensure that you are able to stay up to 6 years and reapply for additional time.
- It is required to be paid the prevailing wage similar to other employed workers
- Seeing patients is allowed

Cons:

- Your spouse cannot work if he/she/they is/are not sponsored
- Your sponsor will need to pay a higher salary compared to J-1
- No return home-country restriction

I would also like to mention the 3rd type of visa that is not typically sponsored—the O visa: It is for individuals with an extraordinary ability in the sciences, education, business, or athletics. I have never met a person who had an O visa, but there are still some pros and cons.

Pros:

- It is cheap to apply (\$190)
- Your green card application is much easier

Cons:

- Program only lasts for up to 3 years
- Your spouse cannot work if he/she/they is/are not sponsored

Now you have an idea what visas you may apply for and what condition you are in. After 2 to 3 years of working in the US, you will hopefully have an idea of whether you want to stay in the US or go somewhere else. If you decide to stay here, I would suggest you talk to your employer and see if they can sponsor your green card as it is usually easier than applying by yourself. Note: universities do not sponsor green card applications, but your boss can use their own funding (not government related) to sponsor your application and then you can apply for a green card for your family. That will be the easiest way.

BUT if you are like me, you will need to go through the National Interest Waiver petition.

According to a law firm: *The National Interest Waiver (NIW-EB2) is a waiver given by USCIS of the job offer requirement for a foreign national seeking a green card in the category reserved for professionals with advanced degrees or individuals with exceptional ability in the sciences, arts, or business. The general justification for the NIW is to get useful workers into the United States so that they may work and benefit the United States.*

Based on my experience, you will need an immigration attorney assisting you so that your application will have a higher chance of being accepted. So far, I only know 2 people that did not get accepted because they attempted the process by themselves. The total fee for one person, including attorney fees, usually ranges between \$9,500 to \$12,000, depending on the law office's rates. The I-140 costs \$700, and once the NIW petition is approved, the I-485 costs \$1225—the rest is the attorney fee. If you ask me, I think it is worth it to spend this much money as it dramatically increases your chances for getting a green card. So, what should you do when you think it's time to apply for a green card?"

1. Contact different law offices and check their prices and success rates! I would recommend that you use the office that a friend hired and successfully got their green card (if that applies to you)
2. They will usually check your visa status and publication record. So, if you are on a J-1 visa and have the 2-year home restriction, you will need to deal with that first. Therefore, it is always good to ask for a H-1B visa in the beginning after being hired. If not, some countries can issue a waiver, but you will need to talk to your lawyer and they will help you (but it may cost you a little extra).
3. If they think you are a good candidate (success rate > 95%), they will give you a list of the documents that you need to prepare. Once you are ok, sign a contract with them and pay the I-140 payment.
4. Step 4 will be a long journey—it usually takes 3 to 4 months to prepare and a lot of writing is involved.
 - a. First, you will need 4 to 5 reference letters from people who are experts in your field, but do not know you or work with you. Good examples could be people you meet in conferences and those who have previously cited your papers. I would suggest that if you don't know where to start, ask your PhD advisor(s) and your PI. HOWEVER, your boss cannot write you a reference letter, but your advisor (if he/or she is very well-known in the world) can. Note: they prefer American Scholars but usually allow up to one international reference letter.
 - b. Preparing other materials is rather simple, such as your publication lists (typically they will use Google Scholar). If you don't have one, it may be a good time to make one now. The second step is to find the papers which cited your works and highlight where they cited it. Note: they want American institutions that have cited your work, but not others. Therefore, it may be a little bit challenging if you don't have many citations.

- c. Be on social media and be popular! Starting now, it is important to promote how and why your works are important in the field. Please check out [Daisy's blog in this series](#) as she has tips to help you set this up. Also, have your school or university promote your work and it will help as well. This is all EVIDENCE as to why you are important to science in the US!
- d. Try your best to be a reviewer in as many journals as you can! The government cares not only about your work, but how much you contribute to your field. It is also an indicator of how involved and how much of an expert in the field you are. They do care about it—so make this a priority!
- e. Last—but not least—have good communication and connections with your attorney and ask as many questions you may have. They will help you in every way (and you are paying them to assist you). They will help you with proofreading the letters and your research goal, making sure everything is in the right place, and they will be flexible with your time. The only thing they cannot control is when the USCIS responds back to you, but if you make it past the first 9 months, don't be shy and ask your attorney to follow up with them. You pay the \$\$ and they are there to serve you.

Once the I-140 is submitted, you just have to wait and see. If it is approved, you will need to prepare other documents, including your birth certificate (which I found to be the most annoying part). If you don't have an English version of it, I would highly recommend that you hire a certified translator online and ask them to translate it and notarize the translation. It should not cost more than \$50.

The other thing you will need to do is get a physical. You will need to go to your primary care physician to get it done. It usually costs around \$350.

To conclude, it is always fun to do a post-doc overseas and the US is one of the biggest countries for this. Remember to know what visa you are getting and enjoy the experience. After a couple of years, you will likely have an idea if you want to stay long term. If so, see if you can get a sponsorship or try to apply for a green card so that you will have more opportunities for grants and job offers. Good Luck!