

Navigating Immigration, Visas, and the Future of a Global Workforce

A Resource for International Students, Practitioners, and Employers in Landscape Architecture

American Society of Landscape Architects



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Landscape Architects

Purpose

This guide is a 101-level overview of common immigration terms and pathways that most often arise when international students and professionals move from study to practice in the United States, and when employers consider sponsoring international hires.

Disclaimer

This resource is for general educational and informational purposes only. It is intended to help readers understand common immigration-related terms and pathways and to identify official government resources for further information.

This document does not constitute legal advice, immigration advice, or professional services of any kind. ASLA does not provide legal representation and is not responsible for decisions made based on the information contained in this resource.

U.S. immigration rules, filing procedures, and agency interpretations can change. Individual eligibility, timing, and strategy depend on the facts and circumstances of each case. Students should work with their school's international office or Designated School Official (DSO), and employers and individuals should consult qualified immigration counsel for case-specific advice.

Readers should always verify current requirements directly with official government sources.

Key Terms

| Term | Who it applies to | What it means | Who handles it |
|--|---|--|--|
| F-1 | International students | A nonimmigrant student status for academic study in the U.S. | Student + school |
| Curricular practical training (CPT) | F-1 students | Work authorization for certain internships, practicums, or work-study that are part of the curriculum | Mostly school/DSO |
| Optional practical training (OPT) | F-1 students/recent graduates | Temporary work authorization directly related to the student's major field of study | Student + school/DSO + US Citizenship and Immigration Services (USCIS) |
| STEM OPT extension* | Eligible F-1 graduates with qualifying STEM degrees | A 24-month extension of post-completion OPT | Student + employer + school/DSO + USCIS |
| H-1B | Employers hiring workers in specialty occupations | Employer-sponsored temporary work classification for qualifying professional roles | Employer + Department of Labor (DOL) + USCIS |
| PERM | Many employer-sponsored green card cases | DOL labor certification process used in many EB-2 and all EB-3 cases | Employer + DOL |
| EB-2 / EB-3 | Many professional green card applicants | Employment-based immigrant visa categories that can lead to permanent residence | Employer + USCIS, sometimes DOL first |
| NIW | Some EB-2 applicants | A National Interest Waiver, which, if USCIS approves, waives the job offer/labor certification requirement in qualifying cases | Individual or employer + USCIS |

| | | | |
|----------------------|---|--|---------------------------------|
| Adjustment of Status | Certain individuals already in the U.S. who meet eligibility requirements | Applying for permanent residence from inside the U.S. | Applicant + USCIS |
| Consular Processing | People applying from abroad, or choosing visa processing abroad | Applying for an immigrant visa through a U.S. consulate outside the U.S. | Applicant + Department of State |

***STEM OPT Extension** – As of July 12, 2023, the U.S. Department of Homeland Security has designated landscape architecture a STEM discipline. The designation recognizes the high degree of science, technology, engineering and mathematics course work required in landscape architecture collegiate programs. This permanent designation is important for the long-term growth of the profession. The American Society of Landscape Architects (ASLA) secured this designation on behalf of its members. [Learn more here.](#)

Student-to-Professional Pathway Overview

1. F-1 Student Status

F-1 is the immigration status most international students use to pursue academic study in the United States. Employment options in F-1 status are limited and regulated. Off-campus work authorization generally occurs through specific student pathways such as CPT or OPT rather than through open-ended work permission.

Official sources: [USCIS on F-1 students and employment authorization](#); [USCIS Policy Manual: Practical Training](#)

Important note: The information in this section reflects current F-1 student regulations, including the existing "Duration of Status (D/S)" framework under which most F-1 students remain in status while pursuing their approved program and related benefits. Federal agencies periodically propose regulatory changes that could affect student status, OPT, STEM OPT eligibility, and related procedures. Readers should verify current requirements with their Designated School Official (DSO), qualified immigration counsel, and official government sources.

2. Curricular Practical Training (CPT)

CPT is work authorization for F-1 students when employment is an integral part of an established curriculum. USCIS describes CPT as alternative work-study, cooperative education, or another required internship/practicum offered through agreements with the school. CPT is authorized by the student's DSO on Form I-20; a separate USCIS employment authorization document is not required for CPT. **It is extremely important for students to confirm before enrolling that a CPT program meets the stringent USCIS requirements.**

Why it matters: CPT is often an early and more school-managed way for students to gain practical experience while still enrolled.

Important note: A student who receives one year or more of full-time CPT becomes ineligible for post-completion OPT at the same educational level.

Official sources: [USCIS Policy Manual: CPT](#); [USCIS employer guidance for F-1 students](#); [ICE SEVP Practical Training](#)

3. Optional Practical Training (OPT)

OPT is temporary employment authorization for F-1 students in work directly related to the student's major area of study. Eligible students may receive up to 12 months of OPT per higher education level. OPT can be used before graduation (pre-completion OPT) and/or after graduation (post-completion OPT).

For OPT: the DSO recommends OPT in SEVIS (Student and Exchange Visitor Information System) and updates the Form I-20; the student files Form I-765 with USCIS; and the student must receive an Employment Authorization Document (EAD) before beginning OPT employment. **The student cannot be unemployed for more than 90 days during the OPT employment period.**

Why it matters: OPT is not employer-petition-based. That means an employer does not file the underlying OPT application for the student.

Timing note: For post-completion OPT, USCIS states the **student may apply up to 90 days before degree completion and no later than 60 days after degree completion. USCIS must receive the filing within 30 days after the DSO's recommendation in SEVIS.**

Official sources: [USCIS OPT page](#); [Study in the States OPT guidance](#); [USCIS STEM employment pathways page](#)

4. STEM OPT Extension

A STEM OPT extension is a 24-month extension of post-completion OPT for eligible F-1 students whose qualifying degree appears on DHS's STEM Designated Degree Program List.

To qualify, USCIS states that the student must, among other things: have a qualifying STEM degree; already have post-completion OPT; work for an employer enrolled in and using E-Verify; and file the STEM OPT extension application properly and on time.

For employers, STEM OPT carries added responsibilities. USCIS requires participating employers to be in good standing with E-Verify, complete and help implement Form I-983 training plan requirements, report certain changes, and report termination or departure within required timelines.

The student has more responsibilities than for post-completion OPT and cannot exceed 150 days of unemployment, which includes any days, up to 90, of unemployment during the post-completion OPT period.

Why it matters: A STEM-eligible degree can significantly extend temporary work authorization beyond the initial 12 months of OPT.

Timing note: For STEM OPT Extension, USCIS states the **student may apply up to 90 days before the current OPT employment authorization expires. USCIS must receive the filing (Form I-765) within 60 days after the DSO's recommendation in SEVIS.** If the filing with USCIS is timely, and the OPT employment authorization expires while the Form I-765 is pending, USCIS automatically extends work authorization for up to 180 days or until USCIS decides the application (whichever is earlier).

Official sources: [USCIS OPT page](#); [USCIS STEM OPT page](#); [USCIS employer guidance for STEM OPT](#); [Study in the States OPT guidance](#)

5. Cap-Gap

Cap-gap refers to the period between the end of F-1/OPT status and the start of H-1B status for eligible students with a timely filed H-1B petition requesting change of status. USCIS explains that eligible students may receive an automatic extension of F-1 status, and in some cases OPT employment authorization, during this transition period.

Official sources: [USCIS cap-gap page](#); [USCIS employer guidance for cap-gap](#)

H-1B Overview

6. H-1B Specialty Occupation

The H-1B is a temporary, employer-sponsored work classification for certain professional roles that qualify as specialty occupations. USCIS states that H-1B generally requires a qualifying position, at least a bachelor's degree or equivalent related to the role, and a petition filed by a U.S. employer. There is an annual cap on the number of H-1B workers that can be granted initial status each year.

For many employers, the H-1B process includes: electronic registration, if the job is cap-subject; possible random selection if registrations exceed the available cap numbers; and, if selected, filing the full H-1B petition with USCIS.

USCIS notes that the regular annual H-1B cap is 85,000 total, including the advanced-degree exemption for certain U.S. master's or higher degree holders. Most private-sector, for-profit companies are cap-subject. Some employers, such as institutions of higher education and certain related or affiliated nonprofit entities or nonprofit research entities, may be cap-exempt.

Length of status: H-1B is generally granted for up to 3 years initially, with extensions that generally allow up to 6 years total, and sometimes longer if the person is already progressing through parts of the permanent residence process.

Important clarification: This guide does not include specific fee amounts or how USCIS will conduct the registration selection process for individuals whom cap-subject employers intend to petition if selected because those can change and should be confirmed directly through current USCIS requirements, and DOL prevailing wage information (relevant to registration and the Labor Condition Application required for H-1B petitions) prior to beginning the H-1B process.

Official sources: [USCIS STEM employment pathways: H-1B overview](#); [DOL prevailing wage information](#)

7. Prevailing Wage and Employer Wage Obligations

For H-1B and many permanent residence cases, wage rules matter. The Department of Labor explains that the prevailing wage is the average wage paid to similarly employed workers in a specific occupation in the area of

intended employment. For H-1B, the employer generally must pay the prevailing wage or the actual wage paid to similarly qualified workers in the area of intended employment, whichever is higher.

Official sources: [DOL prevailing wage information](#); [FLAG prevailing wages page](#)

Green Card Pathways Overview

8. What “Green Card Pathway” Usually Means

A green card is the colloquial term for the document noncitizens receive when they achieve lawful permanent resident status. Employment-based green card pathways are different from temporary student status or work authorization based on a temporary status because they are immigrant pathways that can lead to permanent residence.

For many professionals, the most relevant employment-based categories are: EB-2, often for advanced degree professionals or people with exceptional ability; EB-3, often for professionals and skilled workers; and EB-2 NIW, a National Interest Waiver, which, if USCIS approves, waives the job offer/labor certification requirement in qualifying cases.

Official sources: [USCIS employment-based green card overview](#); [USCIS EB-2 page](#)

9. PERM Labor Certification

In many employer-sponsored EB-2 and all EB-3 cases, the process starts with PERM labor certification through the U.S. Department of Labor. DOL explains that PERM is used so the government can certify that there are not sufficient U.S. workers able, willing, qualified, and available for the job opportunity in the area of intended employment, and that hiring the foreign worker will not adversely affect the wages and working conditions of similarly employed U.S. workers.

DOL also explains that employers generally must first obtain a prevailing wage determination, then complete required recruitment steps, then file the PERM application.

Official sources: [DOL/FLAG PERM page](#); [DOL prevailing wages](#); [FLAG processing times](#)

10. Form I-140

After PERM certification where required, the employer usually files Form I-140, Immigrant Petition for Alien Worker, with USCIS. In some categories, such as certain National Interest Waiver cases, a person may self-petition rather than rely on employer sponsorship.

Official sources: [USCIS employment-based green card overview](#); [USCIS EB-2 page](#)

11. Adjustment of Status vs. Consular Processing

The final step is generally one of two routes: Adjustment of Status, which means applying for permanent residence from within the United States, which if certain conditions are met, may be filed at the same time as the

immigrant visa petition; or Consular Processing, which means applying for an immigrant visa through a U.S. consulate abroad, which usually begins with processing through the National Visa Center, after USCIS approves the immigrant visa petition. Before an employment-based adjustment of status application or an immigrant visa can be approved, USCIS must have approved the immigrant visa petition and an immigrant visa must be available, among other requirements. USCIS explains that if the individual: was lawfully inspected and admitted or paroled; has an immigrant visa immediately available; is otherwise “admissible” to the U.S.; and has previously maintained nonimmigrant status and avoided working without authorization, they may be able to apply for permanent residence through adjustment of status. If they are outside the United States, or choose to process abroad, the case may proceed through consular processing.

Official sources: [USCIS employment-based green card overview](#); [USCIS consular processing page](#)

What Employers Should Know

12. Employer Responsibilities Differ by Pathway

A key takeaway for employers is that not all pathways work the same way. CPT is school-authorized and tied to the student’s curriculum. OPT is employment authorization initiated by the student with USCIS; employers do not file the OPT application itself. STEM OPT adds employer compliance responsibilities, including E-Verify participation and Form I-983 obligations. H-1B is employer-sponsored and includes DOL and USCIS filings. Green card sponsorship may involve DOL recruitment and wage requirements, USCIS petitioning, and long-term case planning. This distinction matters for timelines, compliance, onboarding, and retention planning.

Official sources: [USCIS OPT](#); [USCIS STEM OPT](#); [USCIS H-1B overview within STEM pathways](#); [DOL PERM](#)

13. Practical Planning Point

Government sources support a practical distinction that is often important for employers: early student work authorization is often managed primarily through the school and student; longer-term professional sponsorship is more likely to move into employer-driven processes such as H-1B and permanent residence filings.

Questions That Often Vary by Case

The following questions often depend on the individual’s facts, school policies, timing, or employer circumstances and should be confirmed with a knowledgeable source such as a qualified immigration attorney:

- Whether a particular degree qualifies for STEM OPT
- Whether a position qualifies as a specialty occupation for H-1B
- Whether the employer is cap-subject or cap-exempt
- Whether a candidate may be better suited for EB-2, or EB-2 NIW, or EB-3, or another category outside the scope of this “Immigration Pathways 101”
- Whether the person should apply for adjustment of status or consular processing
- Current filing fees, agency forms, and adjudication timelines

Official Resources

- [USCIS Immigration and Citizenship Data](#)
- [USCIS Policy Manual: Practical Training](#)
- [ICE SEVP Practical Training](#)
- [Study in the States: F-1 OPT](#)
- [USCIS: OPT for F-1 Students](#)
- [USCIS: STEM OPT Extension](#)
- [USCIS: Cap-Gap Extension](#)
- [USCIS: Nonimmigrant Pathways for STEM Employment](#)
- [DOL: Prevailing Wage Information](#)
- [DOL/FLAG: PERM](#)
- [DOL/FLAG: Processing Times](#)
- [USCIS: Green Card for Employment-Based Immigrants](#)
- [USCIS: EB-2](#)
- [USCIS: Consular Processing](#)

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