



4 Options for International Students Who Don't Win the H-1B Visa Lottery

by Marcelo Barros [Vault Guide](#)

This is the time of the year when employers start to get back to international students who weren't selected in the H-1B visa lottery. This year, the U.S. government received 201,001 H-1B applications for a possible 85,000 visas. This means that, unfortunately, thousands of students across the U.S. will hear what they feared most: they will not receive H-1B visas, which are required for them to work in the U.S.

However, all is not lost for international students who receive bad news from the H-1B visa lottery. Depending on the nature of the job and some other factors, below are a few options unlucky international students can consider to try to keep their jobs.

1. Consider working in your home country

The availability of video-based collaboration tools makes it easy than ever for someone who's in Mumbai, for example, to easily work with a U.S.-based team located in New York. Having an international U.S.-based employee work remotely from their home country is the easiest option of all, so don't be afraid to raise this option with your employer. And while this may not be a long-term solution, it can be a viable route until your employer evaluates other alternatives that require more analysis and consideration. For example, after this route, U.S. firms can attempt to bring their international workers back to the U.S. the following year via an H-1B visa, for example. This is the exact route that Anant Bhatia took. Anant is an MBA graduate originally from India. After receiving bad news from the H-1B lottery, Anant's employer agreed to let him work out of India. Anant's employer then filed for his H-1B visa the following year, and that time succeeded, which allowed Anant to return to the U.S.

2. Consider working in countries other than your home country

It's also possible for U.S. companies to transfer employees outside the U.S. to other locations around the world where they may have an office. Below are a few typical options that might be available to U.S. firms.

Canada: Immigration-friendly laws make Canada an obvious and attractive option for a couple of reasons. U.S. firms like that their Canadian based employees can work in the same time zones with their U.S. teams. In addition, it's possible that in the future U.S. firms may be able to get their unlucky international workers back in the U.S. through friendly intra-company transfer work permits. In fact, many large U.S.-based firms already have an eye on Canada as a possible base for their international workers who don't get lucky with the H-1B lottery.

Mexico: This may be an interesting option for employees who can be hosted by a Mexican company while remaining on the U.S. payroll, because Mexico has a relatively simple Temporary Resident Process.

United Kingdom: This is ideal for EU citizens but also a potential option for citizens of non-EU countries who have been with a U.S. employer for a year and can be assigned to a U.K. branch.

Others: Depending on the company and employee, Ireland, the Netherlands, or Singapore may be other viable alternatives that can be considered. In fact, all options should be considered.





3. Consider starting the green card process

Depending on your situation and if you qualify for an employment-based green card in which there's no backlog and for which no labor certification is required, you can raise this option with your employer and any immigration attorney you may speak with about your situation. This could be an interesting route that would bring much peace of mind to any international student with plans to work and stay in the U.S. for the long term. Green card applicants may even qualify for employment authorization to cover the time their application is pending, meaning while the green card application is in process, in some cases green card applicants can keep their jobs. Work does not get interrupted. Which is great news for your employer!

4. Explore special work visas if you're Australian, Canadian, or Mexican

Depending on where you're from, there may be other routes you can pursue other than the H-1B. For example, if you're from Australia, you should check out the E-3 visa, which authorizes work in occupations similar to those covered by the H-1B. Meanwhile, Canadian and Mexican workers who qualify for H-1Bs should look into the TN visa as a possible alternative.

Final notes on your options

The discussion about what to do if you receive bad news from the H-1B visa lottery is as much about general business strategy as it is about creatively assessing the pros and cons of immigration routes. International students who find themselves in this situation should focus on communicating to their firms that they're flexible and want to work to find ways to continue represent their firm.

Also, regardless of what route you and your company may decide to pursue, you must act fast. Immigration processes take time, and time is not on your side when you receive bad news from the H-1B lottery. You must secure good counsel from an experienced and creative immigration attorney who can help your firm with the ins and outs of visas and international labor law requirements in general. Note that since immigration laws have been in flux lately, it's especially important to consult with the right resources to ensure you receive the most up to date counsel on matters that could impact your employment options.

Remember: Immigration attorneys will handle matters related to visas, so you don't have to focus on these details. Instead, once again, focus on communicating your strong desire and intent to remain a valuable member of your team. Needless to say, it will be critical that you gain your manager's support as your firm evaluates possible ways to keep you as an employee.

Finally, for most unlucky international students, the reality is that they will sadly have to end up leaving their jobs. If you find yourself in this situation, keep in mind that when one door closes, another one opens. And definitely maintain your connections and relationship with your manager and teammates. They are likely to want to help you in the future with your career planning goals, wherever life takes you.

Marcelo Barros is the founder of The International Advantage, a firm specializing in providing job search training for international students who seek U.S. jobs. He is also the author of The International Advantage: Get Noticed. Get Hired!, a job search guide for international students. Marcelo Barros partners with over 50 U.S. universities to provide extra help to assist their international students with their quest to find U.S. employment via an H-1B visa.

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