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Your Path Beyond F-1

The pathways from student status toward permanent residency in the U.S. — and how to know which ones may fit you.

A guide for international students navigating the new four-year rule

General information only — not legal advice. No attorney-client relationship is formed by this guide.

WHY YOU RECEIVED THIS GUIDE

The rules changed. Your plan should too.

You commented **STAY** — which means you are thinking about the question that matters most: not just how to remain in status this semester, but how to build a future in the United States on your own terms.

Effective **September 15, 2026**, F-1 student visas are subject to a new federal rule. In practical terms, here is what changed:

BEFORE	NOW
Admitted for “Duration of Status” — valid as long as you were enrolled and progressing.	Hard cap: four years maximum.
University handled extensions internally in SEVIS.	Formal application to USCIS — biometrics, background check, filing fees, officer review.
60-day grace period after graduation.	30 days.
Change majors, program levels, or schools with an internal update.	Restricted and federally scrutinized.
Assumed current students would be grandfathered.	No exemptions. If you are already in the U.S., your four-year clock starts September 15, 2026.

The takeaway is not panic — it is **planning**. Students in long programs, and anyone who intends to build a career or a life here, now benefit enormously from mapping their next immigration step early, while every option is still on the table. The pages that follow outline the principal pathways from F-1 toward permanent residency, with a candid self-assessment checklist for each.

PART ONE

The Bridge Options

These are not green cards — they are the working statuses that carry most students from graduation toward a permanent case. Choosing the right bridge, at the right time, often determines how smooth the rest of the journey is.

OPT & STEM OPT

The launchpad — up to 12 months of work authorization, plus 24 more for STEM degrees.

Optional Practical Training lets you work in your field after graduation. With the grace period now cut to 30 days, the filing window is far less forgiving — OPT planning should begin months before your program ends, not after.

You may be a candidate if:

- ☐ You are completing (or completed) a degree at a SEVP-certified school
 - ☐ Your intended job is directly related to your major field of study
 - ☐ For the 24-month extension: your degree is on the STEM Designated Degree list and your employer uses E-Verify
 - ☐ You have not yet used OPT at this degree level
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H-1B Specialty Occupation

The classic employer-sponsored route — including cap-exempt paths most students overlook.

The H-1B is a dual-intent visa, meaning you can pursue a green card while holding it. The annual lottery gets the headlines, but universities, university-affiliated nonprofits, and research organizations can sponsor H-1Bs **year-round, with no lottery at all** — a significant opening for graduates in academia, medicine, and research.

You may be a candidate if:

- ☐ You hold (or will hold) at least a bachelor's degree
- ☐ Your target role requires a degree in a specific specialty
- ☐ An employer is willing to sponsor — or your target employers include universities, teaching hospitals, or nonprofit research institutes (cap-exempt)

O-1 Extraordinary Ability

The high-achiever's bridge — no lottery, no annual cap.

For researchers, founders, artists, and scientists who have begun building a distinguished record. Many successful permanent residency cases are built while on O-1 status, and the evidence you assemble for an O-1 often becomes the foundation of an EB-1 or NIW petition later.

You may be a candidate if:

- ☐ You have published research, media coverage, awards, or judging/review experience in your field
- ☐ Recognized experts can attest to your contributions
- ☐ You have (or can obtain) an employer, agent, or your own startup entity to petition for you

PART TWO

The Permanent Residency Pathways

These are the destinations — the petitions that lead to a green card. Several can be started while you are still a student, and two of them require no employer at all.

EB-2 National Interest Waiver (NIW)

Self-petition — no employer, no sponsorship, no lottery.

The NIW allows professionals whose work has substantial merit and national importance to petition for themselves. It is a natural fit for STEM researchers, healthcare professionals, entrepreneurs, and policy-relevant fields — and it can be filed while you are still on F-1 or OPT. Under the new four-year rule, the NIW's independence from any employer makes it one of the most strategically valuable paths available to students.

You may be a candidate if:

- ☐ You hold an advanced degree, or a bachelor's plus 5 years of progressive experience, or exceptional ability
 - ☐ Your work has substantial merit and national importance (research, health, technology, energy, education, entrepreneurship)
 - ☐ You are well positioned to advance that work — record, skills, funding, or traction
 - ☐ It would benefit the U.S. to waive the usual job-offer requirement in your case
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EB-1A Extraordinary Ability

The first-preference category — self-petition for those at the top of their field.

EB-1A is the most demanding standard, but it carries the fastest-moving visa queue for most countries. PhD students and postdocs are often closer to eligibility than they assume — citations, peer review, awards, and media recognition accumulate into a case over time, especially when built deliberately.

You may be a candidate if:

- ☐ Sustained national or international acclaim in your field
- ☐ You meet at least 3 of the regulatory criteria (awards, publications, judging, original contributions, media coverage, leading roles, high remuneration, and others)
- ☐ You intend to continue working in your area of extraordinary ability in the U.S.

Employer-Sponsored EB-2 / EB-3 (PERM)

The steady route — your employer sponsors your green card through labor certification.

The most common path for professionals: an employer tests the labor market, certifies the role, and sponsors your permanent residence. It rewards early conversations — the best time to raise sponsorship with an employer is before you accept the offer, not in year three.

You may be a candidate if:

- ☐ You have (or expect) a long-term U.S. job offer in a professional role
- ☐ Your employer is open to sponsoring permanent residence
- ☐ Your degree and experience match the role's stated requirements

Investor Pathways — E-2 & EB-5

For founders and families with capital — build your status on your own enterprise.

The E-2 treaty investor visa supports those from treaty countries who make a substantial investment in a U.S. business they direct. The EB-5 immigrant investor program leads directly to a green card through qualifying investment and job creation — with a reserved-category option that has remained current for many applicants.

You may be a candidate if:

- ☐ E-2: you are a national of an E-2 treaty country and will actively develop and direct a real U.S. business
 - ☐ E-2: your investment is substantial and committed — not marginal
 - ☐ EB-5: you can invest \$800,000+ in a qualifying project (or \$1,050,000+ standard) from lawful sources
 - ☐ EB-5: the investment will create at least 10 full-time U.S. jobs
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Family-Based Immigration

Sometimes the most direct path is already in your life.

Marriage to a U.S. citizen or permanent resident, or petition by a qualifying family member, remains a principal route to permanent residence. These cases carry their own timing rules and scrutiny — particularly around intent — and deserve the same careful strategy as any employment case.

You may be a candidate if:

- ☐ You have a bona fide marriage or engagement to a U.S. citizen or LPR, or
 - ☐ A qualifying U.S. citizen or LPR family member can petition for you
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A note on honesty

No checklist can tell you whether a case should be filed — only whether a conversation is worth having. Eligibility depends on the details of your record, your country of birth, current visa bulletin movement, and how the evidence is developed. That is precisely the analysis a consultation exists to provide.

PART THREE

Why timing is now the whole game

Under the old rules, time was forgiving. Under the four-year cap and the 30-day grace period, it is not. Three principles for the new era:

1. Know your date.

Count four years from September 15, 2026 (or from your admission, if later). Every strategic decision — OPT, extension, petition filing — should be planned backward from that date.

2. Build cases early, not at deadlines.

Extension requests, NIW petitions, and EB-1 cases are strongest when the record is developed deliberately over time — publications documented, recommenders engaged, evidence organized. A case assembled in a 30-day window rarely reflects what you are truly capable of showing.

3. Run parallel tracks.

The strongest positions we see are students who pair a bridge (OPT, H-1B, O-1) with a permanent strategy (NIW, EB-1, PERM) from the start — so that no single lottery, employer, or adjudication controls their future.

PATHWAY	EMPLOYER NEEDED?	CAN START WHILE ON F-1?
OPT / STEM OPT	Job required, not a petition	Yes — file before graduation
H-1B (incl. cap-exempt)	Yes	Preparation, yes
O-1	Employer or agent	Evidence-building, yes
EB-2 NIW	No — self-petition	Yes
EB-1A	No — self-petition	Yes
EB-2 / EB-3 PERM	Yes	Conversations, yes
E-2 / EB-5	No — your investment	Yes
Family-based	No	Yes

YOUR NEXT STEP

If one or more of these pathways looked like you, the next step is a confidential, one-on-one consultation — a candid assessment of your options, your timeline under the new rule, and how your case could be built.

APPLY FOR A CONSULTATION

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