

Student Visa to Green Card: F 1 Pathways

A comprehensive guide from EB5 Attorneys

Foreign students in the United States on F 1 visas have several pathways from temporary student status to permanent residence. The most common route is F 1 to Optional Practical Training (OPT) to H 1B to employer sponsored green card (EB 2 or EB 3). Alternative paths include the EB 1A extraordinary ability category, EB 2 National Interest Waiver (NIW), EB 5 investor visa, or family based sponsorship through a U.S. citizen spouse or parent. Each pathway has distinct eligibility requirements, processing timelines, and strategic considerations.

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F 1 Status and Optional Practical Training (OPT)

F 1 visa holders are admitted to the United States for the duration of their academic program plus a grace period. During their studies, F 1 students may work only in limited circumstances: on campus employment (up to 20 hours per week during the academic year), curricular practical training (CPT) authorized by the school for required or integral coursework, or severe economic hardship employment authorized by USCIS.

After completing their degree, F 1 students may apply for Optional Practical Training (OPT), which allows 12 months of work authorization in a field related to their major area of study. The OPT application (Form I 765, Category (c)(3)(B)) should be filed before the program end date; USCIS processing typically takes 2 to 5 months. OPT work authorization begins on a date chosen by the student, no earlier than the day after the program end date and no later than 60 days after.

Students who graduated with a degree in a STEM designated field (science, technology, engineering, or mathematics) from a SEVP certified school may apply for an additional 24 month STEM OPT extension (Form I 765, Category (c)(3)(C)), for a total of 36 months of post completion work authorization. The STEM extension requires the employer to be enrolled in E Verify and to submit a formal training plan (Form I 983). As of April 2026, the STEM designated degree list includes over 600 CIP codes.

OPT and STEM OPT provide the bridge between student status and a longer term work visa (typically H 1B). During OPT, the student maintains F 1 status and accrues no unlawful presence as long as they comply with OPT requirements (maintaining employment related to their field of study, reporting employer changes to their DSO within 10 days, and not accumulating more than 90 days of unemployment on standard OPT or 150 days including STEM OPT).

The H 1B Transition

The H 1B visa is the most common pathway from OPT to a longer term work status that supports a green card application. H 1B requires a sponsoring employer, a specialty occupation (one that normally requires at least a bachelor's degree in a specific field), and a prevailing wage determination from the Department of Labor.

The H 1B has an annual numerical cap of 65,000 visas, plus an additional 20,000 for applicants with a U.S. master's degree or higher. Because demand far exceeds supply, USCIS conducts a lottery (officially called a registration process) each spring. For fiscal year 2027, registrations open in March 2026. If selected, the employer files the H 1B petition (Form I 129) with a start date of October 1.

The cap gap provision (8 CFR 214.2(f)(5)(vi)) extends F 1/OPT status and work authorization for students who are the beneficiary of a timely filed H 1B cap subject petition, from the OPT expiration date through September 30 (or until the H 1B petition is denied or withdrawn). This prevents a gap in status between OPT expiration and the October 1 H 1B start date.

H 1B status is valid for an initial period of up to three years, extendable to a maximum of six years. Extensions beyond six years are available under the American Competitiveness in the Twenty First Century Act (AC21) if the beneficiary has a pending PERM labor certification or I 140 petition that has been pending for at least 365 days, or if the beneficiary's I 140 has been approved but a visa number is not yet available.

Employer Sponsored Green Card: PERM, I 140, I 485

The most common green card pathway for former F 1 students is employer sponsorship in the EB 2 (advanced degree professional) or EB 3 (professional or skilled worker) category. The process has three stages:

Stage 1: PERM Labor Certification (ETA 9089). The employer conducts a recruitment process to test the U.S. labor market for the position. If no qualified U.S. worker is found, the employer files the PERM application with the Department of Labor. PERM processing typically takes 6 to 18 months. The priority date is established when DOL receives the PERM application.

Stage 2: I 140 Immigrant Worker Petition. After PERM approval, the employer files Form I 140 with USCIS (\$700 filing fee; \$2,805 for premium processing with 15 business day adjudication). The I 140 establishes the beneficiary's eligibility for the preference category and confirms the employer's ability to pay the offered wage.

Stage 3: I 485 Adjustment of Status or Consular Processing. When a visa number is available per the Visa Bulletin, the beneficiary files I 485 (\$1,440 plus \$85 biometrics). For applicants from countries without backlogs, the I 140 and I 485 can sometimes be filed concurrently.

The total timeline from PERM initiation to green card varies dramatically by country of birth. Applicants from most countries (no backlog) can complete the process in 2 to 4 years. Applicants from India face EB 2/EB 3 backlogs of 10+ years, making the green card process a decade long endeavor that requires careful H 1B extension planning.

Self Petition Options: EB 1A and EB 2 NIW

Two employment based categories allow applicants to self petition without employer sponsorship, which is significant for former students who want independence from a single employer:

EB 1A (Extraordinary Ability): requires demonstrating extraordinary ability in the sciences, arts, education, business, or athletics through sustained national or international acclaim. The applicant must meet at least three of ten evidentiary criteria defined at 8 CFR 204.5(h)(3), including: nationally or internationally recognized prizes or awards; membership in associations requiring outstanding achievement; published material about the applicant in professional publications; participation as a judge of others' work; original contributions of major significance; authorship of scholarly articles; display of work at artistic exhibitions; leading or critical role in distinguished organizations; high salary relative to peers; and commercial success in the performing arts. No employer sponsor or PERM is required. The I 140 is filed directly by the applicant.

EB 2 NIW (National Interest Waiver): allows self petitioning by professionals with advanced degrees or exceptional ability who can demonstrate that their proposed endeavor has substantial merit and national importance, they are well positioned to advance the endeavor, and on balance, it would be beneficial to the United States to waive the job offer and PERM requirements (Matter of Dhanasar, 26 I&N Dec. 884 (AAO 2016)). The NIW is increasingly used by STEM researchers, entrepreneurs, and professionals in fields of national importance.

Both categories offer faster green card timelines because they skip the PERM process and (for EB 1A) often face shorter or no visa backlogs. Former students with strong publication records, patents, or industry recognition should evaluate these options with an immigration attorney.

Alternative Pathways: EB 5, Family Based, and O 1

Former students who do not pursue employer sponsorship have additional options:

EB 5 Investor Visa: requires a capital investment of \$800,000 (TEA) or \$1,050,000 (non TEA) that creates 10 full time jobs. The EB 5 set aside categories (rural, high unemployment, infrastructure) have remained current for all countries since March 2022, offering a faster alternative to the decade long EB 2/EB 3 backlogs for Indian and Chinese born applicants. Students from families with investment capital should evaluate the EB 5 pathway early, particularly given the September 2026 sunset provisions.

Family Based Sponsorship: marriage to a U.S. citizen provides the fastest and most straightforward green card pathway (immediate relative, no backlog, 12 to 24 months). Marriage to an LPR places the beneficiary in the F2A category with a shorter wait than employment based backlogs for India and China.

O 1 Visa: while not a green card, the O 1A (extraordinary ability in business, science, education, or athletics) or O 1B (extraordinary achievement in arts or motion pictures/television) provides an alternative to H 1B with no annual cap, no lottery, and no employer specific restriction. O 1 holders can then pursue an EB 1 or EB 2 green card.

Each pathway has trade offs in cost, timeline, and eligibility requirements. Students should develop an immigration strategy early in their academic career rather than waiting until OPT is about to expire.

Strategic Planning for F 1 Students

Students who want to stay in the United States permanently after graduation should begin planning early:

Choose a STEM major when possible. The 36 month OPT period (12 months standard + 24 months STEM extension) provides significantly more time to secure H 1B sponsorship than the 12 month standard OPT.

Use CPT strategically. Curricular Practical Training provides work experience during studies, builds employer relationships, and does not reduce OPT eligibility (unless 12 or more months of full time CPT were used, which eliminates post completion OPT eligibility).

Apply for the H 1B lottery early. Discuss H 1B sponsorship with your employer well before your OPT expires. The registration period opens each March for an October 1 start date. Multiple lottery attempts may be needed; the selection rate has been approximately 25% to 35% in recent years.

Start the green card process as soon as your employer is willing. PERM advertising, DOL processing, and USCIS adjudication take years. Initiating the process early establishes an earlier priority date, which is critical for applicants from backlogged countries.

Explore self petition options. If you have publications, patents, awards, or other evidence of extraordinary ability, an EB 1A or EB 2 NIW petition may provide a faster path to permanent residence than employer sponsored EB 2/EB 3.

Maintain valid immigration status throughout. Any period of unlawful presence, unauthorized employment, or status violation can jeopardize future immigration benefits. Consult an attorney promptly if your status is at risk.

Frequently Asked Questions

1. Can I get a green card directly from F 1 status?

Not directly. F 1 is a nonimmigrant (temporary) status that does not lead to a green card by itself. However, F 1 students can transition to green card eligible categories: employer sponsored EB 2/EB 3 through H 1B employment, self petitioned EB 1A or EB 2 NIW, EB 5 investor visa, or family based sponsorship through a U.S. citizen or LPR spouse. The typical pathway is F 1 to OPT to H 1B to employer sponsored green card.

2. How long does it take to go from student visa to green card?

It depends on the pathway and your country of birth. For applicants from countries without visa backlogs, the fastest routes are marriage to a U.S. citizen (12 to 24 months) or EB 1A self petition (12 to 18 months). Employer sponsored EB 2/EB 3 without backlogs takes approximately 3 to 5 years (PERM + I 140 + I 485). For Indian born applicants in EB 2/EB 3, the total timeline can exceed 10 to 15 years due to per country visa backlogs.

3. What happens if I am not selected in the H 1B lottery?

If not selected, your F 1/OPT status continues until it expires. You may try the lottery again the following year if you are still in OPT (STEM OPT extension provides up to 36 months total). Alternative strategies include: pursuing a cap exempt H 1B (employment at a university, nonprofit research organization, or government research organization); changing to O 1 status if you qualify; enrolling in a new academic program to maintain F 1 status; transferring to L 1 status if you work for a multinational employer; or exploring EB 5 investment.

4. Does using CPT affect my OPT eligibility?

Part time CPT (under 20 hours per week) does not affect OPT eligibility at all. Full time CPT for less than 12 months also does not affect OPT eligibility. However, 12 months or more of full time CPT eliminates post completion OPT eligibility entirely (8 CFR 214.2(f)(10)(i)). Students should track CPT usage carefully and consult their Designated School Official before accumulating full time CPT.

5. Can I change employers during the green card process?

Yes, with important caveats. Under AC21 portability (INA section 204(j)), if your I 140 has been approved and your I 485 has been pending for 180 days or more, you can change to a new employer in the same or similar occupational classification without losing your green card application or priority date. The new employer does not need to file a new PERM or I 140. Before the 180 day threshold, changing employers generally requires restarting the process with the new employer.

6. Is the EB 5 visa a realistic option for students?

For students from families with investment capital (\$800,000 minimum for TEA projects), the EB 5 pathway is worth serious consideration, especially for applicants from India and China who face decade long EB 2/EB 3 backlogs. The EB 5 set aside categories have remained current since March 2022, offering immediate visa availability. The investment can be funded by the student, their family, or a combination, as long as the source of funds is lawful and documented. Students should consult both an immigration attorney and a financial advisor before pursuing this option.

Disclaimer: This guide is provided for general informational purposes only and does not constitute legal advice. Every immigration case is unique. Consult a qualified immigration attorney for advice specific to your circumstances.

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