

**IMPORTANT: This document contains information that is no longer current but remains on our site for reference purposes.**

## **Nonimmigrant Services**

**What information are you seeking?** (Choose one below)

[Services for students and those interested in studying in the U.S.](#)

[Extending your stay in your current nonimmigrant status or changing to another nonimmigrant status](#)

[Information about employment and social security cards for nonimmigrants](#)

[General Nonimmigrant Information](#) (including information about Form I-94)

[Changing Your Address as a Nonimmigrant](#)

[Read Disclaimer](#)

**Chapter 1 Services for students and those interested in studying in the U.S.**

**OVERVIEW**

In general, if you are interested in going to school in the U.S., we recommend that you first contact the academic or vocational school you are interested in attending. The school can tell you if it is authorized to enroll nonimmigrant students, and can describe its academic and financial requirements, as well as the immigration process to become a nonimmigrant student.

- Once an approved school accepts you, contact USCIS again for information about getting nonimmigrant student status to attend the approved school that has accepted you for enrollment.

If you are currently in a valid nonimmigrant status and are interested in attending school, please choose the status you currently hold from the chart below.

<a href="#"><u>A</u></a>	<a href="#"><u>B</u></a>	<a href="#"><u>C1</u></a>	<a href="#"><u>C2</u></a>	<a href="#"><u>C3</u></a>	<a href="#"><u>D</u></a>	<a href="#"><u>E</u></a>	<a href="#"><u>F</u></a>	<a href="#"><u>G</u></a>	<a href="#"><u>H1B</u></a>	<a href="#"><u>H2A</u></a>	<a href="#"><u>H2B</u></a>	<a href="#"><u>H3</u></a>	<a href="#"><u>H4</u></a>
<a href="#"><u>I</u></a>	<a href="#"><u>J</u></a>	<a href="#"><u>K1, K2</u></a>	<a href="#"><u>K3, K4</u></a>	<a href="#"><u>L</u></a>	<a href="#"><u>M</u></a>	<a href="#"><u>NATO</u></a>	<a href="#"><u>O</u></a>	<a href="#"><u>P1</u></a>	<a href="#"><u>P2</u></a>	<a href="#"><u>P3</u></a>	<a href="#"><u>P4</u></a>	<a href="#"><u>Q1</u></a>	
<a href="#"><u>R</u></a>	<a href="#"><u>S/U</u></a>	<a href="#"><u>I</u></a>	<a href="#"><u>TN1, TD</u></a>		<a href="#"><u>TN2, TD</u></a>		<a href="#"><u>TWOV</u></a>	<a href="#"><u>U</u></a>	<a href="#"><u>V</u></a>	<a href="#"><u>WB, WT</u></a>			

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## Chapter 2      Extending your Stay in your current Nonimmigrant status or Changing to another Nonimmigrant Status

### OVERVIEW

In general, if you were admitted as a nonimmigrant, you may be able to apply to extend your stay in that nonimmigrant category or change to another nonimmigrant category. However, there are a number of requirements, and these services are not available to all nonimmigrant categories or in all circumstances.

- [Extending your stay in your current Nonimmigrant status](#)
- [Changing to another Nonimmigrant Status](#)

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## Chapter 2 Extending your Stay in your current Nonimmigrant status or Changing to another Nonimmigrant Status

### Unit 1 Extending your Stay in your current Nonimmigrant status

#### OVERVIEW

In certain circumstances, a nonimmigrant can apply for and receive an extension of stay. However, there are a number of requirements, and an extension of stay is not available to all nonimmigrant categories or in all circumstances.

To extend your stay as a nonimmigrant worker, for most nonimmigrant categories the employer must file Form I-129; other nonimmigrant categories and all dependents must use Form I-539.

#### Frequently Asked Questions about eligibility

- [Can I extend my nonimmigrant stay?](#)
- [Can I get an extension if my authorized stay or visa has expired or is about to expire?](#)
- [What if I file on time for an extension, but I leave the United States before USCIS makes a decision on my application?](#)
- [How do I know my status and how long I can stay? \*Link to 4.4.1.4, unit 1\*](#)
- [What are the terms and conditions of the various nonimmigrant categories? \*Link to 4.4.1.4, unit 2\*](#)
- [What if I file on time but USCIS doesn't make a decision before my I-94 expires?](#)
- [What if I have other questions about eligibility?](#)

#### FAQs about how to apply

- [What form should I use to apply? Can family members file together on one application?](#)
- [Can I file electronically using ELIS?](#)

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## Can I extend my nonimmigrant stay?

You may be eligible to extend your stay if you meet the following requirements:

1. You were lawfully admitted into the U.S. as a nonimmigrant;
2. The expiration date on your I-94 has not yet been reached (you can access your I-94 from the U.S. Customs and Border Protection website at [www.cbp.gov/I94](http://www.cbp.gov/I94));
3. You have complied with all the terms and conditions of your status;  
**Note:** [Information about the terms and conditions of nonimmigrant categories](#)
4. You have complied with all U.S. laws during your stay in the U.S. and have not committed any act that would make you ineligible to receive an immigration-related benefit;
5. You intend to continue doing the same types of activities for which you were originally admitted and intend to return to live abroad once your status ends.

If you meet each of these requirements, you may wish to apply to have your stay in your current status extended. The form you will use to apply depends on your current status. [Information about which form to use to extend your stay](#)

**EXCEPTIONS:** While most nonimmigrants may be granted an extension of stay if the appropriate conditions are met, **the following nonimmigrant categories are never eligible for an extension of stay:**

Nonimmigrant Category	
<b><u>C1 C2 C3</u></b>	Persons transiting the U.S.
<b><u>D</u></b>	Crewmembers
<b><u>K1</u> or <u>K2</u></b>	A Fiancé (e) of a U.S. Citizen and their dependents
<b><u>S</u></b>	Informants
<b><u>TWOV</u></b>	Transit without Visa
<b><u>WB</u> or <u>WT</u></b>	Though visitors under the Visa Waiver Program are not eligible for an extension of stay, they may be eligible for a grant of satisfactory departure in the event of an emergency situation. <a href="#">Information about satisfactory departure</a>
<b><u>PAROLEE</u></b>	A person temporarily paroled into the U.S. would not apply for an extension of stay; rather, a parolee may need to re-apply for parole status. <a href="#">Information about the types of parole</a>

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[Nonimmigrant Services](#)

**Can I get an extension if my authorized stay or visa has expired or is about to expire?**

- **If your stay as shown on your stamped passport or your I-94 arrival-departure document has already expired** – While anyone can file an application, we usually will not grant an extension of stay.
  - If you believe compelling unforeseen circumstances beyond your control prevented you from filing on time, explain them in your application and include any documents to support your claim.
- **If your stay as shown on your stamped passport or your I-94 is about to expire** - Make sure you file your application in time for us to receive it before your status expires. The application is available on our website at [www.uscis.gov/I-539](http://www.uscis.gov/I-539).
- **If you are concerned about your visa expiring** - It simply lets you come to the U.S. to apply to enter. Your visa doesn't control the length of your stay. The period for which you can stay was determined when you are admitted to the U.S. You will usually find that information on the Form I-94. You can access your I-94 from the U.S. Customs and Border Protection website at [www.cbp.gov/I94](http://www.cbp.gov/I94).

**What if I file on time for an extension, but I leave the U.S. before USCIS makes a decision on my application?**

If you leave the U.S. before a decision is made on your application to extend and you plan to return to the U.S. in the future, please keep a copy of your application plus the receipt notice to show to the Immigration Inspector on your return travel to the U.S. Otherwise, you may be denied entry for overstaying on your last visit.

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**What if I file on time but USCIS doesn't make a decision before my I-94 expires?**

Your lawful nonimmigrant status ends, and you are out of status, when your admission stamp date or your Form I-94 expires, *even if* you have timely applied to extend the period of your nonimmigrant status. DHS may bring a removal proceeding against you, even if you have an extension application pending.

As a matter of discretion, however, DHS may defer bringing a removal proceeding against you until after USCIS decides your application for an extension of your nonimmigrant status. Also, while you are not actually in a lawful nonimmigrant status, you do not accrue "unlawful presence" for purposes of inadmissibility under section 212(a)(9)(B) of the Act, while your extension application is pending.

Although you are out of status, you are permitted to continue your previously authorized employment for a maximum period of 240 days while your extension application is pending *if* USCIS receives your application before your Form I-94 expires, *and* you have not violated the terms of your nonimmigrant status. You must stop working, *immediately*, when the first of the following events occurs:

- 240 days elapse from the date your nonimmigrant status expires; or
- USCIS has made a final decision denying your extension application.

If your application is approved, the approval will relate back to the expiration date shown on your admission stamp or the date your Form I-94 expired, and your status during the pendency of your application will then be considered to have been lawful.

If your application is denied, you must cease employment immediately and you must *depart the United States immediately*. In addition, any nonimmigrant visa in your passport granted in connection with your classification becomes void. Once your visa is void, you must submit any new visa application at a U.S. consulate in your home country (not a third country, except in rare instances as determined by the U.S. Department of State).

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### What if I have other questions about eligibility?

We recommend you first get the application form and read the instructions.

- On our website you can download the form, instructions and a fact sheet on extending your stay, or
- We can take your form order now and have the form mailed to you.

For questions about eligibility, you can directly research rules and requirements on our website at [www.uscis.gov/laws](http://www.uscis.gov/laws)

If, after you read the instructions, you have questions about filing procedures or about what to file with your application, please check our website or call us.

- But please understand that we cannot give you advice about eligibility or whether to apply for a benefit. We also cannot analyze a situation in advance and tell you before you file whether you are eligible or whether your application can be approved.

### What form should I use to apply? Can family members file together on one application?

The answers depend on the nonimmigrant status. Is your current status within any of the following nonimmigrant categories?

<u>E</u>	<u>H</u>	<u>L</u>	<u>O</u>	<u>P</u>	<u>Q</u>	<u>R</u>	<u>TN</u>
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If **YES** –

- **Your employer must file Form I-129, Petition for a Nonimmigrant Worker.**
  - Please note: I-129 petitions for certain kinds of workers require labor certification from the U.S. Department of Labor or other documents. Employers should carefully read the instructions and take into account the time needed to obtain the materials that must be filed with the application.
- **Dependents cannot be included in the I-129.** The worker's husband or wife and their unmarried children under 21 who are here as nonimmigrants in the related dependent category can use Form I-539 to apply to extend their stay to remain with the worker.
  - We recommend filing the I-539 with the I-129 petition for the worker.
  - The worker's husband or wife, and unmarried children under 21 can together file a single I-539 if they are all requesting an extension to the same date.

If **NO** – you have a different nonimmigrant status. Use Form I-539 to apply. A husband, wife and their unmarried children under 21 can file a single I-539 together if:

- they each have the same nonimmigrant status, or if the principal holds one status and the rest of the family hold dependent nonimmigrant status, and all want an extension to the same date.

**For more information about one of these applications, such as filing fee, how to get the form, and other basics before you get the form,** click on the type of application that you are interested in: [I-129](#) [I-539](#)

### Can I file electronically using ELIS?

[Form I-539, Application To Extend/Change Nonimmigrant Status](#), is currently unavailable in ELIS.

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**I am visiting under the Visa Waiver Program, but I can't leave as scheduled due to an emergency. Is there anything I can do to extend my stay?**

If you have been admitted under the Visa Waiver Program and an emergency is preventing you from departing the United States within your period of authorized stay, you may request that USCIS grant you a period of satisfactory departure. A grant of satisfactory departure cannot exceed 30-days. If you are granted satisfactory departure, and leave within the window of time allotted, you will be regarded as having satisfactorily accomplished your visit in the United States without overstaying your period of authorized stay. If you are visiting under the Visa Waiver Program and do not qualify for a grant of satisfactory departure, you may not stay in the United States beyond the initial 90-days for which you were authorized.

**What types of emergencies would qualify me for a grant of satisfactory departure?**

Satisfactory departure is granted only in limited cases and for serious emergencies, such as hospitalization, or conditions that cause flights to be delayed or cancelled for more than 24 hours (weather, worker strikes, etc.). Otherwise, people visiting under the Visa Waiver Program may not stay beyond their initial 90-days.

**How do I apply for a grant of satisfactory departure?**

To apply for a grant of satisfactory departure, an [InfoPass](#) appointment would need to be made with the local USCIS office having jurisdiction over the place of temporary stay. At the appointment, any available evidence of the emergency situation would be presented.

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## Chapter 2 Extending your Stay in your current Nonimmigrant status or Changing to another Nonimmigrant Status

### Unit 2 Changing to another Nonimmigrant Status

#### OVERVIEW

In general, if you were admitted as a nonimmigrant, you may be able to apply to change to another nonimmigrant status. However, there are a number of requirements, and a change of status is not available to all nonimmigrant categories or in all circumstances. Typically, you must show that something changed your plans after you entered to be eligible.

To change status to a nonimmigrant worker, usually the employer must file Form I-129; for other change of status requests, use Form I-539.

#### Frequently Asked Questions about eligibility

- [Can I change to another nonimmigrant status?](#)
- [Can I get a change of status if my authorized stay or visa has expired or is about to expire?](#)
- [How do I know my status and how long I can stay?](#)
- [What are the terms and conditions of the various nonimmigrant categories?](#)
- [What if I file on time but USCIS doesn't make a decision before my I-94 expires?](#)
- [When can I start to engage in the activities that my new status will authorize?](#)
- [Do many nonimmigrants change to another nonimmigrant status while in the U.S.?](#)
- [If my application is approved, will I be able to leave the U.S. and return to my new status?](#)
- [What if I have other questions about eligibility?](#)

#### FAQs about how to apply

- [What form should I use to apply? Can family members file together on one application?](#)
- [Can I file electronically using ELIS?](#)

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**Can I change to another nonimmigrant status?**

There are 8 basic questions that you can ask yourself to see if you may be eligible TO CHANGE your current nonimmigrant status to another nonimmigrant status.

**1. Do you have proof of your admission to the U.S. as a nonimmigrant?**

- Proof of admission to the U.S. as a nonimmigrant can be found on your I-94 which can be obtained from the U.S. Customs and Border Protection website at [www.cbp.gov/I94](http://www.cbp.gov/I94).
- If you entered the U.S. as a nonimmigrant from Canada and have proof of your admission, you may be eligible to change to another nonimmigrant status.

**2. Does your current nonimmigrant status allow you to change your status?** You can find your current nonimmigrant status on your I-94. While most nonimmigrants **may** be granted a change to another nonimmigrant status if other conditions are met, the following are **never eligible** to change their status:

Nonimmigrant Category	
<b><u>C1 C2 C3</u></b>	Persons transiting the U.S.
<b><u>D</u></b>	Crewmembers
<b><u>K1 or K2</u></b>	A Fiancé (e) of a U.S. Citizen and their dependents
<b><u>S</u></b>	Informants
<b><u>TWOV</u></b>	Transit without Visa
<b><u>WB or WT</u></b>	A Visitor here temporarily under the Visa Waiver Program
<b><u>PAROLEE</u></b>	A person temporarily paroled into the U.S. because he or she is not a nonimmigrant.

**3. Does the immigrant status you want to change to allow for such change?** Just as you cannot change status from any of the categories listed above, you **cannot** change status to those categories.

- Change of status is not common, but the most common requests are to change to a nonimmigrant student or to a nonimmigrant worker.

**4. Have you completed any required preliminary steps to change to your desired nonimmigrant status?** In many circumstances, you must take steps before you apply to change your status, or separate applications must be filed with your request to change status. For example, to become an academic or vocational student –

- you must first be accepted by a U.S. school that is authorized to accept nonimmigrant students;
- the school will then issue you an I-20 enrollment document;
- then you must file an [I-901](#) and pay the nonimmigrant student fee;
- when you get your receipt showing that you have paid that fee, then you can apply to change your status.

[Information about required preliminary steps for various nonimmigrant categories](#)

***Continued on next page***

**5. Is your I-94 still valid (unexpired) – not your visa, but your I-94?**

If **no**, then you are usually **not** eligible to change to another nonimmigrant status. There are limited exceptions as follows:

- The delay was due to extraordinary circumstances beyond your control;
- The length of the delay was reasonable;
- You have not otherwise violated your status;
- You are still a bona fide nonimmigrant; and
- You are not in removal proceedings.

**6. To your knowledge, have you complied with all the terms and conditions of your status?** For example, not working or going to school here unless your current status authorized it, and not committing a crime since you came to the U.S.?

- If **no** – which means that you have **not** complied with all the terms of your status, you are **not** eligible to change to another nonimmigrant status.
- [Information about the terms and conditions of a nonimmigrant category](#)

**7. Have you complied with all the laws of the U.S. since you entered?**

- If **no** – which means you have committed a crime or broken a law, then you are usually **not** eligible to change to another nonimmigrant status.

**8. Do you believe the reason you want to extend your stay is consistent with the purpose of your status?** For example, do you still intend to return to live abroad when your status ends? Do you still intend to comply with all the terms of your nonimmigrant status and have the means to support yourself if your nonimmigrant status does not authorize working here?

- If **no**, we will **not** change your status.

If you answered **YES** to each question, then you may be eligible to change to another nonimmigrant status. The form you will use to apply depends on the status for which you will be applying. [Information about which form to use to change to another status](#)

**Can I get a change of status if my authorized stay or visa has expired or is about to expire?**

- **If your stay shown on your stamped passport or your I-94 has already expired** – While anyone can file an application, we usually will not grant a change of status.
  - If you believe compelling unforeseen circumstances beyond your control prevented you from filing on time, explain them in your application and include any documents that support your claim.
- **If your stay shown on your stamped passport or your I-94 is about to expire** - Make sure you file your application in time for us to receive it before your status expires. The application is available on our website at [www.uscis.gov/I-539](http://www.uscis.gov/I-539).
- **If you are concerned about your visa expiring** – A visa simply let you come to the U.S. to apply to enter. Your visa doesn't control the length of your stay. The period for which you can stay was determined when you were admitted to the U.S. You will usually find this information on your Form I-94. You can access your I-94 from the U.S. Customs and Border Protection website at [www.cbp.gov/I94](http://www.cbp.gov/I94).

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**What if I file on time but USCIS doesn't make a decision before my I-94 expires?**

- **If we receive your application before your nonimmigrant status expires** (or, in exceptional cases, we excuse filing after your status expires due to circumstance beyond your control), and if you have not violated the terms of your status and meet the basic eligibility requirements, you may remain in the U.S. until we make a decision on your application. Further, once your original nonimmigrant status expires, even though you will generally be allowed to remain in the U.S. while your extension of stay application is pending, you will not be deemed to be in any new nonimmigrant status until such time as we may approve your change of status application. Therefore, you may not be able to engage in employment during this period even if your original nonimmigrant status would have allowed you to do so.
- **If we deny your change of status application**, you will be considered to have been "out of status" for the entire period following the expiration of your original nonimmigrant status and will be required to depart from the U.S. immediately upon notification of such denial of status.

**When can I start to engage in the activities that my new status will authorize?**

Until we grant you a change of status, you must comply with all the terms and conditions of your current status until we approve your application. In the meantime, if you do things that your current status doesn't authorize, such as going to school or starting work, you will violate the terms and conditions of your status and will not be eligible for a change of status.

**Do many nonimmigrants change to another nonimmigrant status while in the U.S.?**

Relatively few nonimmigrants change status. A nonimmigrant must show why they are coming to the U.S. when they apply for a visa and again when they apply to enter the U.S. Thus change of status is limited to where there has been a significant change of plans at some point after the person entered the U.S.

Of the small volume of change of status requests, the most common is for a prospective student who enters as a tourist to find a school and apply to change of status based on becoming a full-time student.

**If my application is approved, will I be able to leave the U.S. and return to my new status?**

Typically, while you are abroad you will need to apply for a new visa for your new nonimmigrant category. You cannot return using your old visa.

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**What if I have other questions about eligibility?**

We recommend you first get the application form and read the instructions.

- On our website you can download the form, instructions and a fact sheet on changing nonimmigrant status while in the U.S., or
- We can take your form order now and have the form mailed to you.

For questions about eligibility, you can also directly research rules and requirements on our website at [www.uscis.gov/laws](http://www.uscis.gov/laws)

If, after you read the instructions, you have questions about filing procedures or about what to file with your application, please check our website at [www.uscis.gov](http://www.uscis.gov). But please understand that we cannot give you advice about eligibility or whether to apply for a benefit. We also cannot analyze a situation in advance and tell you before you file whether you are eligible or whether your application can be approved.

**What form should I use to apply? Can family members file together on one application?**

The answers depend on the nonimmigrant status. Is the request to change to any of the following categories?

<u>E</u>	<u>H</u>	<u>L</u>	<u>O</u>	<u>P</u>	<u>Q</u>	<u>R</u>	<u>TN</u>
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If **YES** – **The employer must file a Form I-129 Petition for a Nonimmigrant Worker.**

- Please note: I-129 petitions for certain kinds of workers require labor certification from the U.S. Department of Labor or other documents. Employers should carefully read the instructions and take into account the time needed to obtain the materials that must be filed with the application.
- **Dependents cannot be included in the I-129.** The worker's husband or wife and their unmarried children under 21 who are here as nonimmigrants in the related dependent category can use form I-539 to apply to extend their stay to remain with the worker.
  - We recommend filing the I-539 with the I-129 petition for the worker.
  - The worker's husband or wife, and unmarried children under 21 can file a single I-539 if they are all requesting a change from the same status to another "same" status.

If **NO** – Means you have another nonimmigrant status and should use Form I-539 to apply. A husband, wife and their unmarried children under 21 can file a single I-539 together if:

- They each have the same nonimmigrant status, or if the principal holds one status and the rest of the family hold dependent nonimmigrant status, and
- All want to change to the same status for the same length of time.

**For more information about one of these applications, such as filing fee, how to get the form, and other basics before you get the form, click on the type of application that you are interested in:**

[I-129](#)

[I-539](#)

**Can I file electronically using ELIS?**

[Form I-539, Application To Extend/Change Nonimmigrant Status](#), is currently unavailable in ELIS.

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## Chapter 3 Information about employment and Social Security cards for nonimmigrants

### OVERVIEW

Social security numbers are used for a variety of purposes, such as for the individual's taxpayer i.d. number, for bank and other financial accounts, and as Social Security and Medicare account numbers.

Anyone in the U.S. can get a Social Security card. There are basically three kinds of cards.

- A person authorized to live in the U.S. permanently or indefinitely, such as a U.S. citizen or permanent resident can receive an unrestricted Social Security card.
- A person authorized to work for a temporary period of time, either for a specific employer or for any employer, can receive a restricted Social Security card.
- A person not eligible to work can apply for a non-working Social Security card, to open bank and other financial accounts, and to have a taxpayer i.d. number.

The big difference between the unrestricted and restricted cards is that a person with a restricted card must show an employer a document that authorizes employment when applying for a job in the U.S. unless the employer has already been notified it can hire the worker by our approving its I-129 petition.

### Frequently Asked Questions

- [I am a nonimmigrant. Can I work in the U.S.?](#)
- [How can I apply for a Social Security card?](#)
- [Do I always have to prove to an employer that I am authorized to work?](#)

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**I am a nonimmigrant. Can I work in the U.S.?**

The answer depends on your nonimmigrant status. Most nonimmigrant categories do not authorize employment. Some authorize specific kinds of employment, often with a particular employer.

For information about the terms and conditions of your nonimmigrant status and whether you can get employment authorization in the U.S., click on your category below:

<a href="#">A</a>	<a href="#">B</a>	<a href="#">C1</a>	<a href="#">C2</a>	<a href="#">C3</a>	<a href="#">D</a>	<a href="#">E</a>	<a href="#">F</a>	<a href="#">G</a>	<a href="#">H1B</a>	<a href="#">H2A</a>	<a href="#">H2B</a>	<a href="#">H3</a>	<a href="#">H4</a>
<a href="#">I</a>	<a href="#">J</a>	<a href="#">K1, K2</a>	<a href="#">K3, K4</a>	<a href="#">L</a>	<a href="#">M</a>	<a href="#">NATO</a>	<a href="#">O</a>	<a href="#">P1</a>	<a href="#">P2</a>	<a href="#">P3</a>	<a href="#">P4</a>	<a href="#">Q1</a>	<a href="#">R</a>
<a href="#">S</a>	<a href="#">T</a>	<a href="#">TN1, TD</a>	<a href="#">TN2, TD</a>		<a href="#">TWOV</a>	<a href="#">U</a>	<a href="#">V</a>	<a href="#">WB, WT</a>	<a href="#">N8, N9</a>		<a href="#">MICRONESIA &amp; MARSHALL ISLANDS CITIZENS</a>		

**How can I apply for a Social Security card?**

For information, we suggest you contact the Social Security Administration directly.

- Social Security is on the internet at [www.ssa.gov](http://www.ssa.gov)
- or you can call them at 1-800-772-1213

**Do I always have to prove to an employer that I am authorized to work?**

An employer must verify that a person is eligible to work in the U.S. before hiring the person. That means the job applicant must show documents to the employer that he or she is authorized to work.

Most nonimmigrants cannot work in the U.S. If you are authorized to work as a nonimmigrant, you must prove it to the employer. That means you will have to show an Employment Authorization Document (a card issued when we authorize employment).

There is one exception to this rule: If we approved an I-129 petition filed by the employer, we notified the employer that it can employ you as described in the I-129 after you obtain the associated nonimmigrant status. The approval notice is evidence that you are authorized to work, and you do not need a separate employment authorization document to show to that employer. In such an instance, you are only authorized to work for that specific employer, and thus we do not issue you any other form of employment authorization.



**Chapter 4**      **General Nonimmigrant Information**

- [Knowing your current status; I-94 issues](#) -
  - How you can determine the nonimmigrant status you were given and how long you were authorized to stay when you were admitted.
  - Questions about your I-94 arrival-departure record.
  - The difference between a visa and status.
  - Parolees and parole, into the U.S.
  - The effect of unlawful presence.
- [Information about the various nonimmigrant categories](#)
- [Passport and Nonimmigrant Visa Requirements, Visa Alternatives, the Visa Waiver Program, Border Crossing Cards and Global Entry](#)
- [Information about the nonimmigrant student fee](#)
- [Certification Requirement for Foreign Health Care workers](#)

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**Chapter 4                    General Nonimmigrant Information****Unit 1                                    Knowing your current status and I-94 issues****OVERVIEW**

A **visa** is issued by a U.S. consulate or embassy. It allows the person to travel to the U.S. and apply for entry in that nonimmigrant category. The visa is valid for a certain length of time, and you may use it to apply for entry while the visa is valid. Having a visa does not guarantee the person will be admitted into the U.S..

A **multiple entry visa** is simply a visa that can be used repeatedly to enter the U.S.

A person who is admitted is granted a particular **status** based on the visa and is admitted for a specific period of time. U.S. Customs and Border Protection (CBP) has automated the Form I-94. With the automation of the I-94, a paper I-94 is no longer issued to nonimmigrants entering the U.S. An electronic I-94 is generated instead and, if needed, can be accessed on the CBP website: [www.cbp.gov/I94](http://www.cbp.gov/I94).

The I-94 record shows the nonimmigrant category or other status in which the nonimmigrant was admitted and how long the nonimmigrant is authorized to stay. The admission period often does not match the validity of the visa because the visa serves a different purpose. A person who violates immigration law can face penalties, including being required to remain abroad for a length of time before being able to return to the U.S., even after they otherwise become eligible for a status.

**Frequently Asked Questions**

- [What is I-94 Automation?](#)
- [Does CBP still issue paper I-94 forms to travelers now that the I-94 automation has begun?](#)
- [What is the purpose of the tear sheets CBP gives to all travelers entering the United States through air and sea ports of entry?](#)
- [Does the I-94 automation affect all ports of entry, including land, air and sea?](#)
- [How does I-94 automation impact international travelers' entry into the United States?](#)
- [Will CBP provide a traveler with any documentation or evidence showing status and time allowed in the United States?](#)
- [How long will the I-94 website where I can access my I-94 be available? Is it permanent?](#)
- [Where can I get more information about the automation of Form I-94?](#)
- [How can I determine what my current status is and how long I can stay?](#)
- [Does this I-94 automation process impact Canadians crossing the land border into the United States?](#)
- [Why do the visa and the I-94 have different validity dates?](#)
- [How do I determine how long I am allowed to stay in the United States?](#)
- [What is a multiple entry visa?](#)
- [Can I travel overseas and then return to my status?](#)

**FAQs continue on next page**

- [What is the USCIS role in terms of my status and immigration procedures?](#)
- [How can I get my I-94 corrected?](#)
- [If I lose the I-94 form, will the automated process help CBP to obtain travel information or will I need to contact USCIS?](#)
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**What is I-94 Automation?**

In order to increase efficiency, reduce operating costs and streamline the admissions process, U.S. Customs and Border Protection has automated Form I-94 at air and sea ports of entry. The paper form is no longer provided to a traveler upon arrival, except in limited circumstances. The traveler will be provided with a CBP admission stamp on their travel document. If a traveler needs a copy of their I-94 (record of admission) for verification of alien registration, immigration status or employment authorization, it can be obtained from [www.cbp.gov/I94](http://www.cbp.gov/I94).

**Does CBP still issue paper I-94 forms to travelers now that the I-94 automation has begun?**

No. Rather than distributing a paper Form I-94, CBP will scan a traveler's passport, generating an electronic arrival record with data elements found on the current paper Form I-94. CBP will make the electronic I-94 available at [www.cbp.gov/I94](http://www.cbp.gov/I94). Travelers may visit this website to print their electronic I-94 number before applying for immigration or public benefits, such as a driver's license or a Social Security number.

**What is the purpose of the tear sheets CBP gives to all travelers entering the United States through air and sea ports-of-entry?**

The tear sheets instruct travelers on how to retrieve their electronic I-94 number from [www.cbp.gov/I94](http://www.cbp.gov/I94).

**Does the I-94 automation affect all ports of entry, including land, air and sea?**

I-94 automation is in effect at air and certain sea ports of entry. A paper form I-94 is still issued at the land border ports of entry. Also, CBP continues to provide a paper Form I-94 to certain classes of aliens, such as refugees, certain asylees and parolees, and whenever CBP determines the issuance of a paper form is appropriate.

**How does I-94 automation impact international travelers' entry into the United States?**

I-94 automation does not impact a traveler's entry into the United States. CBP continues to create an I-94 record for all travelers previously requiring an I-94, but the paper form is created in an electronic format and not provided to the traveler. If a traveler requires the Form I-94, it will be available at [www.cbp.gov/I94](http://www.cbp.gov/I94).

**Will CBP provide a traveler with any documentation or evidence showing status and time allowed in the United States?**

Yes. CBP will provide each traveler with an admission stamp that is annotated with date of admission, class of admission and admitted until date. The electronic arrival/departure record can be accessed at [www.cbp.gov/I94](http://www.cbp.gov/I94).

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### How can I determine what my current status is and how long I can stay?

CBP will provide each traveler with an admission stamp that is annotated with date of admission, class of admission and admitted until date. The electronic arrival/departure record can be accessed at [www.cbp.gov/I94](http://www.cbp.gov/I94).

If you were issued an I-94 Arrival-Departure record when you were admitted to the U.S., take a look at the front (the side with your name). In the lower right corner it will indicate your status and the length of time for which that status was granted.

If you were granted an extension of stay or change of status or other status while here, check your I-94 or the I-797, notice of action given to you when your application was approved. It will show your status and the length of time for which that status was granted.

A Canadian or Mexican is sometimes admitted as a nonimmigrant but not given an I-94.

- A Canadian citizen admitted but not given an I-94 is admitted as a **B1** or **B2** with an authorized stay of up to 6 months.
- A Mexican citizen admitted but not given an I-94 is admitted as a **B1** or **B2** with an authorized stay of up to 3 days, and must remain within 25 miles of the land border, or, in Arizona, within 75 miles of the land border.

If you were not given an I-94, for more information about your status and length of authorized stay, we recommend you contact U.S. Customs and Border Protection, which manages the inspection, admission and exit of people from the U.S.

- You can directly check their website at <http://www.cbp.gov> or call them at **1-877-CBP-5511 (1-877-227-5511)**, Monday through Friday between 8:30 AM and 5:00 PM, Eastern Time.

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**Does the I-94 automation process impact Canadians crossing the land border into the United States?**

No. I-94 automation does not impact Canadians crossing the land border into the United States. I-94 automation does not affect the land borders at this time.

**Why do the visa and the I-94 have different validity dates?**

A visa is a stamp or label placed in a person's passport by a U.S. consulate. The visa allows the person to come to the U.S. during the validity of the visa and apply for admission under a specific nonimmigrant category. It does not guarantee that the person will be admitted. If admitted, the I-94 or the stamp on your passport indicates how long a person is actually authorized to stay in the United States.

**How do I determine how long I am allowed to stay in the United States?**

CBP will provide each traveler with an admission stamp that is annotated with date of admission, class of admission and admitted until date. The electronic arrival/departure record can be accessed at [www.cbp.gov/I94](http://www.cbp.gov/I94).

If a person is admitted, they are granted a particular status based on the visa, and are admitted for a specific period of time. If the person is given an I-94 Arrival/Departure record, in the lower right corner the I-94 shows the nonimmigrant category or other status in which the person was admitted and below that, how long the person is authorized to stay. The form is typically stapled into the person's passport.

**What is a multiple entry visa?**

Nonimmigrant visas are either issued for a single entry or for multiple entries. Single entry visas may only be used once by the visa holder. Multiple entries visa allows the visa holder to repeatedly use the visa for entry into the US for as long as the visa remains valid.

**Can I travel overseas and then return to my status?**

If you were issued a paper I-94, you will turn in your I-94 when you depart the U.S. If you have a valid multiple entry visa, you can apply to reenter the U.S., just as you did when you first entered. Make sure that you have a valid passport where required. **However, if a person violates the terms and conditions of their status while here in the U.S., it can affect their ability to return.**

**What is the USCIS role in terms of my status and immigration procedures?**

We do not issue visas; visas are issued by the Department of State. We do not administer the process of people being admitted or leaving the U.S.; U.S. Customs & Border Protection administers that process. We also do not manage a number of programs for various nonimmigrant categories, such as diplomats, students and exchange visitors. They are administered by other agencies.

The USCIS role with respect to nonimmigrants is to handle petitions filed by employers for foreign workers, and to handle specific kinds of applications for immigration benefits, such as applications to extend stay as a nonimmigrant, and applications to change to another nonimmigrant status in the U.S.

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### How can I get my I-94 corrected?

- **If we issued your I-94 as part of granting you an extension of stay or change of status** - Normally you will need to file a Form I-102 application.
  - However, if you believe the error was our mistake, then you can file an I-102 or you can make an appointment on our website to take your I-94 and evidence of the error to our nearest local office and request that we issue a corrected I-94. If we are not convinced that the error was our fault, then you will need to file an [I-102 application](#) with fee.
- **If your I-94 was issued when you entered the U.S.** - If you believe you should have received an I-94 when you entered the U.S., or if there are errors on the I-94 that was issued by U.S. Customs and Border Protection (CBP) when you entered the U.S., you will need to contact CBP, the Deferred inspection office closest to your location.
  - You can directly check the CBP website at [www.cbp.gov](http://www.cbp.gov) or call them at **1-877-CBP-5511 (1-877-227-5511)** Monday through Friday between 8:30 AM and 5:00 PM, Eastern Time. You may bring the incorrect Form I-94 and documentation (passport and visa) to any CBP Port of Entry or Deferred Inspection Office. You may also call to make an appointment.

### If I lose the I-94 form, will the automated process help CBP to obtain travel information or will I need to contact USCIS?

If you lose your paper Form I-94 and need to receive a benefit, you must contact USCIS for a replacement I-94 by using [Form I-102 application](#). If you entered the U.S. after the I-94 was automated (April 30, 2013), the I-94 record can be accessed by visiting [www.cbp.gov/I94](http://www.cbp.gov/I94).

### What does it mean if my I-94 says “D/S” or “Duration of Status”?

Persons in certain nonimmigrant categories are admitted ‘Duration of Status’ or D/S. This means they can remain in the U.S. as long as they comply with all the other terms and conditions of their status.

- A person granted ‘Duration of Status’, who is complying with those terms and conditions, would rarely need to file an application to extend their stay as a nonimmigrant. For more details, see the information on your specific [Nonimmigrant Category](#).

### What does it mean if my I-94 says “Paroled” or “Parolee”?

It means you are permitted to remain in the U.S. temporarily until the date indicated on your I-94 Arrival-Departure record, as long as you comply with all the terms and conditions of your parole.

The most common instance for granting a parole is for a person who has a pending I-485 application for permanent residence and applies for an advance parole to leave and return to continue that application. We also issue advance paroles in limited other situations. For information, see Form [I-131](#).

U.S. Customs and Border Protection (CBP) and U.S. Immigration and Customs Enforcement (ICE) also grant paroles in particular situations. If they granted you a parole and you need more information about your status, we suggest you contact them directly.

- People issued a parole by CBP can directly check their website at [www.cbp.gov](http://www.cbp.gov) or call them at 1-877-CBP-5511 Monday through Friday between 8:30 AM and 5:00 PM, Eastern Time.
- People issued a parole by ICE can directly check their website at [www.ice.gov](http://www.ice.gov).

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**What should I do when I leave the U.S. if I have lost my I-94?**

If you depart through an airport or seaport, you will not need to turn in your form, as CBP will receive the information electronically via the commercial carrier. If you leave across the land border, stop at the inspections station at the border and inform them that you've lost your I-94. You do not need to file an I-102 application to replace your I-94 before you leave.

**What should I do if I forgot to turn in my I-94 when I left the U.S.?**

If you depart through the land border and forgot to turn in the departure form, you will need to mail the form to *DHS - CBP SBU, 1084 South Laurel Road, London, KY 40744, USA*. If you depart through an airport or seaport, you will not need to turn in your form, as CBP will receive the information electronically via the commercial carrier.

**What is unlawful presence? If I violate the terms and conditions of my status or have been in the U.S. without lawful status, and then leave the U.S., will I be able to come back?**

Any violation of immigration law can affect your eligibility to reenter the U.S.

For example, if you have been in the U.S. for more than 180 days without lawful presence (which means you were not meeting all the terms and conditions of a lawful status accorded to you, or after you entered the U.S. illegally) you will not be able to get a visa, return to the U.S. or get status while here until you remain abroad for a specific length of time. In some instances failure to obey the law may permanently bar your return. This is true even if you have a visa, advance parole or other document, or at some point otherwise become eligible for status.

We will not make a determination of whether you may be inadmissible in advance, even if you apply for an advance parole.

The best way to ensure that you will not have a problem is to make sure you meet your commitment, and as a guest of the U.S., ensure that you fully understand the terms and conditions of your status, and do not violate them. **If you believe you may have violated your status, you may want to seek legal advice about the possible impact on your ability to reenter the U.S. in the future.**

**Will the I-94 fee at the land border POEs be eliminated?**

No. Automation will only be implemented at air and sea ports of entry. The fee will still be applied at the land border POEs.

**How can I revalidate a visa without an I-94?**

The I-94 admission record is created electronically and maintained in CBP systems. CBP will verify the I-94 electronically to re-validate an expired visa if the traveler meets the conditions of automatic revalidation. If entry occurred prior to automation (April 30, 2013), a paper form must be presented in order to comply with validation requirements. For more information about automatic revalidation go to [http://www.cbp.gov/sites/default/files/documents/auto\\_reva\\_3.pdf](http://www.cbp.gov/sites/default/files/documents/auto_reva_3.pdf).

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**How long will the I-94 website where I can access my I-94 be available? Is it permanent?**

Currently there is no specific end date for the I-94 website [www.cbp.gov/I94](http://www.cbp.gov/I94) to access your Form I-94. The website will be available until CBP can change regulations to eliminate the I-94 requirement.

**Where can I get more information about the automation of Form I-94?**

For more information about the automation of Form I-94, please visit the U.S. Customs and Border Protection website at [www.cbp.gov/xp/cgov/travel](http://www.cbp.gov/xp/cgov/travel).

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**How can I research various nonimmigrant categories to find something I might qualify for, or something that would let be bring a worker to the U.S. temporarily?**

There are a large variety of nonimmigrant categories. Most are very specialized. Categories that authorize employment often have very specific requirements and usually limit employment to a particular employer.

To search through the variety of categories, use the [table](#) below, which clusters different categories by general purpose.

<b>Nonimmigrant Categories</b>	
<b>Diplomats and Government Representatives, and their staffs</b>	
<a href="#">A</a>	Diplomatic Personnel
<a href="#">C2</a>	Representative in transit to or from the United Nations Headquarters District
<a href="#">C3</a>	Government Representatives in transit through the U.S.
<a href="#">G</a>	Other Government Representatives
<a href="#">NATO</a>	NATO personnel on assignment to the U.S.
<b>Tourists and Visitors on business</b>	
<a href="#">B</a>	Tourists and Visitors on Business
<a href="#">WB</a>	'B' nonimmigrants coming temporarily on business admitted under the Visa Waiver Program
<a href="#">WT</a>	'B' nonimmigrant tourists admitted under the Visa Waiver program
<b>Students and Exchange Visitors, and their dependents</b>	
<a href="#">F</a>	Academic Students
<a href="#">J</a>	Exchange Program Visitors
<a href="#">M</a>	Vocational Students
<b>Fiancé(e)s and certain relatives of U.S. citizens and Permanent Residents</b>	
<a href="#">K1/K2</a>	Fiancé(e)s of U.S. citizens and their dependent children (also see U.S. citizen services)
<a href="#">K3/K4</a>	Certain Husbands and Wives of U.S. citizens, and their dependent children
<a href="#">V</a>	Certain Relatives of a Permanent Resident (LIFE Act)
<b>Others</b>	
<a href="#">C1, TWOV</a>	Persons transiting the U.S.
<a href="#">S, U</a>	Certain Informants and victims of criminal activity in the U.S.
<a href="#">I</a>	Victims of Trafficking
<b>Nonimmigrant Workers and their dependents</b>	
<a href="#">D</a>	Crewmembers
<a href="#">E</a>	Treaty Traders and Treaty Investors based on a bilateral treaty, and dependents
<a href="#">H1B</a>	Temporary Workers in Specialty Occupations
<a href="#">H2A</a>	Temporary Agricultural Workers
<a href="#">H2B</a>	Temporary skilled and unskilled workers
<a href="#">H3</a>	Trainees
<a href="#">H4</a>	Dependents of H1-3 workers and trainees
<a href="#">I</a>	Representatives of Foreign Information Media
<a href="#">L</a>	Intra-Company Transferees
<a href="#">O</a>	Persons with Extraordinary Ability and their support personnel
<a href="#">P1</a>	Internationally recognized Athletes and Entertainers
<a href="#">P2</a>	Artists and Entertainers pursuant to Exchange Agreements
<a href="#">P3</a>	Culturally Unique Artists and Entertainers
<a href="#">P4</a>	Dependents of 'P' athletes, artists and entertainers
<a href="#">Q1</a>	International Cultural Exchange Visitors
<a href="#">R</a>	Religious Workers
<a href="#">TN1, TD</a>	Canadian professionals under NAFTA (North American Free Trade Agreement)
<a href="#">TN2, TD</a>	Mexican professionals under NAFTA (North American Free Trade Agreement)

<b>Chapter 4</b>	<b>General Nonimmigrant Information</b>
Unit 2	Information about the various nonimmigrant categories
A, C, G, NATO	Diplomats and Representatives, and their staffs and families

**OVERVIEW**  
 These nonimmigrant categories are for qualifying official foreign government representatives, and representatives of certain international organizations, to allow them to be in the U.S., or to travel through the U.S., as part of their diplomatic or other official duties.

Specific Nonimmigrant Categories in this group	
<b>A1</b>	Certain Diplomats and their immediate family
<b>A2</b>	Certain Diplomatic personnel and their immediate family
<b>A3</b>	Domestic Staff of an <b>A1</b> or <b>A2</b> , and the staff person's immediate family
<b>C2</b>	Representative in transit to or from the United Nations Headquarters District
<b>C3</b>	Government Representatives in transit through the U.S.
<b>G1</b>	Principal representative of certain international organization, accredited members of his or her staff, and his or her immediate family
<b>G2</b>	Other accredited representatives of certain international organizations, and their immediate family
<b>G3</b>	Persons who qualify under <b>G1</b> or <b>G2</b> except that the government is not recognized by the U.S. or is not a member of the international organization, and their immediate family
<b>G4</b>	Officers and employees of certain international organizations, and their family
<b>G5</b>	Domestic staff of a person or family member with status as a <b>G1-4</b> , and the staff person's immediate family
<b>NATO 1-6</b>	NATO personnel on assignment to the U.S. and their immediate family

**Frequently Asked Questions**

- [How can I get information about eligibility and the terms of these categories?](#)
- [How long can I stay?](#)
- [Can I change my nonimmigrant status to/from these categories?](#)
- [Can a family member attend school?](#)
- [Can a family member work?](#)
- [Can I or my family travel outside the U.S. and return to this status?](#)
- [Can my status in these categories ever be a basis to become a permanent resident?](#)

### How can I get more information about eligibility and the terms of these categories?

The U.S. Department of State administers programs for diplomats and representatives of foreign governments and international organizations, and provides defined services to individuals who hold one of these visas. For specific information about eligibility, we recommend you start with your government or international agency. **For more information, we suggest you contact the Department of State directly.**

- Please see their webpage about "[Visas for Diplomats and Foreign Government Officials](#)" on their website at [www.state.gov](http://www.state.gov).
- In the U.S. you can call the State Department at 202-485-7600.

The Department of Defense administers programs related to the NATO category.

For these categories, USCIS handles applications for an extension of stay or for a change of status to or from one of these categories, and applications for authorization to work in the general labor market after preliminary processing by the sponsoring government or organization and either the State Department or Department of Defense.

### How long can I stay?

**For information, we recommend you contact your government or organization, or the Department of State or the Department of Defense.** In general **A1, A2, G1, G2, G3 and G4** – Individuals are admitted for 'Duration of Status' (D/S) and can remain in the U.S. as long as the U.S. Secretary of State continues to recognize them as members of the diplomatic category. They do not need to apply to extend their stay.

- **A3 and G5** – Individuals are admitted for up to three years, and can obtain extensions in two-year increments.
  - Click on the following link for [General information about applying for an extension of stay](#)
- **C2** – Individuals are admitted for the duration of their mission at United Nations Headquarters. They do not need to apply to extend their stay. A **C2** cannot travel beyond the 25 miles radius of the United Nations district unless he or she applies for and first receives a change to another nonimmigrant status.
- **C3** – Individuals are admitted for a maximum of 29 days. This cannot be extended.
- **NATO** – Individuals are admitted for 'Duration of Status' (D/S) and can remain in the U.S. for the length of their NATO assignment in the U.S as coordinated with the U.S. Department of Defense. They do not need to apply to extend their stay.

**When dependents marry or turn 21** – They will no longer be eligible for dependent status in any of these government affairs categories that provide for dependents. They must apply to change to another status or depart the U.S.

### Can I change my nonimmigrant status to/from these categories?

**For information, we recommend you contact your government or organization, or the Department of State or Department of Defense.** In general,

- **C2, C3** – Individuals may not change status to or from these categories.
- For the rest of the categories in this group (A, G, NATO), if otherwise eligible, a person may change status to or from these categories. Use form I-539 to apply. Due to the nature of these categories, the application usually must be filed with a form I-566, which must be processed through the foreign government or organization and through the Department of State (Department of Defense in the case of NATO categories) before the application is filed.

[General information about applying for a change of status](#)

**Can a family member attend school?**

Yes, while in status they can attend school without changing to another nonimmigrant status.

**Can a family member work?**

**For information, we recommend you contact your government or organization, or the Department of State or Department of Defense.** In general

- **A1, A2, G1, G2, G3 and G4** – Dependents must request dependent employment authorization by filing a form I-566 with the Department of State. Once this is approved, they then file an I-765 application for an employment authorization document (EAD) with us. The EAD is what they need to show an employer that they are authorized to work.
- **A3, C2, C3 and G5** – Dependents cannot work in the general labor market.
- **NATO** – Dependents must request dependent employment authorization by filing a form I-566 with the Department of Defense. Once this is approved, they then file an I-765 application for an employment authorization document (EAD) with us. The EAD is what they need to present an employer to show they are authorized to work.

**Can I or my family travel outside the U.S. and return to this status?**

If you are complying with all the terms and conditions of your status, you can usually return provided you have a valid visa for this status and valid passport (if you are required to have a passport).

**However, if a person violates the terms and conditions of their status while here, it can affect their ability to return. For more information, contact your government or organization, or the Department of State.**

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**Can my status in these categories ever be a basis to become a permanent resident?****Were you ever a G4 nonimmigrant or born in the U.S. to parents who were diplomats?**

If you were ever a **G4**, in certain limited circumstances you may be eligible to become a permanent resident. If you were ever a **G4**, are you either -

- **the unmarried son or daughter of an officer or employee, or of a former officer or employee, of an international organization?**
  - If **Yes**, are you now under 25 years old?
  - If **Yes**, have you resided and been physically present in the U.S. for a total of at least 7 years between ages 5 and 21?
  - If **Yes**, have you also resided and been physically present for at least one-half of the past seven years?

If you answered **Yes** to all these questions, you may be eligible to apply to become a permanent resident.

- To apply file an I-360 and I-485 application. You must file them before you turn 25.
- **the surviving spouse** of a deceased officer or employee of such an international organization?
  - If **Yes**, did your husband or wife who was the officer or employee pass away within the past 6 months?
  - If **Yes**, have you, resided and been physically present in the U.S. for at least 15 years before your husband or wife who was the officer or employee passed away?
  - If **Yes**, have you resided and been physically present in the U.S. for at least one-half of the past seven years?

If you answered **Yes** to all these questions, you may be eligible to apply to become a permanent resident.

- To apply, file an I-360 and I-485 application. You must file them within 6 months after your husband or wife who was the officer or employee passed away.
- **a retired officer or employee of such an international organization?**
  - If **Yes**, have you resided and been physically present in the U.S. for at least 15 years before you retired from this international organization?
  - If **Yes**, have you resided and been physically present in the U.S. for at least one-half of the past seven years?

If you answered **Yes** to all these questions, you may be eligible to apply to become a permanent resident. In addition, your husband or wife may be eligible to apply at the same time.

- To apply, file an I-360 and I-485 application. You must file them within 6 months after your husband or wife, who was the officer or employee retired.

For more information, see the application forms in our forms catalog. [I-360](#) [I-485](#)

**If you were born in the U.S. to parents who at the time were diplomats**, then you were not a U.S. citizen at birth because your parents, and thus you, were not subject to the jurisdiction of the U.S. However, children of diplomats born in the U.S. are considered to be Lawful Permanent Residents unless they abandon their residency by returning to their home country with their parents.

**Note:** Barring any other basis for adjustment, A or G visa holders may adjust status if they have failed to maintain status and can demonstrate compelling reasons why they cannot return to their home country. The applicant must demonstrate that it is in the U.S. national interest and not contrary to national welfare, safety and security to grant LPR status.

**Chapter 4      General Nonimmigrant Information**

Unit 2                      Information about the various nonimmigrant categories

B, WB, WT                      Tourists and Visitors on Business

**OVERVIEW**

These nonimmigrant categories let qualifying businessmen visit the U.S. on business and let qualifying tourists visit the U.S. The **WB** and **WT** categories are alternate designations to identify **B1** and **B2** nonimmigrants admitted under the Visa Waiver Program. For all these categories, the individual must have very clear plans to return abroad.

**Tourists and Visitors on business**

<b>B1</b>	Visitors on Business
<b>B2</b>	Tourists
<b>WB</b>	Visitors on business coming temporarily on business admitted under the Visa Waiver Program
<b>WT</b>	Tourists admitted under the Visa Waiver program

**Frequently Asked Questions**

- [In general, what are the requirements of these categories?](#)
- [Do I need a visa to come to the U.S. as a tourist or to attend business meetings?](#)
- [Where can I get more information about what I will need when I apply for a visa?](#)
- [Can I get a B2 visa so I can get medical treatment in the U.S.?](#)
- [Can I get a B2 visa to explore going to school in the U.S.?](#)
- [As a B1 or B2, can I attend school? Can I work?](#)
- [How long can I stay? Can I extend my stay?](#)
- [Can I change my nonimmigrant status to/from these categories?](#)
- [As a B1, do I need to change to a B2 if I want to visit after completing my business? As a B2, do I need to change to a B1 if plans change and I need to attend business meetings?](#)
- [Can I or my family travel outside the U.S. and return to this status?](#)
- [Can my status in these categories ever be a basis to become a permanent resident?](#)
- [What is the Visa Waiver Program?](#)

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[Nonimmigrant Categories](#)[General Nonimmigrant Information](#)[Nonimmigrant Services](#)



**In general, what are the requirements of these categories?**

**Tourists** – **B2** status, and the **WT** equivalent for the Visa Waiver Program, are designed for tourists temporarily coming to visit the U.S. on vacation, to visit relatives or for other similar reasons. The person must intend to return abroad when the visit is complete, and he or she must have definite plans to return to a residence abroad. The person is authorized to remain for a specified period, and may not work in the U.S.

**Visitors for business** – **B1** status and the **WB** equivalent for the Visa Waiver Program are designed for persons to be able to come to the U.S. on business, such as various business meetings. The person is authorized to remain for a specified period, and may not work in the U.S..

**Do I need a visa to come to the U.S. as a tourist or to attend business meetings?**

Normally, yes. There are two exceptions –

- If you are a citizen or national of Mexico, Canada or Bermuda, you are not required to have a visa to enter the U.S. as a **B1** or **B2** nonimmigrant.
- Under the Visa Waiver Program, citizens and nationals of certain countries are not required to have a visa to enter the U.S. as a **B1** or **B2** nonimmigrant.

For other information about visa and passport requirements, we suggest you either –

- check the Department of State's webpage <http://usvisas.state.gov> or
- contact the consulate directly.

**Where can I get more information about what I will need when I apply for a visa?**

When a visa is required, apply at the U.S. consulate or embassy abroad. The consular officer may require that an applicant for a **B1** or **B2** visa present various kinds of evidence to prove they are eligible for a visa. For more information, we recommend you contact the consulate or the Department of State. You can –

- check the Department of State's webpage <http://usvisas.state.gov> or
- contact the consulate directly, or, if you are in the U.S., contact the Department of State in Washington, DC at 202-485-7600.

**Can I get a B2 visa so I can get medical treatment in the U.S.?**

In limited circumstances you may be able to get a **B2** visa to get medical treatment that isn't available to you in your home country. For more information, we suggest you check the Department of State's website at [www.state.gov](http://www.state.gov) or contact the consulate directly.

**Can I get a B2 visa to explore going to school in the U.S.?**

Yes, if you otherwise qualify as a student, apply for a **B2** visa explaining that you are a prospective student. When the visa is issued, it will carry a 'prospective student' note. If after you come to the U.S. you find an authorized school and are accepted for admission, you can use Form I-539 to apply for a change of status. That application must be approved before you can start school.

[More information about eligibility and the process to become a student](#)

**As a B1 or B2, or WT or WB can I attend school? Can I work?**

- **Attending school** - Generally you cannot attend school in these nonimmigrant categories. As part of your stay, you may be able to take a specific short seminar or similar program, but that must be a supplemental reason for your visit and stay, not the primary reason. You will not be able to get an extension of stay to continue these kinds of programs, or to engage in educational activities. If you're a nonimmigrant visitor interested in going to school in the U.S., we suggest you first contact the school. The school's foreign student advisor or staff should be able to help you.
- **Working** - Employment in the U.S. is not authorized to **B1, B2, WT, or WB** nonimmigrants. However, a **B1** nonimmigrant may conduct certain kinds of business, such as attending meetings, on behalf of his or her foreign employer. However, he or she may not work with or receive remuneration (pay) from a U.S. employer. Any pay that he or she receives while in the U.S. must come directly from the foreign employer. There are very narrow rules that allow certain activities in the U.S. that otherwise are considered employment. If you intend to engage in anything other than general business meetings, make sure you inform the consular officer when you apply for a visa, as well as the U.S. government representative when you apply to enter the U.S.

**How long can I stay? Can I extend my stay?**

Persons admitted in these categories are normally admitted for no more than 6 months. Your stamped passport or I-94 (not your visa) indicates how long you can stay. You can obtain a copy of your I-94 from [www.cbp.gov/I94](http://www.cbp.gov/I94).

**If you were admitted under the Visa Waiver Program (WB or WT)**, your stay cannot be extended. Otherwise, if you were admitted as a **B1** or **B2**, you can use [Form I-539](#) to apply for an extension of stay. However, given the limited purpose of status, you will have to clearly demonstrate that the extension of stay is consistent with the terms and conditions of your status, and that you have definite plans to leave the U.S..

- [More information about eligibility for an extension of stay](#)

**Can I change my nonimmigrant status to/from these categories?**

A person admitted under the Visa Waiver Program (**WB** or **WT**) cannot be granted a change of status. A person admitted as a **B1** or **B2** can use [Form I-539](#) to apply for an extension of stay to another category that is available for change of status.

- [Information about the various other nonimmigrant categories](#)
- [More information about eligibility for a change of status](#)

**As a B1, do I need to change to a B2 if I want to visit after completing my business? As a B2, do I need to change to a B1 if plans change and I need to attend business meetings?**

Generally, no, so long as you are simply visiting the U.S. as a tourist or attending business meetings. However, remember not to stay longer than your authorized stay.

**Can I or my family travel outside the U.S. and return to this status?**

If you have complied with all the terms and conditions of your status, you can usually return provided you have a valid visa for this status (if you are required to have a visa) and valid passport (if you are required to have a passport).

**However, if a person has violated the terms and conditions of their status, it can affect whether they can return.**

**Can my status in these categories ever be a basis to become a permanent resident?**

No. In fact, to be eligible under these categories you must have definite plans to depart the U.S. and return to your residence abroad.

**What is the Visa Waiver Program?**

The Visa Waiver Program lets eligible citizens from certain countries travel to the U.S. for tourism or on business for a period of up to 90 days without first obtaining a U.S. visa. To be eligible, you must be a citizen of a participating country, your passport must meet certain standards, and you must be coming to the U.S. for 90 days or less solely as a temporary visitor – either for business (B1) or as a tourist (B2). There are additional requirements.

For information about participating countries, standards and requirements, we recommend you contact your airline, the Department of State which handles visa issuance, or U.S. Customs and Border Protection, the agency that manages the inspection, admission and exit of people from the U.S.

- For the State Department, you can directly check the [U.S. Department of State's website](#) or contact the nearest U.S. consulate.
- For CBP, you can directly check their website at [www.cbp.gov](http://www.cbp.gov) or call them at 1-877-CBP-5511 (1-877-227-5511) Monday through Friday between 8:30 AM and 5:00 PM, Eastern Time.

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## Chapter 4 General Nonimmigrant Information

Unit 2 Information about the various nonimmigrant categories

F Academic Students

### OVERVIEW

The **F** nonimmigrant category allows qualifying academic students to study in the U.S. in approved academic institutions. To obtain student status, a person must show that he or she 1) has been accepted by an approved academic school in the U.S., 2) has the financial resources to complete the planned course of study without working in the U.S., and 3) plans to return abroad when he or she completes the program.

Husbands, wives and unmarried children under 21 of **F** nonimmigrant students can be granted **F2** dependent status to accompany the student.

Academic students and their dependents	
<b>F1</b>	Academic Students
<b>F2</b>	Husbands, wives and unmarried children under 21 of an <b>F1</b> nonimmigrant
<b>F3</b>	Canadian and Mexican Academic Students who commute across the U.S. land border to school

### Frequently Asked Questions

- [In general, what are the requirements of these categories? What is the difference between F1 and F3? How can I get more information?](#)
- [I am interested in going to school in the U.S. What is the general process?](#)
- [Can an F nonimmigrant student attend a public school?](#)
- [What is the student fee?](#)
- [Are there other ways I can come to the U.S. as a student?](#)
- [Where can I get more information about what I will need to apply for a visa?](#)
- [As an F1, how long can I stay? Can I extend my stay, work, participate in practical training, or change schools?](#)
- [As an F1, can I extend my post-completion optional practical training \(OPT\) and how do I apply for the extension?](#)
- [As an F1, can my family come with me? Can they work, or go to school?](#)
- [As an F3, how long can I stay? Can I extend my stay, work or change schools?](#)
- [As an F3, can my family come with me? Can they work, or go to school?](#)
- [Can I and/or my dependent change to/from an F category?](#)
- [How can I get a replacement for my I-20 or I-94?](#)
- [When I was admitted as an F, I was only given 30 days. What should I do?](#)
- [Can I and/or my family travel outside the U.S. and return to this status?](#)
- [Can my status in these categories ever be a basis for permanent residence?](#)
- [How does a school get approval to admit foreign students?](#)
- [What happens if my school's approval to admit foreign students is withdrawn and there isn't a school representative or designated school official who can answer my questions? Where can I go for information and guidance?](#)
- [I am a Haitian F-1 student. What are the suspended requirements for obtaining employment authorization due to the earthquake in Haiti?](#)
- [I am a Syrian F-1 student. What are the suspended requirements for obtaining employment authorization due to the civil unrest in Syria?](#)
- [I am a Nepali F-1 student. What are the suspended requirements for obtaining employment authorization due to the earthquake in Nepal?](#)

**In general, what are the requirements of these categories? What is the difference between F1 and F3? How can I get more information?**

The **F1** and **F3** nonimmigrant categories allow qualifying academic students to study in the U.S. at approved academic institutions. To obtain this status, a person must show that he or she –

- has been accepted by an approved academic school in the U.S,
- has the financial resources to complete the planned course of study without working in the U.S., and
- plans to return abroad when s/he completes the program.

**F1 is the primary category for academic students.** It is restricted to full-time students. To maintain status the student must be a full-time student in an approved school, and be making satisfactory progress towards a specific degree or academic objective.

**F3 is an alternate category for Mexican and Canadian commuter students,** who live in Mexico or Canada and commute to study at a school within 75 miles of the U.S. land border.

- Since an **F3** commutes to school, he or she may keep student status if taking a reduced course load and if the school allows it and considers the student to be making satisfactory progress towards a specific degree or academic objective.

**For more information, we recommend you directly contact the school you would like to attend.** If an approved school, he or she can assist you with the process. Approved schools are required to have a designated school official (DSO) responsible for ensuring that the school complies with all requirements related to foreign students, and for assisting students. If the school has questions, it will contact us or the appropriate other agency.

**I am interested in going to school in the U.S. What is the general process?**

There is basically a 5-step process –

1. Your first step should be to contact the school you are interested in attending.
  - Prospective students can review a list of approved schools at [www.ice.gov](http://www.ice.gov).
2. If an approved school accepts you, they will issue you a form I-20.
3. Once you receive the I-20, you must pay a student fee to the U.S. Government. Use form I-901.
  - For more information about this fee, see the I-901 or [Further information about the student fee](#).
4. If you are outside the U.S. with your I-20, you can apply for a visa; if you are already in the U.S., you may be eligible to [change status](#) to become a nonimmigrant student.
  - When you apply for a visa or change of status, you will have to prove that –
    - you have sufficient assets and income to pay for school and all related costs for the entire course of study without working in the U.S, and
    - you have a residence outside the U.S. that you intend to return to when you finish school.
5. After you are admitted to the U.S., –
  - For proof of your status while you are here, you can access your I-94 arrival-departure record at [www.cbp.gov/I94](http://www.cbp.gov/I94).

### Can an F nonimmigrant student attend public school?

- **College - F** status can be granted to attend public colleges and junior colleges.
- **High school** (grades 9-12) - F status can be granted to attend public high school in the U.S. if, as part of the visa application, the student submits evidence from the school district that it has been reimbursed in advance for the full, unsubsidized per capita cost of the education. However, a student cannot receive status to attend U.S. public high schools for a total of more than 12 months.
- **Other – F** status cannot be granted to attend public elementary schools or publicly funded adult education programs.

### What is the student fee?

This fee covers certain costs for administering and enforcing the laws with respect to foreign students in the U.S. **For more information, we recommend you contact the school you are interested in attending.** For general information about the fee, you can also see Form [I-901](#).

- If you have submitted your fee and want [information about how long it should take to get a receipt](#).
- If you have submitted your fee and have [refund questions](#).

### Are there other ways I can come to the U.S. as a student?

Yes. Several other nonimmigrant categories also relate to various kinds of students –

- The **M** category is for vocational students.
- The **J** category is for exchange visitors, commonly used for formal high school exchange programs.

### Where can I get more information about what I will need to apply for a visa?

**First, we recommend you start with the approved school that has accepted you for admission.** Beyond that, we suggest you either check the Department of State's website at [www.state.gov](http://www.state.gov) or contact the consulate directly.

### As an F1, can I extend my post-completion optional practical training (OPT) and how do I apply for the extension?

An F-1 student may apply for a 17-month extension of his or her post-completion OPT if:

- The student's bachelor's, master's, or doctorate degree was in a science, technology, engineering, or mathematics (STEM) field of study that is listed on the STEM-Designated Degree Program List that can be viewed at the U.S. Immigration and Customs Enforcement (ICE) – Student and Exchange Visitor Program (SEVP) website at [www.ice.gov/sevis](http://www.ice.gov/sevis); and
- The student's employer is registered with the USCIS E-Verify program.

To apply for the 17-month extension:

- A student must apply up to 90 days before his or her current post-completion OPT expires. The student may not apply once his or her 60-day grace period has started.
- The student must file Form I-765 with USCIS, including an updated Form I-20 containing the DSO's favorable recommendation, a copy of the student's official STEM degree transcripts, evidence of the employer's registration with E-Verify, and the required application fee.
- If the student's post-completion OPT expires while the STEM extension application is pending, the student will receive an automatic extension of employment authorization after their current employment authorization expires, but for no more than 180 days.

### As an F1, how long can I stay? Can I extend my stay, work or change schools?

For specific information, we recommend you contact your approved school. In general-

- **Status –**
  - **Length of stay – F1** students are admitted for duration of status (D/S). This means you can stay so long as you are enrolled as a full-time student in an educational program at an approved school, are making normal progress toward completing your course of study, and are complying with all the terms of your status. At the end of your studies or any approved practical training, you will have 60 days to prepare to leave the country.
  - **Extending your stay –** You do not need to apply to extend your stay so long as you are maintaining your status and are within the period the school projected it would take you to complete the program. Your school is required to track progress towards your degree. If your school determines that there are compelling academic or medical reasons for you to take longer to complete the program, an extension may be granted by the Designated School Official.
  - **Working – We recommend you talk to the designated school official (DSO) at your school about your options.** In general, except for reasons of unforeseen economic hardship, you cannot apply for employment authorization until you have been a student in good standing for at least one full academic year. Even then, the reasons for which you may apply are very limited.
    - **Practical training –** if practical training is not readily available in your home country, your school can recommend up to 12 months practical training as you complete your program, or after you complete it. Under limited circumstances, students in a Science, Technology, Engineering, or Mathematics (STEM) field of study can extend their post-completion optional practical training (OPT). A new provision also allows students participating in post-completion OPT, who are the beneficiaries of an H-1B petition, to have their F-1 status extended. For more information about practical training, please contact your school representative or designated school official (DSO).
    - **Other employment –** The approved school you attend is authorized in limited circumstances to allow you to work on or off campus after you complete your first year of study. For more information, please contact your DSO.
- **Changing schools –** If you are in good academic standing and are complying with the terms of your status, it is possible to transfer to another school. For more information, contact the approved school to which you wish to transfer.

### As an F1, can my family come with me? Can they work, or go to school?

An F1 student's husband or wife and unmarried children under 21 can come with the student to the U.S. in F2 status to stay with the student while he or she studies in the U.S. **For specific information we recommend you contact your school.** In general -

- **Status - An F2 is granted duration of status (D/S), just like the F1. An F2 is considered to be maintaining status as long as the F2 is the F1's husband/wife or unmarried child under 21, meeting the terms of their own status, and the F1 is maintaining his or her status.**
- **Extending stay -** Since F2 status depends on the status of the F1, as long as the F1 maintains his or her status the F2 does not have to extend his or her status.
- **Working -** An F2 cannot work in the U.S. The F2 category is solely to let a student's immediate family stay with them while they study in the U.S.
- **Going to school –**
  - The husband or wife of an F1 cannot study in the U.S. as an F2. However, if he or she qualifies for F1 status, he or she can apply to change status to F1 in order to attend school.
  - While in status an F2 child can attend elementary or secondary school (kindergarten through twelfth grade) without changing to another status.

### As an F3, how long can I stay? Can I extend my stay, work or change schools?

Since this is a special status for commuter students who cross the land border to attend school within 75 miles of the border, some requirements are slightly different than for F1 status. **For specific information, we recommend you contact your approved school.** In general -

- **Status** - When admitted with your I-20, you will be given a multiple entry I-94 showing your status, valid through the end of the current semester. Since F3's are commuter students, your status expires the day the semester ends. This means the school must issue a new I-20 each semester. F3 students cannot receive an extension of stay, but can reenter with their new I-20.
- **Working –**
  - **Practical training** - If you meet all requirements for F1 status except that you are commuting to school, the approved school you attend can recommend practical training as you complete your program, or after you complete it, if practical training is not readily available in your home country.
  - **Other employment** - Unlike an F1 student, the school cannot authorize other employment.
- **Changing schools** – If you are in good academic standing and are complying with the terms of your status, it is possible to transfer to another school. For more information, contact the approved school to which you wish to transfer.

### As an F3, can my family come with me? Can they work or go to school?

In short, no. Under the Border Commuter Student Act of 2002, Public law 107-274, the family members of border commuter students are not entitled to any derivative status.

### Can I and/or my dependent change to/from an F category?

Unless you are currently in a nonimmigrant category that does not allow a change of status, you can apply to change to F nonimmigrant status. However, you cannot start school until your application for a change of status is approved.

An F nonimmigrant can apply to change to another nonimmigrant status.

- [Information about the various other nonimmigrant categories](#)
- [More information about eligibility for a change of status](#)

### How can I get a replacement for my I-20 or I-94?

We recommend you contact your school for information. They can issue a replacement I-20. If you have misplaced your Form I-94, you will need to file a Form I-102 with USCIS to replace the Form I-94. The [Form I-102](#) is available on our website at [www.uscis.gov](http://www.uscis.gov). However, if you entered the U.S. after the I-94 was automated (April 30, 2013), the I-94 record can be accessed at [www.cbp.gov/I94](http://www.cbp.gov/I94).



**When I was admitted as an F, I was only given 30 days. What should I do?**

Follow the instructions you were given and contact the designated school official at your approved school immediately. Your status was limited because you did not have all the required documentation.

Before your stay expires, you and the approved school must follow the specified procedures and submit required documents to U.S. Customs and Border Protection, the agency that manages admissions to the U.S. If they find that the documents meet requirements, they will then issue evidence of your student status. For more information, we recommend their website at [www.cbp.gov](http://www.cbp.gov).

**Can I and/or my family travel outside the U.S. and return to this status?**

**For specific information, we recommend you contact your school.** In general -

- **F1** – If you have complied with all the terms and conditions of your status, you can usually return to continue your studies as described in the I-20 (with your I-20 ID and a valid visa for this status) and a valid passport, if required to have a passport.
- **F2 dependents of an F1** - If you have complied with all the terms and conditions of your status, and they have as well, they can use a copy of your I-20 ID, a valid visa--if a visa is required, and a valid passport--if one is required, to return to the U.S. to rejoin you within the program period shown on the I-20.
- **F3** – An **F3** is given a multiple entry I-94. If you have complied with all the terms and conditions of your status, you can usually return to continue your studies as described in the I-20 with your I-20 ID and your multiple entry I-94 during the validity period of the I-94.

**However, if any person has violated the terms and conditions of their status, it can affect whether they can return. For more information, contact your approved school.**

**Can my status in these categories ever be a basis for permanent residence?**

No. In fact, to be eligible under these categories, you must plan to depart the U.S. and return to your residence abroad when you complete your studies.

**How does a school get approval to admit foreign students?**

There is a formal application process, and a series of requirements that focus on the school's credentials and requirements for administering the program if the school is approved to enroll foreign students. The application is Form I-17. A school with questions about the requirements or application process should check with U.S. Immigration and Customs Enforcement, which manages the process of approving schools to accept foreign students. For information, we recommend the school check their website at [www.ice.gov](http://www.ice.gov).

**What happens if my school's approval to admit foreign students is withdrawn and there isn't a school representative or designated school official who can answer my questions? Where can I go for information and guidance?**

If you currently reside in the U.S., you should contact U.S. Immigration and Customs Enforcement at (703) 603-3400.

**I am a Haitian F-1 student. What are the suspended requirements for obtaining employment authorization due to the earthquake in Haiti?**

The Department of Homeland Security has suspended certain requirements pertaining to Haitian F-1 students who are experiencing severe economic hardship due to the earthquake in Haiti on January 12, 2010, allowing these students to obtain employment authorization, work an increased number of hours while in school, and reduce their course load while maintaining their F-1 student status. For more information, Haitian F-1 students should consult with their Designated School Official or School Representative.

**I am a Syrian F-1 student. What are the suspended requirements for obtaining employment authorization due to the civil unrest in Syria?**

The Department of Homeland Security has suspended certain requirements pertaining to Syrian F-1 students who are experiencing severe economic hardship due to the civil unrest in Syria since March 1, 2011, allowing these students to obtain employment authorization, work an increased number of hours while in school, and reduce their course load while maintaining their F-1 student status. This temporary suspension will remain in effect until September 30, 2016. For more information, Syrian F-1 students should consult with their Designated School Official or School Representative.

**I am a Nepali F-1 student. What are the suspended requirements for obtaining employment authorization due to the earthquake in Nepal?**

The Department of Homeland Security has suspended certain requirements pertaining to Nepali F-1 students who are experiencing severe economic hardship due to the earthquake in Nepal on April 25, 2015, allowing these students to obtain employment authorization, work an increased number of hours while in school, and reduce their course load while maintaining their F-1 student status. This temporary suspension will remain in effect until December 24, 2016. For more information, Nepali F-1 students should consult with their Designated School Official or School Representative.

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**In general, what are the requirements for these categories? How can I get more information?**

To obtain **J1** status a person must show that he or she –

- has been accepted by an approved Exchange Visitor Program,
- has the financial resources to complete the planned program, and/or income through participating in the program, without working in the U.S. outside of the exchange program, and
- plans to return abroad when he or she completes the program.

**For more information, we recommend you directly contact an approved Exchange Visitor Program.** The overall exchange visitor program is administered by the Department of State. If you have general questions about programs, or about how you may be able to participate, we recommend you check the Department of State website for information at <http://j1visa.state.gov> or contact the nearest U.S. consulate or embassy abroad. If you are already in the U.S., call the Department of State at 202-485-7600.

**I am interested in participating in an exchange visitor program. What is the general process?**

There is basically a 5-step process –

1. Your first step is to contact that program. Many **J1** nonimmigrants are subject to a 2 year foreign residence requirement when their program ends. As part of your review, find out from the program whether you will be subject to this requirement.
  - You can review a list of programs at the Department of State's website at [www.state.gov](http://www.state.gov).
2. If an approved exchange program accepts you, they will issue a form DS-2019 to you.
3. Once you receive the DS-2019, in many situations you will have to pay a registration fee. Your program coordinator can tell you whether you must pay this fee, and the amount.
  - For more information about this fee, see form I-901 or [further information about the student fee](#).
4. If you are outside the U.S. with your DS-2019, you can apply for a visa. If you are already in the U.S., you may be eligible to change status to become an exchange visitor.
  - When you apply for a visa or change of status, you will have to prove that you have sufficient assets and income to pay expenses that exceed any income you receive from the exchange program. You will also have to show that you have a residence outside the U.S. that you intend to return to when you complete the program.
5. After you are admitted to the U.S., -
  - For proof of your status while you are here, you can access your I-94 arrival-departure record at [www.cbp.gov/I94](http://www.cbp.gov/I94).

**Are exchange programs just for students?**

No. Depending on the program, the person may be a student, scholar, trainee, teacher, professor, research assistant, specialist or leader in a field of specialized knowledge or skill. **For more information, we recommend you contact the exchange program in which you are interested in participating**, or check with the Department of State about available exchange visitor programs.

### What is the 2-year foreign residence requirement? How can I tell if it would apply to me?

Many **J1** nonimmigrants are subject to a 2-year foreign residence requirement when their program ends. This usually applies if the program is government financed or involves receiving graduate medical training. Find out from your program whether you will be subject to this requirement. **For more information, we recommend you contact the exchange program in which you are interested in participating**, or check with the Department of State about available exchange visitor programs.

### What is the registration fee?

The fee covers certain costs for administering and enforcing the laws with respect to foreign students and certain exchange visitors in the U.S. Not all exchange visitors have to pay this fee, and the fee is not the same for all categories of exchange visitors. **For more information, we recommend you contact the exchange program in which you are interested in participating.** For general information about the fee, you can also see Form [I-901](#).

- If you have submitted your fee and want [information about how long it should take to get a receipt](#).

### Where can I get more information about what I will need to apply for a visa?

First, we recommend you start with the approved exchange program that has accepted you. Beyond that, we suggest you either check the Department of State's website for information at [www.state.gov](http://www.state.gov) or contact the nearest U.S. consulate or embassy abroad.

### As a J1, how long can I stay? Can I extend my stay, work, or change programs?

**For specific information, we recommend you contact your exchange program.** In general-

- **Status** –
  - **Length of stay** – **J1**'s are admitted for duration of status (D/S). This means you can stay so long as you are participating in the exchange program as described in your DS-2019, and are complying with all the terms of your status.
  - **Extending your stay** – You do not need to apply to extend your stay so long as you are maintaining your status and are within the program length shown on your DS-2019.
- **Working** – **J1** students cannot work. Other **J1**'s can only work as described in the exchange program.
- **Changing programs** – If you are complying with all the conditions of your status, it is possible to transfer to another program. For more information, contact the program to which you wish to transfer.

**As a J1, can my family come with me? Can they work, or go to school?**

A J1's husband or wife and unmarried children under 21 can come with **J1** in **J2** status. **For specific information, we recommend you contact your exchange program.** In general -

- **Status** - A **J2** is granted duration of status (D/S), just like the **J1**. A **J2** is considered to maintaining status as long as the **J2** is the **J1**'s husband/wife or unmarried child under 21 is meeting the terms of their own status, and the **J1** is maintaining his or her status.
- **Extending stay** – Since **J2** status depends on the status of the **J1**, as long as the **J1** maintains his or her status, the **J2** does not have to extend his or her status.
- **Working** – A **J2** may be given permission to work in the U.S. However, he or she cannot use the money to support the **J1**. To apply for employment authorization, the **J2** should use [Form I-765](#).
- **Going to school** –
  - The husband or wife of a **J1** cannot study in the U.S. as a **J2**. However, if he or she qualifies for **J1** or **F1** status, he or she can apply to change status in order to go to school.
  - While in status, a **J2** child can attend school without changing to another nonimmigrant status.

**Can I and/or my dependent change to/from J nonimmigrant status?**

Unless you are currently in a nonimmigrant category that does not allow a change of status, you can apply to change to **J** nonimmigrant status. However, you cannot start a program until your application for a change of status is approved.

A **J** can apply to change to another nonimmigrant status unless subject to the 2 year foreign residence requirement.

- [Information about the various other nonimmigrant categories](#)
- [More information about eligibility for a change of status](#)

**How can I get a replacement for my DS-2019 or I-94?**

**We recommend you contact your exchange program for information.** They can issue a replacement DS-2019. If you have misplaced your Form I-94, you will need to file a Form I-102 with USCIS to replace the Form I-94. The [Form I-102](#) is available on our website at [www.uscis.gov](http://www.uscis.gov). However, if you entered the U.S. after the I-94 was automated (April 30, 2013), the I-94 record can be accessed at [www.cbp.gov/I94](http://www.cbp.gov/I94).

**Back to:** [Exchange Program Visitors](#) [Nonimmigrant Categories](#) [General Nonimmigrant Information](#) [Nonimmigrant Services](#)

**When I was admitted as a J nonimmigrant, I was only given 30 days. What should I do?**

Follow the instructions you were given and contact your exchange program immediately. Your status was limited because you did not have all the required documentation.

Before your stay expires, you and the program must follow the specified procedures and submit required documents to U.S. Immigration and Customs Enforcement, the agency that manages students and exchange visitor programs in the U.S. If they find the documents meet requirements, they will then issue evidence of your student status. For more information, we recommend their website at [www.ice.gov](http://www.ice.gov).

**Can I and/or my family travel outside the U.S. and return to this status?**

**For specific information, we recommend you contact your program.** In general -

- **J1** – If you have complied with all the terms and conditions of your status, you can usually return to continue your program with your DS-2019 and a valid visa for this status and valid passport, if a passport is required.
- **J2** - If you have complied with all the terms and conditions of your status, and they have as well, they can use a copy of your DS-2019, a valid visa (if a visa is required), and a valid passport (if one is required) to return to the U.S. to rejoin you within the program period shown on the DS-2019.

**However, if any person has violated the terms and conditions of their status, it can affect whether they can return. For more information, contact your program.**

**Can my status in these categories ever be a basis to become a permanent resident?**

No. In fact, to be eligible under these categories, you must plan to depart the U.S. and return to your residence abroad when you complete your studies. **J** nonimmigrants are, in fact, subject to a 2-year foreign residence requirement after participating in certain exchange programs.

**How does a program become an approved exchange visitor program?**

**For more information, we recommend you directly contact an approved Exchange Visitor Program.** The overall exchange visitor program is administered by the Department of State. We recommend you check the Department of State's website for information at [www.state.gov](http://www.state.gov).

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**Chapter 4                      General Nonimmigrant Information**

Unit 2                      Information about the various nonimmigrant categories

M                              Vocational Students

**OVERVIEW**

The **M** nonimmigrant category allows qualifying vocational students to study in the U.S. in approved vocational schools. To obtain student status a person must show that he or she –

- has been accepted by an approved academic school in the U.S,
- has the financial resources to complete the planned course of study without working in the U.S., and
- plans to return abroad when he or she completes the program.

Husbands, wives and unmarried children under 21 of **M** nonimmigrant students can be granted **M2** dependent status to accompany the student.

<b>Vocational students and their dependents</b>	
<b>M1</b>	Vocational Students
<b>M2</b>	Husbands, wives and unmarried children under 21 of an <b>M1</b> nonimmigrant
<b>M3</b>	Canadian and Mexican Vocational Students who commute across the U.S. land border to school

**Frequently Asked Questions**

- [In general, what are the requirements of these categories? What is the difference between M1 and M3? How can I get more information?](#)
- [I am interested in going to school in the U.S. What is the general process?](#)
- [What is the Student Fee?](#)
- [Are there other ways I can come to the U.S. as a student?](#)
- [Where can I get more information about what I will need to apply for a visa?](#)
- [As an M1, how long can I stay? Can I extend my stay, work or change schools?](#)
- [As an M1, can my family come with me? Can they work, or go to school?](#)
- [As an M3, how long can I stay? Can I extend my stay, work, or change schools?](#)
- [As an M3, can my family come with me? Can they work, or go to school?](#)
- [Can I and/or my dependent change to/from an M category?](#)
- [How can I get a replacement for my I-20 or I-94?](#)
- [When I was admitted as an M, I was only given 30 days. What should I do?](#)
- [Can I or my family travel outside the U.S. and return to this status?](#)
- [Can my status in these programs ever be a basis to become a permanent resident?](#)
- [How does a school get approval to admit foreign students?](#)



**In general, what are the requirements of these categories? What is the difference between M1 and M3? How can I get more information?**

The **M1** and **M3** nonimmigrant categories allow qualifying academic students to study in the U.S. at approved vocational institutions. To obtain this status a person must show that he or she –

- has been accepted by an approved vocational school in the U.S.,
- has the financial resources to complete the planned course of study without working in the U.S., and
- plans to return abroad when he or she completes the program.

**M1 is the primary category for vocational students.** It is restricted to full-time students. To maintain status the student must be a full-time student in an approved school, and be making satisfactory progress towards a specific degree or academic objective.

**M3 is an alternate category for Mexican and Canadian commuter students** who live in Mexico or Canada and commute to study at a school within 75 miles of the U.S. land border.

- Since an **M3** commutes to school, he or she may retain student status taking a reduced course load and if the school allows it and considers the student to be making satisfactory progress towards a specific degree or academic objective.

**For more information, we recommend you directly contact the school you would like to attend.** If it is an approved school, it can assist you with the process. Approved schools are required to have a designated school official responsible for ensuring that the school complies with all requirements related to foreign students, and for assisting students. The school will contact us or another appropriate agency for information.

**I am interested in going to school in the U.S. What is the general process?**

There is basically a 5-step process –

1. The first step is to contact the school you are interested in attending.
  - Prospective students can review a list of approved schools at [www.ice.gov](http://www.ice.gov).
2. If an approved school accepts you, they will issue you a form I-20.
3. Once you receive the I-20, you must pay a student fee to the U.S. Government. Use form I-901.
  - For more information about this fee, see the I-901 or [further information about the student fee](#).
4. If you are outside the U.S. with your I-20, you can apply for a visa; if you are already in the U.S., you may be eligible to change status to become a nonimmigrant student.
  - When you apply for a visa or change of status, you will have to prove that –
    - you have sufficient assets and income to pay for school and all related costs for the entire course of study without working in the U.S. and
    - you have a residence outside the U.S. that you intend to return to when you finish school.
5. After you are admitted to the U.S., –
  - For proof of your status while you are here, you can access your I-94 arrival-departure record at [www.cbp.gov/I94](http://www.cbp.gov/I94).

### What is the student fee?

This fee covers certain costs for administering and enforcing the laws with respect to foreign students in the United States. **For more information, we recommend you contact the school you are interested in attending.** For general information about the fee, you can also see form [I-901](#) at [www.ice.gov](http://www.ice.gov).

- If you have submitted your fee and want [information about how long it should take to get a receipt](#).
- If you have submitted your fee and have [refund questions](#).

### Are there other ways I can come to the U.S. as a student?

Yes. Several other nonimmigrant categories also relate to various kinds of students –

- The **F** nonimmigrant category is for academic students.
- The **J** category is for exchange visitors, commonly used for formal high school exchange programs.

### Where can I get more information about what I will need to apply for a visa?

**First, we recommend you start with the approved school that has accepted you for admission.** Beyond that, we suggest you check the Department of State's website at [www.state.gov](http://www.state.gov) or contact the consulate directly.

### As an M1 student, how long can I stay? Can I extend my stay, work, or change schools?

**For specific information, we recommend you contact your approved school.** In general-

- **Status** –
  - **Length of stay - M1** students are admitted for the length of the vocational program as shown on the I-20, with a maximum of one year. In addition their stay includes an additional 30 days after the I-20 timeframe for the student to leave the U.S.
  - **Extending your stay** – If your vocational program will extend beyond the date indicated on your I-20 and I-94, you can apply to extend your stay. Use form I-539. For information and assistance, we recommend you contact your school.
- **Working** –
  - **Practical training** – If practical training is not readily available in your home country, your school can recommend practical training after you complete your vocational studies. Practical training is limited to one month for each 4 months of the vocational program, with a maximum of 6 months. To apply to for practical training, use form I-765. To extend your stay for this period, also file form I-539. We recommend you talk to the designated school official (DSO) at your school about this practical training option.
  - **Other employment** - Other than authorized practical training after you complete your vocational studies, an **M1** student cannot work in the U.S.
- **Changing schools** – If you are in good academic standing and are complying with the terms of your status, it is possible to transfer to another school within the first 6 months after you were admitted as a vocational student. However, the educational objective must be the same. For more information, contact the approved school to which you wish to transfer.

**As an M1 student, can my family come with me? Can they work, or go to school?**

An **M1** student's husband or wife and unmarried children under 21 can come with the student to the U.S. in **M2** status to stay with the student while he or she studies in the U.S. **For specific information, we recommend you contact your school.** In general -

- **Status** - An **M2** is admitted for the same period as the **M1**. An **M2** is considered to be maintaining status as long as the **M2** is the **M1**'s husband/wife or unmarried child under 21, is meeting the terms of their own status, and the **M1** is maintaining their status.
- **Extending stay** - Since **M2** status depends on the status of the **M1**, the **M2** can apply to extend their stay along with the **M1**.
- **Working** - An **M2** cannot work in the U.S. The **M2** visa or status is solely to let a student's immediate family stay with them while studying in the U.S.
- **Going to school** –
  - The husband or wife of an **M1** cannot study in the U.S. as an **M2**. However, if he or she qualifies for **F1** or **M1** status, he or she can apply to change status in order to attend school.
  - While in status an **M2** child can attend elementary or secondary school (kindergarten through twelfth grade) without changing to another nonimmigrant status.

**As an M3 student, how long can I stay? Can I extend my stay, work, or change schools?**

Since this is a special status for commuter students who cross the land border to attend school within 75 miles of the border, some requirements are slightly different than for **M1** status. **For specific information, we recommend you contact your approved school.** In general -

- **Status** - When admitted with your I-20, you will be given a multiple entry I-94 showing your status, valid through the end of the current semester. Since **M3**'s are commuter students, your status expires the day the semester ends. This means the school must issue a new I-20 each semester. **M3** students cannot receive an extension of stay, but can reenter with their new I-20.
- **Working** –
  - Practical training – If practical training is not readily available in your home country, your school can recommend practical training after you complete your vocational studies. Practical training is limited to one month for each 4 months of the vocational program, with a maximum of 6 months. To apply to for practical training, use form I-765. To extend your stay for this period, also file form I-539. We recommend you talk to the designated school official (DSO) at your school about this practical training option.
  - Other employment - Other than authorized practical training after you complete your vocational studies, an **M3** student cannot work in the U.S.
- **Changing schools** – If you are in good academic standing and are complying with the terms of your status, you can transfer to another approved school (within 75 miles of the border) within 6 months of starting vocational school as an **M3**. For more information, contact the approved school to which you wish to transfer.

**As an M3 student, can my family come with me? Can they work or go to school?**

In short, no. Under the Border Commuter Student Act of 2002, Public law 107-274, the family members of border commuter students are not entitled to any derivative status.

### Can I and/or my dependent change to/from M nonimmigrant status?

Unless you are currently in a nonimmigrant category that does not allow a change of status, you can apply to change to **M** nonimmigrant status. However, you cannot start school until your application for a change of status is approved.

An **M** nonimmigrant may not apply to change his/her status to a(n):

- H nonimmigrant, if the training received under the M visa provided the qualifications for the temporary worker position
- Academic student (F-1).

[Information about the various other nonimmigrant categories](#)

[More information about eligibility for a change of status](#)

### How can I get a replacement for my I-20 or my I-94?

**We recommend you contact your school for information.** They can issue a replacement I-20. If you have misplaced your Form I-94, you will need to file a Form I-102 with USCIS to replace the Form I-94. The [Form I-102](#) is available on our website at [www.uscis.gov](http://www.uscis.gov). However, if you entered the U.S. after the I-94 was automated (April 30, 2013), the I-94 record can be accessed at [www.cbp.gov/I94](http://www.cbp.gov/I94).

### When I was admitted as an M nonimmigrant, I was only given 30 days. What should I do?

Follow the instructions you were given and contact the designated school official at your approved school immediately. Your status was limited because you did not have all the required documentation.

Before your stay expires, you and the approved school must follow the specified procedures and submit required documents to U.S. Immigration and Customs Enforcement (ICE), the agency that manages students and exchange visitor programs in the U.S. If they find the documents meet requirements, they will then issue evidence of your student status. For more information, we recommend their website at [www.ice.gov](http://www.ice.gov).

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**Can I or my family travel outside the U.S. and return to this status?**

**For specific information, we recommend you contact your school.** In general -

- **M1** – If you have complied with all the terms and conditions of your status, you can usually return to continue your studies as described in the I-20 with your I-20ID and a valid visa for this status and valid passport, if required to have a passport.
- **M2 dependent of an M1** - If you have complied with all the terms and conditions of your status, and they have also, they can use a copy of your I-20 ID, a valid visa (if a visa is required), and a valid passport (if one is required) to return to the U.S. to rejoin you within the program period shown on the I-20.
- **M3** – An **M3** is given a multiple entry I-94. If you have complied with all the terms and conditions of your status, you can usually return to continue your studies as described in the I-20 with your I-20ID and your multiple entry I-94 during the validity period of the I-94.

**However, if any person has violated the terms and conditions of their status, it can affect whether he or she can return. For more information, contact your approved school.**

**Can my status in these categories ever be a basis for permanent residence?**

No. In fact to be eligible under these categories you must plan to depart the U.S. and return to your residence abroad when you complete your studies.

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**Chapter 4      General Nonimmigrant Information**

Unit 2      Information about the various nonimmigrant categories

D      Crewmembers

**OVERVIEW**

These categories allow designated crewmen to enter the U.S. with the vessel, aircraft or other conveyance on which they are crewing. With **D1** the crewman must leave on the same vessel or conveyance on which they arrived. With **D2** the crewman can leave on another vessel or conveyance.

Crewmembers	
<b>D1</b>	Crewman staying on the same vessel
<b>D2</b>	Crewman changing to another vessel

**Frequently Asked Questions**

- [In general, what are the requirements of these categories?](#)
- [How long can a D crewman stay? Can he or she get an extension of stay, change status, or work?](#)
- [How can I get more information?](#)

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### In general, what are the requirements for these categories?

These categories allow designated crewmen to enter the U.S. with the vessel, aircraft or other conveyance on which they are crewing. Not every person working on a boat, plane or other vessel can qualify as a **D**.

- With **D1** the crewman must leave on the same vehicle on which they arrive.
- With **D2** the crewman can leave on another vehicle, either as a crewman or as a passenger.

### How long can a D crewman stay? Can he or she get an extension of stay, change status, or work?

- **Stay-** A **D** nonimmigrant is admitted for a maximum of 29 days. **D** status does not allow an extension of stay or change to another status.
- **Work –**
  - A **D1** can only work on the vessel on which he or she arrived, and must leave on that vessel.
  - A **D2** can only work on the vessel on which he or she arrived, and on the vessel on which he or she will depart.

### How can I get more information?

The Department of State handles visa issuance, and U.S. Customs and Border Protection handles matters related to **D** crewmen in the U.S.

- For information about visa and passport requirements, we suggest you either check the Department of State's website at [www.state.gov](http://www.state.gov) or contact the consulate directly.
- For information related to entering and leaving the U.S. and status as a **D** crewman while in the U.S., you can directly check the CBP website at [www.cbp.gov](http://www.cbp.gov).





**E-2 Treaty investors**

- [In general, what are the requirements for the Treaty Investor category?](#)
- [How does an investor apply for Treaty Investor status? How can I get more information?](#)
- [Can the E2 category be used for any of an E2 investor's employees?](#)
- [Can an E2 who is an employee work for more than one employer, or change employers?](#)
- [As a treaty trader or treaty investor, how long can I stay? Can I extend my stay?](#)
- [Can my family come with me? Can they work or go to school?](#)
- [Can I and/or my dependent change to/from the E1 or E2 category?](#)
- [Can I or my family travel outside the U.S. and return to this status?](#)
- [Can my status in these categories \( E-1 and E-2\) ever be a basis to become a permanent resident?](#)

**E-3 Australian Specialty Occupation Workers**

- [What is a specialty occupation?](#)
- [To apply, what is required of the petitioning employer?](#)
- [How do I obtain an E-3 visa?](#)
- [What are the time limits on the duration of stay for an E-3?](#)
- [How do I change my status to that of an E-3 or extend my E-3 status?](#)
- [Can I immigrate permanently to the U.S.](#)
- [Is there a limit on the number of E-3 visas that will be issued?](#)
- [Can spouses of E-3s work?](#)
- [What are the employment authorization processing procedures for dependent spouses?](#)

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### In general, what are the requirements for the Treaty Trader category?

**E1** status is designed for qualifying individuals who are citizens or nationals of countries with a qualifying commerce and navigation treaty with the U.S. and who will only engage in substantial trade in goods, services and technology, with such trade principally between the U.S. and that foreign country.

- **Substantial trade** means an amount of existing trade sufficient to ensure a continuous flow of international trade items between the U.S. and the treaty country. Trade is substantial when there are numerous transactions over a period of time and the income derived is sufficient to support the treaty trader. A single transaction, no matter the size, does not constitute substantial trade for the purpose of **E1** status.
- **The trade must be principally between U.S. and the treaty country**, meaning that more than 50% of the trade must be between the 2 countries.
- **Items of trade** include but are not limited to goods, services, international banking, insurance, monies, transportation, communications, data processing, advertising, accounting, design and engineering, management consulting, tourism, technology and its transfer, and some newsgathering activities.

**Activities in the U.S.** - The person must be coming to fill an executive or managerial position or have special qualifications essential to the firm's operations in the U.S.

### How does a company or enterprise apply for Treaty Trader status for an employee? How can I get more information?

Most treaty traders go through the nonimmigrant visa process and demonstrate their eligibility as part of that process to the U.S. consulate or embassy. They then enter as an **E1**, and USCIS' role focuses on extensions of stay. We recognize that plans can change, and thus we provide a process through which the company can petition to change the status of someone who is already in the U.S. as a nonimmigrant to **E1**.

- For more information about which countries have qualifying treaties with the U.S. and visa requirements, we suggest the Department of State website at [www.state.gov](http://www.state.gov)
- Employers interested in more information about how to change the status of an employee to **E1**, or about how to apply for an extension of stay –
  - Visit our website at [www.uscis.gov](http://www.uscis.gov) and select the Temporary Workers link for more information about the [E-1 visa classification](#).
  - Otherwise, call our **Employer, Business, Investor and School Services (EBISS) information line** at **1-800-357-2099**.

### Can an E1 work for more than one employer or change employers?

An **E1** employee can only work for the employer that filed the petition or for the employer's affiliate, subsidiary or branch.

Back to: [Treaty traders and Investors](#) [Nonimmigrant Categories](#) [General Nonimmigrant Information](#) [Nonimmigrant Services](#)

### In general, what are the requirements for the Treaty Investor category?

**E2** status is designed for qualifying individuals who are citizens or nationals of countries with a qualifying commerce and navigation treaty with the U.S. and who will solely develop and direct the operations of an enterprise in which he or she has invested, or is actively in the process of investing, substantial capital.

- A **substantial amount of capital** means the capital is –
  - substantial in relationship to the total cost of purchasing or establishing the enterprise;
  - sufficient to ensure the treaty investor's financial commitment to the enterprise's success, and
  - large enough to ensure the viability of the enterprise so the treaty investor will be able to successfully direct and develop the enterprise.
- **Investment** means placing capital, including funds and other assets, at risk in the commercial sense with the objective of generating a profit.
- The **enterprise** invested in must be a real, active, and operating commercial or entrepreneurial undertaking that actually produces goods or profit.
- **Solely to develop and direct** means the investor develops and directs the investment enterprise, as shown by controlling at least 50% of the ownership of the enterprise, and filling an executive or managerial position in the enterprise.

### How does an investor apply for Treaty Investor status? How can I get more information?

Most treaty investors go through the nonimmigrant visa process and demonstrate their eligibility as part of that process to the U.S. consulate or embassy. They then enter as an **E2**, and USCIS' role focuses on extensions of stay. We recognize that plans can change, and thus we provide a process through which the company can petition to change the status of someone who is already in the U.S. as a nonimmigrant to **E2**.

- For more information about which countries have qualifying treaties with the U.S. and visa requirements, we suggest the Department of State website at [www.state.gov](http://www.state.gov).
- Employers interested in more information about how to change the status of an employee to **E2** or about how to apply for an extension of stay –
  - Visit our website at [www.uscis.gov](http://www.uscis.gov) and select the Temporary Workers link for further information about the [E-2 visa classification](#).
  - Otherwise call our **Employer, Business, Investor and School Services (EBISS) information line** at **1-800-357-2099**.

### Can the E2 category be used for any of an E2 investor's employees?

Yes, in limited circumstances if the employee is also a citizen or national of a country with a qualifying treaty with the U.S. and is coming to fill an executive or managerial position, or has special qualifications essential to the firm's operations in the U.S.

### Can an E2 who is an employee work for more than one employer, or change employers?

An **E2** employee can only work for the employer that filed the petition or one of the employer's affiliates, subsidiaries, and branches.

An **E2** employee cannot change employers and remain in **E2** status. He or she would have to change status to another employment-based nonimmigrant classification.

**As a treaty trader or investor, how long can I stay? Can I extend my stay?**

When first admitted, an **E1** or **E2** is normally given status for 2 years. Extensions of stay can be authorized in 2-year increments. Use Form I-129 to apply, but use form I-539 for dependents.

**Can my family come with me? Can they work or go to school?**

- Your husband or wife and unmarried children under 21 can accompany you as your dependents.
  - **When dependents marry or turn 21** - They will no longer be eligible for dependent status in these categories. They must apply to change to another status or depart the U.S.
- **Working** –
  - The **husband or wife** of an **E1** or **E2** may be authorized to work in the U.S. Use Form I-765 to apply. Apply under category (a)(17) in question 16 of the Form.
  - Other **dependents** cannot work in the U.S.
- **Extending their stay** – Dependents can extend their stay to remain with the **E1** or **E2** principal. Use form I-539 to apply. [More information about extensions of stay](#)
- **Going to school** – While in status, an **E1** or **E2** can attend school without changing to another nonimmigrant status.

**Can I and/or my dependent change to/from the E1 or E2 category?**

Unless you are currently in a nonimmigrant category that does not allow a change of status, you can apply to change to **E** nonimmigrant status. However, you cannot engage in activities associate with that status until your application for a change of status is approved.

An **E** nonimmigrant can apply to change to another nonimmigrant status.

- [Information about the various other nonimmigrant categories](#)
- [More information about changing to another status](#)

Use [Form I-129](#) to apply for the worker. Use [Form I-539](#) for dependents.

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**Can I or my family travel outside the U.S. and return to this status?**

If you have complied with all the terms and conditions of your status, you can usually return in the same status with a valid visa for this status and valid passport, if one is required.

**Dependents** - If you have complied with all the terms and conditions of your status, and they have also as well, they can usually return in the same status with a valid visa and a valid passport, if one is required.

**However, if any person has violated the terms and conditions of their status, it can affect whether they can return.**

**Can my status in these categories (E-1 and E-2) ever be a basis for permanent residence?**

No. In fact, to be eligible under these categories, you must plan to depart the U.S. and return to your residence abroad when your status under these categories ends.

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### What is a specialty occupation?

For purposes of the E-3 category, a specialty occupation is defined in the same manner as in the H-1B context.

A specialty occupation is one that requires:

- The theoretical and practical application of a body of highly specialized knowledge to fully perform the occupation, and
- Completion of a specific course of higher education culminating in a baccalaureate degree (Bachelor's Degree) or higher degree (or its equivalent) in a specific occupation specialty. (e.g., engineering, mathematics, physical sciences, computer sciences, medicine and health care, education, biotechnology, and business specialties, etc.)

An example of this would be an individual obtaining an accounting degree from Harvard, performing an internship at a local auditing firm, and then being hired as an auditor for a Fortune 500 company.

### To apply, what is required of the petitioning employer?

The petitioning employer is required to file a Labor Condition Application with the Department of Labor (DOL). Use Form ETA 9035, Labor Condition Application, to request certification under the E-3 program. Print "E-3 – Australia – to be process" at the top of each page of the Form. The completed Labor Condition Application should be filed with the DOL's National Office. Employers must also make the same attestations that they make for H-1B petitions, including paying the prevailing and actual wages, not breaking up strikes, maintaining public access files, etc.

Please visit our website at [www.uscis.gov](http://www.uscis.gov) and select the Temporary Workers link for further information about the [E-3 visa classification](#). For further information about the Labor Condition Application, please see the Dept. of Labor website at [www.foreignlaborcert.doleta.gov](http://www.foreignlaborcert.doleta.gov).

### How do I obtain an E-3 visa?

As with the E-1 and E-2 categories, individuals who are not in the U.S. who wish to be admitted initially as an E-3 must apply directly to the Department of State for an E-3 nonimmigrant visa. Such persons must submit a job offer letter, relevant credentials, and an E-3 labor attestation and any other documentation required by the State Department.

### What are the time limits on the duration of stay for an E-3?

An E-3 may be admitted initially for a period up to two years, and extensions of stay may be granted indefinitely in increments of up to two years.

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**How do I change my status to that of an E-3 or extend my E-3 status?**

A national of the Commonwealth of Australia, currently admitted to the U.S. as a nonimmigrant in a category eligible to change nonimmigrant status, may apply to the Nebraska Service Center to change to E-3 status and to extend such status after it is initially granted. Form I-129 must be submitted to process the change of status or extension of status. The E supplement to the I-129 is not currently required. The following documentation must also be submitted with the I-129:

- A letter from the U.S. employer describing the specialty occupation, the anticipated length of stay, and the arrangements for remuneration;
- Evidence that you meet the educational requirement for the specialty occupation, which must be a U.S. bachelor's degree or higher (or its equivalent) in the specific specialty;
- A U.S. Department of Labor issued certified labor attestation for E-3 Specialty Occupation Worker;
- Proof that you are a national of Australia; and
- Proof that you meet the general requirements to be eligible to apply to change status or extend status.

Premium processing is not currently available to those applying to change to E-3 status.

**Can I immigrate permanently to the U.S.?**

An E-3 nonimmigrant shall maintain an intention to depart the U.S. upon the expiration or termination of E status. E-3 visas are not dual intent visas in the sense of H-1B visas and L-1 visas. However, an application for initial admission, change of status, or extension of stay may not be denied solely on the basis of an approved request for permanent labor certification or a filed or approved immigrant visa preference petition.

**Is there a limit on the number of E-3 visas that will be issued?**

There is an annual cap of 10,500 E-3 visas. The spouse and children of the E-3 principal are allowed to accompany the principal and will not count against the cap. Extensions of stay also will not count against the cap.

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**Can spouses of E-3s work?**

Dependent spouses of principal E-3 workers are eligible to apply for work authorization. To apply, the dependent spouse must file Form I-765, Application for Employment Authorization. The filing location for Forms I-765 filed with Form I-129 petitions for E-3 principal workers is the Vermont Service Center. File a stand-alone Form I-765 for an E-3 spouse at the Dallas or Phoenix Lockbox facility, depending on the applicant's residence. Please see our Web site: [Filing addresses for Form I-765](#).

In order to establish a valid marital relationship and verify current status of the dependent spouse and the E-3 principal, both the dependent spouse's and the E-3 principal's Form I-94, Arrival/Departure Record, evidencing admission as or change of status to an E-3, should be submitted together with the Form I-765. When applicable, you should also submit a copy of the petition approval notice of the E-3 principal.

**What are the employment authorization processing procedures for dependent spouses?**

[Form I-765](#) currently contains a space for the applicant to fill in the basis for employment authorization. Applicants should write in the words "spouse of E nonimmigrant".

You may be authorized employment for the period of admission and/or status of the E-3 principal, but not to exceed two years. In addition, dependent spouses may file the Form I-765 concurrently with the Form I-539, Application to Extend or Change Nonimmigrant Status.

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### In general, what are the requirements for the H1B category?

**H1B** status is designed for qualifying individuals whom an employer seeks to bring to the U.S. to work in –

- In a specialty occupation that requires -
  - a theoretical and practical application of a body of highly specialized knowledge to fully perform the occupation, and
  - at least a bachelor’s degree in the specific specialty, or its equivalent, as a minimum for entry.
- as a fashion model of distinguished merit and ability, or
- to perform services of an exceptional nature requiring exceptional merit and ability relating to a cooperative research and development project agreement administered by the Secretary of Defense.

### How does an employer start the process? How can I get more information?

There are generally three steps. The employer must take the first two steps before the individual applies for an **H-1B** visa.

First, the employer must file a labor condition application with the Secretary of Labor for a labor certification. The employer then files a petition for a nonimmigrant worker on Form I-129.

If the petition is approved –

- if the worker is outside the U.S., he or she will go through the nonimmigrant visa process, and then enter as an **H-1B** worker;
- if the worker is already here and that was indicated in the petition, the worker can begin work for the employer as described in the employer's petition.

**Numerical limits:** The law limits the total number of new **H-1B** workers per year. Employers should determine whether this yearly limit has been reached before starting the process.

#### For more information about-

- The labor condition application process, employers can go to the Department of Labor website at [www.foreignlaborcert.doleta.gov](http://www.foreignlaborcert.doleta.gov).
- The petition process –
  - Visit our website at [www.uscis.gov](http://www.uscis.gov) and select the “Working in the U.S.” link and then select the “H-1B” link.
  - Otherwise, the employer can call our **Employer, Business, Investor and School Services (EBISS) information line** at **1-800-357-2099**.
- Visa requirements based on an approved **H-1B** petition, we suggest the Department of State website at [www.state.gov](http://www.state.gov).

Back to: [H1B –specialty occupations](#) [Nonimmigrant Categories](#) [General Nonimmigrant Information](#) [Nonimmigrant Services](#)

### How long can I stay as an H1B? Can I extend my stay?

- **Initial status** - While it depends on the labor certification and the proposed period of employment, generally most **H1B** workers are granted status initially for a maximum of three years.
- **Maximum stay** - **H1B** workers can be granted extensions of stay based on subsequent I-129 petitions filed by employers. They are usually limited to a maximum stay of six years. However, there are limited exceptions to this maximum. For information about these exceptions –
  - Visit our website at [www.uscis.gov](http://www.uscis.gov) and select the Temporary Workers link for further information about the [H-1B visa classification](#).
  - Otherwise, the employer can call our **Employer, Business, Investor and School Services (EBISS) information line** at **1-800-357-2099**.
- **Effect of vacations, leave, strikes and other inactivity** - An **H1B** worker may be on vacation, sick/maternity/paternity leave, on strike, or otherwise inactive without affecting his or her status.

### Can an H1B work for more than one employer or change employers?

- **Changing employers**- An **H1B** worker can change employers, but first the new employer must file a labor condition application and then file a new **H1B** petition. If the worker is already an **H1B**, he or she can then begin the employment as described in the petition without waiting for USCIS to approve the petition. This is called a “portability provision”, and it only applies to someone already in valid **H1B** status.
- **Multiple employers** - An **H1B** worker is allowed to work for more than one employer at a time. However, each employer must first file a labor condition application and file an I-129 petition.

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**As an H1B, can my family come with me? Can they work or go to school?**

Your spouse and unmarried children under 21 can accompany you as your dependents.

- **When dependent children marry or turn 21** - They will no longer be eligible for dependent status in these categories. They must apply to change to another status or depart the U.S.

- **Working –**

Effective May 26, 2015, H-4 spouses of certain H-1B nonimmigrants who are in the process of seeking employment-based lawful permanent resident (LPR) status are eligible to apply for work authorization. To apply the dependent spouse must file [Form I-765, Application for Employment Authorization](#), with supporting evidence and the required fee.

An H-4 nonimmigrant spouse can apply for work authorization if his/her **H-1B spouse**:

- Is the beneficiary of an approved Form I-140, Immigrant Petition for Alien Worker; or
- Received an H-1B extension under sections 106(a) and (b) of the American Competitiveness in the Twenty-first Century Act of 2000 as amended by the 21st Century Department of Justice Appropriations Authorization Act (known as AC21). This means that the H-1B principal must have received an extension of his or her H-1B status because:
  - He/she is the beneficiary of a labor certification application filed with the Department of Labor 365 days prior to the end of the H-1B's sixth year (preference category requires a labor certification) and the labor certification application is either still pending or was approved and timely filed with Form I-140; **OR**
  - He/she is the beneficiary of a form I-140 that was filed 365 days prior to the end of the H-1B's sixth year (preference category does not require a labor certification or the labor certification can be waived) and Form I-140 is still pending.

The expiration date on the EAD will likely be the same date as the expiration date on the H-4's most recent Form I-94 indicating his/her H-4 nonimmigrant status.

- Other H-4 dependents cannot work in the U.S.
- **Extending their stay – H-4** dependents can extend their stay to remain with the **H-1B** nonimmigrants. Use Form I-539 to apply. [More information about extensions of stay](#)
- **Going to school** – While in status, an **H-4** dependent can attend school without changing to another nonimmigrant status, provided that the H-1B maintains his or her nonimmigrant H-1B status.

### Can I and/or my dependent change to/from the H1B or the dependent H4 category?

An **H1B** or **H4** nonimmigrant can apply to change to another nonimmigrant status.

Unless, you are currently in a nonimmigrant category that does not allow a change of status, you can apply to change to **H1B** or **H4** nonimmigrant status. However, you cannot engage in activities associated with that status until your application for a change of status is approved.

- [Information about the various other nonimmigrant categories](#)
- [More information about changing to another status](#)

Use [Form I-129](#) to apply for the worker. Use [Form I-539](#) for dependents.

### Can I or my family travel outside the U.S. and return to this status?

Yes, an **H-1B** visa allows a nonimmigrant holding and maintaining that status to reenter the U.S. during the validity period of the visa and approved petition. Therefore, **H-1B** holders should always carry the following documents while traveling:

- Valid, unexpired form I-797 (Notice of Approval)
- Valid passport with an expiration date of at least 6 months in the future
- Valid **H-1B** visa stamp in passport and I-94 arrival-departure record which can be accessed at [www.cbp.gov/I94](http://www.cbp.gov/I94).

Adjustment of status applicants maintaining **H** nonimmigrant status who depart the U.S., will not be deemed to have abandoned their applications if they did not obtain advance parole prior to departure. However, upon return to the U.S., they must demonstrate to the immigration officer at the port of entry that they remain eligible for H-1/H-4 nonimmigrant status. They should always carry the following documents while traveling:

- Letter from employer showing that he or she will resume employment with the same employer for which they had previously been authorized to work as an H-1B nonimmigrant (not applicable to **H-4** nonimmigrants);
- Valid H-1B visa stamp in passport and I-94 card to show that he or she is in valid in **H-1B** status

**Note:** **H-1** and **H-4** are no longer required to present a Form I-797 receipt notice for their adjustment of status applications upon readmission to the United States after a trip abroad in order to avoid having their applications considered abandoned.

**If any person has violated the terms and conditions of their status, it can affect whether they can return.**

### Can status in these categories ever be a basis to become a permanent resident?

The status cannot, but the employment may be a basis to qualify to immigrate and become a permanent resident. An **H1B** worker can be the beneficiary of an immigrant visa petition, can apply for adjustment of status, or take other steps towards becoming a permanent resident without affecting **H1B** or **H4** status. This is known as "dual intent". While any application for permanent residence is pending, the nonimmigrant may travel on his or her **H1B** visa.



### In general, what are the requirements for the H2A category?

**H2A** status allows an employer to bring qualifying persons to temporarily work in the U.S. for the employer as temporary agricultural workers, when there are not sufficient U.S. workers available. Workers are typically farm workers, orchard workers and ranch hands. The work must be either temporary or seasonal, not just the job offered to the foreign worker.

### How does an employer start the process? How can I get more information?

There are generally three steps. The employer must take the first two steps before the individual applies for an **H2A** visa.

First, the employer must apply to the Department of Labor for a labor certification. Once the Secretary of Labor issues the certification, the employer then files a [Form I-129, Petition for a Nonimmigrant Worker](#).

#### If the petition is approved –

- if the worker is outside the U.S., he or she will go through the nonimmigrant visa process, and then enter as an **H2A** worker;
- if the worker is already here, and that was indicated in the petition, the worker can begin work for the employer as described in the employer's petition.

#### For more information about-

- the labor certification process - Employers can go to the Department of Labor website at [www.foreignlaborcert.doleta.gov](http://www.foreignlaborcert.doleta.gov).
- the petition process –
  - Visit our website at [www.uscis.gov](http://www.uscis.gov) and select the Temporary Workers link for further information about the [H-2A visa classification](#).
  - Otherwise, the employer can call our **Employer, Business, Investor and School Services (EBISS) information line** at **1-800-357-2099**.
- visa requirements based on an approved **H2A** petition, we suggest the Department of State website at [www.state.gov](http://www.state.gov).

### How long can I stay as an H2A? Can I extend my stay?

- **Initial status** - While it depends on the proposed period of employment, the maximum petition validity is 12 months.
- **Maximum stay – H2A** workers can be granted extensions of stay in increments of up to a year based on subsequent I-129 petitions filed by employers. However, an **H2A** cannot remain for longer than 3 years. Once you reach this limit you will not be eligible for further extensions as an **H2A**.

### Can an H2A work for more than one employer, change employers or work part-time?

- **Changing employers** - An **H2A** worker can change employers if he or she has not reached the limit on the maximum allowed stay as an **H2A**, but first the new employer must file a file an **H2A** petition on form I-129, and USCIS must approve the petition before you can transfer.
- **Multiple employers** - An **H2A** worker may work for multiple employers at the same time if each has an approved I-129 petition for the work and the employee.
- **Part-time work** - Most agricultural employees are paid on an hourly or at a piece rate. Thus, the hours and work schedule of the worker may vary if they stay within what was described in the petition.

**As an H2A, can my family come with me? Can they work or go to school?**

- Your husband or wife and unmarried children under 21 can accompany you as your dependents.
- **When dependents marry or turn 21** - They will no longer be eligible for dependent status in these categories. They must apply to change to another status or depart the U.S.
  - **Working** –An **H4** cannot work in the U.S.
  - **Extending their stay** – **H4** dependents can extend their stay to remain with the **H2A**. Use form I-539 to apply. [More information about extensions of stay](#)
  - **Going to school** – While in status, an **H4** can attend school without changing to another nonimmigrant status.

**Can I and/or my dependent change to/from the H2A or the dependent H4 category?**

Unless, you are currently in a nonimmigrant category that does not allow a change of status, you can apply to change to **H2A** or **H4** nonimmigrant status. However, you cannot engage in activities associated with that status until your application for a change of status is approved.

An **H2A** or **H4** nonimmigrant can apply to change to another nonimmigrant status.

- [Information about the various other nonimmigrant categories](#)
- [More information about changing to another status](#)

Use [Form I-129](#) to apply for the worker. Use [Form I-539](#) for dependents.

**Back to:** [H2A – temporary agricultural workers](#) [Nonimmigrant Categories](#) [General Nonimmigrant Information](#) [Nonimmigrant Services](#)



**Can I or my family travel outside the U.S. and return to this status?**

If you have complied with all the terms and conditions of your status, and continue to qualify for **H2A** status, you can usually return in the same status with a valid visa for this status and valid passport, if one is required.

- **Temporary absences count towards the H2A maximum stay.**

**Dependents** – If you have complied with all the terms and conditions of your status, and they also have as well, they can usually return in the same status with a valid visa and a valid passport, if one is required.

**However, if any person has violated the terms and conditions of their status, it can affect whether they can return.**

**Can status in these categories ever be a basis to become a permanent resident?**

No. In fact, to be eligible under these categories you must plan to depart the U.S. and return to your residence abroad when your **H2A** or **H4** status ends. The concept of 'dual intent' does not apply.

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### In general, what are the requirements for the H2B category?

**H2B** status is designed to allow an employer to bring qualifying persons to temporarily work in the U.S. for the employer as a skilled or unskilled worker. The employer must have a temporary need for the workers, such as seasonal work, a peak demand period, or if intermittent or a one-time situation.

### How does an employer start the process? How can I get more information?

There are generally three steps. The employer must take the first two steps before the individual applies for an **H2B** visa.

First, the employer must apply to the Department of Labor for a labor certification. Once the Secretary of Labor issues the certification, the employer then files a petition for a nonimmigrant worker on form I-129.

If the petition is approved –

- if the worker is outside the U.S., he or she will go through the nonimmigrant visa process, and then enter as an **H2B** worker;
- if the worker is already here, and that was indicated in the petition, the worker can begin work for the employer as described in the employer's petition.

**Numerical limits:** The law limits the total number of new **H2B** workers per year. Employers should determine whether this yearly limit has been reached before starting the process.

#### For more information about -

- the labor certification process, employers can go to the Department of Labor website at [www.foreignlaborcert.doleta.gov](http://www.foreignlaborcert.doleta.gov).
- the petition process –
  - Visit our website at [www.uscis.gov](http://www.uscis.gov) and select the Temporary Workers link for further information about the [H-2B visa classification](#).
  - Otherwise, the employer can call our **Employer, Business, Investor and School Services (EBISS) information line** at **1-800-357-2099**.
- visa requirements based on an approved **H2B** petition, we suggest the Department of State website at [www.state.gov](http://www.state.gov).

### How long can I stay as an H2B? Can I extend my stay?

- **Initial status** – While it depends on length of the proposed period of employment as described in the labor certification and petition, the maximum is 12 months.
- **Maximum stay** – **H2B** workers can be granted extensions of stay in increments of up to a year based on subsequent I-129 petitions filed by employers. However, an **H2B** cannot remain for longer than 3 years. Once you reach this limit, you will not be eligible for further extensions as an **H2B**.

**Can an H2B work for more than one employer, change employers or work part-time?**

- **Changing employers** - An **H2B** worker can change employers, if he or she has not reached the limit on the maximum allowed stay as an **H2B**, but first the new employer must file a file an **H2B** petition on form I-129, and USCIS must approve the petition before you can transfer.
- **Multiple employers** - An **H2B** worker may work for multiple employers at the same time if each has an approved I-129 petition for the work and the employee.
- **Part-time work** – An **H2B** can only work in a full-time position.

**As an H2B, can my family come with me? Can they work or go to school?**

- Your husband or wife and unmarried children under 21 can accompany you as your dependents.
  - **When dependents marry or turn 21** - They will no longer be eligible for dependent status in these categories. They must apply to change to another status or depart the U.S.
    - **Working** – An **H4** cannot work in the U.S.
    - **Extending their stay** – **H4** dependents can extend their stay to remain with the **H2B**. Use Form I-539 to apply. [More information about extensions of stay](#)
    - **Going to school** – While in status, an **H4** can attend school without changing to another nonimmigrant status.

**Can I and/or my dependent change to/from the H2B or the dependent H4 category?**

Unless you are currently in a nonimmigrant category that does not allow a change of status, you can apply to change to **H2B** or **H4** nonimmigrant status. However, you cannot engage in activities associated with that status until your application for a change of status is approved.

An **H2B** or **H4** nonimmigrant can apply to change to another nonimmigrant status.

- [Information about the various other nonimmigrant categories](#)
- [More information about changing to another status](#)

Use [Form I-129](#) to apply for the worker. Use [Form I-539](#) for dependents.

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**Can I or my family travel outside the U.S. and return to this status?**

If you have complied with all the terms and conditions of your status, and continue to qualify for **H2B** status, you can usually return in the same status with a valid visa for this status and valid passport, if one is required.

- **Temporary absences count towards the H2B maximum stay.**

**Dependents** – If you have complied with all the terms and conditions of your status, and they also have as well, they can usually return in the same status with a valid visa and a valid passport, if one is required.

**However, if any person has violated the terms and conditions of their status, it can affect whether they can return.**

**Can status in these categories ever be a basis to become a permanent resident?**

No. In fact, to be eligible under these categories you must plan to depart the U.S. and return to your residence abroad when your **H2B** or **H4** status ends. The concept of 'dual intent' does not apply.

**Back to:** [H2B – temporary workers](#) [Nonimmigrant Categories](#) [General Nonimmigrant Information](#) [Nonimmigrant Services](#)



### In general, what are the requirements for the H3 category?

H3 status is designed to allow an employer to bring someone to the U.S. to participate in -

- A **special education exchange program** that provides practical training and experience in the education of children with physical, mental or emotional disabilities.
  - The facility must have professionally trained staff and a structured program to educate children with disabilities, and to train and give hands-on experience to participants in the exchange program. In addition, the training position cannot be used to fill a job normally filled by U.S. workers.
- **Other training programs** to give training not available in the trainee's home country. The program -
  - purpose must be training, not productive employment;
  - cannot involve graduate medical education or training, and
  - cannot have the training provided primarily by or at an academic or vocational school.

### How long can a training program last?

- **Special education exchange programs** – a maximum of 18 months
- **Other training programs** - a maximum of 24 months.

These limits also apply to the total length of time a person may remain in the U.S. as an **H3**.

### How does an employer start the process? How can I get more information?

There are generally two steps. First, the employer must file a petition for the trainee on Form I-129.

If the petition is approved –

- if the trainee is outside the U.S., he or she will go through the nonimmigrant visa process, and then enter as an **H3** trainee;
- if the trainee is already here, and that was indicated in the petition, then he or she can begin work for the employer as described in the employer's petition.

**For more information about -**

- the petition process –
  - Visit our website at [www.uscis.gov](http://www.uscis.gov) and select the Temporary Workers link for further information about the [H-3 visa classification](#).
  - Otherwise, the employer can call our **Employer, Business, Investor and School Services (EBISS) information line** at 1-800-357-2099.
- visa requirements based on an approved **H3** petition, we suggest the Department of State website at [www.state.gov](http://www.state.gov).

### How long can I stay as an H3? Can I extend my stay?

- **Initial status** – An **H3** is admitted for the length of the proposed training program, plus up to 10 days before and after the program starts and ends.
- **Maximum stay** – **H3** status is limited to the maximum program length, plus the 10 days before and after the program. If the initial program was designed to last for a shorter period and is continuing, the employer may file an I-129 petition, to extend the trainee's status up to the maximum authorized stay

### Can an H3 participate in more than one training program, or change programs?

- **Changing programs** - An **H3** trainee can change programs, if he or she has not reached the limit on the maximum allowed stay as an **H3**, but first the new employer must file a file an **H3** petition on form I-129, and USCIS must approve the petition before you can transfer.
- **Multiple programs** - An **H3** trainee may participate in multiple programs and at the same time work, if each employer has an approved I-129 petition for the training program and employee.

### As an H3, can my family come with me? Can they work or go to school?

- Your husband or wife and unmarried children under 21 can accompany you as your dependents.
- **When dependents marry or turn 21** - they will no longer be eligible for dependent status in these categories. They must apply to change to another status or depart the U.S.
- **Working** –An **H4** cannot work in the U.S.
- **Extending their stay** – **H4** dependents can extend their stay to remain with the **H3**. Use Form I-539 to apply. [More information about extensions of stay](#)
- **Going to school** – While in status, an **H4** can attend school without changing to another nonimmigrant status.

### Can I and/or my dependent change to/from the H3 or the dependent H4 category?

Unless you are currently in a nonimmigrant category that does not allow a change of “status”, you can apply to change to **H3** or **H4** nonimmigrant status. However, you cannot engage in activities associated with that status until your application for a change of status is approved.

An **H3** or **H4** nonimmigrant can apply to change to another nonimmigrant status.

- [Information about the various other nonimmigrant categories](#)
- [More information about changing to another status](#)

Use [Form I-129](#) to apply for the worker. Use [Form I-539](#) for dependents.

Back to: [H3 – trainees](#) [Nonimmigrant Categories](#) [General Nonimmigrant Information](#) [Nonimmigrant Services](#)



**Can I or my family travel outside the U.S. and return to this status?**

If you have complied with all the terms and conditions of your status, and continue to qualify for **H3** status, you can usually return in the same status with a valid visa for this status and valid passport, if one is required.

- **Temporary absences count towards the H3 maximum stay.**

**Dependents** – If you have complied with all the terms and conditions of your status, and they also have as well, they can usually return in the same status with a valid visa and a valid passport, if one is required.

**However, if any person has violated the terms and conditions of their status, it can affect whether they can return.**

**Can status in these categories ever be a basis to become a permanent resident?**

No. In fact, to be eligible under these categories, you must plan to depart the U.S. and return to your residence abroad when your **H3** or **H4** status ends. The concept of 'dual intent' does not apply.

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**Chapter 4**      **General Nonimmigrant Information**

Unit 2      Information about the various nonimmigrant categories

H4      Dependents of H1-3 workers and trainees

**OVERVIEW**

This nonimmigrant category allows the husband or wife, and unmarried children of certain **H** category nonimmigrant workers receive dependent **H4** status to accompany the **H** category worker.

Dependents of 'H' category workers and trainees	
<b>H4</b>	Husbands, wives and unmarried children under 21 of <b>H</b> category workers and trainees

For information about the terms and conditions of **H4** status, as well as how a dependent can get a visa or status, see the appropriate **H** temporary worker or trainee category. To go there you can click on the appropriate option below.

<a href="#">H1B</a>	Temporary Workers in Specialty Occupations
<a href="#">H2A</a>	Temporary Agricultural Workers
<a href="#">H2B</a>	Temporary skilled and unskilled workers
<a href="#">H3</a>	Trainees



### In general, what are the requirements for the I category?

This nonimmigrant category allows representatives of the foreign press, radio, film, or other foreign information media to enter solely to engage in their vocation. The emphasis is on information media, not all media. Thus, for example –

- film production/distribution can be covered by this category if the film is informational or educational;
- television and private production crews for information and news purposes are included, but not for entertainment;

Commercial entertainment and advertising are not included, but the camera crew and other workers can use **B** or **H** visas if there is no remuneration pay and the film is solely for foreign distribution.

The home office of the employer must be in a foreign country. Foreign press includes a foreign press owned by U.S. shareholders if staffed in large part by non-U.S. citizens to collect information for a foreign audience.

### How does an employer start the process? How can I get more information?

Given the purpose of this nonimmigrant status, the Department of State administers this program. For information, we suggest you contact them directly.

- Their website is [www.state.gov](http://www.state.gov).
- For other information about this program and status, we suggest you contact the nearest U.S. consulate.

### How long can I stay as an I?

An **I** is admitted for duration of status (D/S) and can remain in the U.S. for the length of their assignment.

### As an I, can my family come with me? Can they work or go to school?

- Your husband or wife and unmarried children under 21 can accompany you as your dependents.
- **When dependents marry or turn 21** - They will no longer be eligible for dependent status in these categories. They must apply to change to another status or depart the U.S.
- An **I** dependent cannot work in the U.S.
- **Going to school** – While in status, an **I** dependent can attend school without changing to another nonimmigrant status.

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**Can I or my family travel outside the U.S. and return to this status?**

If you have complied with all the terms and conditions of your status, and continue to qualify for I status, you can usually return in the same status with a valid visa for this status and valid passport, if one is required.

**Dependents** – If you have complied with all the terms and conditions of your status, and they also have as well, they can usually return in the same status with a valid visa and a valid passport, if one is required.

**However, if any person has violated the terms and conditions of their status, it can affect whether they can return.**

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### In general, what are the requirements for the L category?

This nonimmigrant category, allows a company to file to transfer qualifying employees to operations in the U.S who have worked for the company, or for its parent, subsidiary or affiliate for at least the past year. The employment for that past year, as well as the proposed employment in the U.S., must qualify as an executive or manager, or involving specialized knowledge.

- **L1A** status is for qualifying executives and managers.
- **L1B** status is for employees with specialized knowledge.

### How does an employer start the process? How can I get more information?

There are two steps. First, the employer must file a petition for a nonimmigrant worker on Form I-129.

If the petition is approved –

- if the worker is outside the U.S., he or she will go through the nonimmigrant visa process, and then enter as an **L** worker;
- if the worker is already here, and that was indicated in the petition, the worker can begin work for the employer as described in the employer's petition.

#### For more information about -

- the petition process –
  - Visit our website at [www.uscis.gov](http://www.uscis.gov) and select the [Temporary Workers](#) link and then select either the L-1A or the L-1B link on the left.
  - Otherwise, the employer can call our **Employer, Business, Investor and School Services (EBISS) information line at 1-800-357-2099**.
- visa requirements based on an approved **L** petition, we suggest the Department of State website at [www.state.gov](http://www.state.gov).

### How long can I stay as an L? Can I extend my stay?

Effective February 14, 2012, L visas will be issued with a validity period that is based upon a U.S. Department of State reciprocity schedule. The reciprocity schedule will reflect the reciprocal treatment the U.S. receives from the applicant's home country. To see the State Department visa reciprocity schedule for your country, please visit the [U.S. Department of State's website](#).

The State Department's visa reciprocity schedule shows the maximum length of time for which the L visa can be issued.

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**Can an L change jobs or change employers?**

- **Changing jobs** – An **L1A** can change jobs within the company that filed the I-129 petition if the new job continues to be in an executive or managerial capacity. An **L1B** can also change jobs within the company that filed the I-129 petition if the new job also requires specialized knowledge. A change may require a new petition. For more information, employers should call the USCIS **Employer, Business, Investor and School Services** toll-free number at 1-800-357-2099.
- **Changing employers** - An **L** worker can only work for the company that originally filed the I-129 petition, or for one of its affiliates or subsidiaries, and any change in employment must continue to be in an executive, managerial or specialized knowledge capacity. In many instances, the company must first file, and USCIS must approve a new I-129 petition.

**As an L, can my family come with me? Can they work or go to school?**

- Your husband or wife and unmarried children under 21 can accompany you as your dependents.
- **When dependents marry or turn 21** - They will no longer be eligible for dependent status in these categories. They must apply to change to another status or depart the U.S.
- **Working** –
- The **L2** husband or wife of an **L1A** or **L1B** can be authorized to work in the U.S. Use Form I-765 to apply. Apply under category (a)(18) in question 16 of the Form I-765.
- Other **L2** dependents cannot work in the U.S.
- **Extending their stay** – **L2** dependents can extend their stay to remain with the **L1A** or **L1B**. Use Form I-539 to apply. [More information about extensions of stay](#)
- **Going to school** – While in status, an **L2** can attend school without changing to another nonimmigrant status.

**Can I and/or my dependent change to/from the L category?**

Unless you are currently in a nonimmigrant category that does not allow a change of status, you can apply to change to **L1** or **L2** nonimmigrant status. However, you cannot engage in activities associated with that status until your application for a change of status is approved.

An **L1** or **L2** nonimmigrant can apply to change to another nonimmigrant status.

- [Information about the various other nonimmigrant categories](#)
- [More information about changing to another status](#)

Use [Form I-129](#) to apply for the worker. Use [Form I-539](#) for dependents.



**Can I or my family travel outside the U.S. and return to this status?**

Under current regulations, adjustment of status applicants maintaining L nonimmigrant status who depart the United States will not be deemed to have abandoned their applications, if they did not obtain advance parole prior to departure. However, upon return to the United States, they must demonstrate to the immigration officer at the port of entry that they:

- Remain eligible L-1/L-2 nonimmigrant status
- Will resume employment with the same employer for which they had previously been authorized to work as an L-1 nonimmigrant (not applicable to L-2 nonimmigrants);
- Are in possession of a valid L-1/L-2 nonimmigrant visa (if a visa is required)

**Note:** L-1 and L-2 are no longer required to present a form I-797 receipt notice for their adjustment of status applications upon readmission to the United States after a trip abroad in order to avoid having their applications abandoned.

**However, if any person has violated the terms and conditions of their status, it can affect whether they can return.**

**Can status in these categories ever be a basis to become a permanent resident?**

The status cannot, but the employment may be a basis to qualify to immigrate and become a permanent resident. An L worker can be the beneficiary of an immigrant visa petition, can apply for adjustment of status, or take other steps towards becoming a permanent resident without affecting L or L2 status. This is known as "dual intent". While any application for permanent residence is pending the nonimmigrant may travel on his or her L visa.

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**Chapter 4                      General Nonimmigrant Information**

Unit 2                              Information about the various nonimmigrant categories

O                                      Persons with Extraordinary Ability and their support personnel

**OVERVIEW**  
 The The **O1** category allows an employer to file to bring a person with extraordinary ability in the arts, sciences, education, education or business or with extraordinary achievements in motion picture or television to work in the U.S. as a nonimmigrant.  
 The **O2** category allows the employer to also bring persons who will directly support the **O1** at a specific artistic performance or athletic event.  
 The **O3** category allows the dependents of **O1** and **O2** nonimmigrants to accompany them to the U.S.

Persons with Extraordinary Ability and their support personnel	
<b>O1</b>	Person of Extraordinary Ability
<b>O2</b>	Support Personnel to an O1 nonimmigrant worker
<b>O3</b>	Husbands, wives and unmarried children under 21 of an <b>O1</b> or <b>O2</b> nonimmigrant

**Frequently Asked Questions**

- [In general, what are the requirements for the O category?](#)
- [How does an employer start the process? How can I get more information?](#)
- [How long can I stay as an O? Can I extend my stay?](#)
- [Can an O work for more than one employer or change employers?](#)
- [As an O, can my family come with me? Can they work, or go to school?](#)
- [Can I and/or my dependent change to/from the O categories?](#)
- [Can I or my family travel outside the U.S. and return to this status?](#)
- [Can my status in these categories ever be a basis to become a permanent resident?](#)

### In general, what are the requirements for the O category?

The **O1** category allows an employer to file to bring a person with extraordinary ability in the arts, sciences, education, education or business, athletics or with extraordinary achievements in motion picture or television to work in the U.S. as a nonimmigrant.

- **Extraordinary ability** means a level of expertise and recognition that shows a high level of achievement, or that the person is one of few who have risen to the very top of the field of endeavor.

The **O2** category allows the employer to also bring persons who will directly support the **O1** at a specific artistic performance or athletic event.

### How does an employer start the process? How can I get more information?

There are two steps. First, the employer files a petition for the **O** nonimmigrant worker on Form I-129. An **O** petition may only be filed by a U.S. employer, a U.S. agent, or a foreign employer through a U.S. agent.

If the petition is approved –

- if the worker is outside the U.S., he or she will go through the nonimmigrant visa process, and then enter as an **O** worker;
- if the worker is already here, and that was indicated in the petition, the worker can begin work for the employer as described in the employer's petition.

For more information about -

- the petition process –
  - Visit our website at [www.uscis.gov](http://www.uscis.gov) and select the Temporary Workers link for further information about the [O-1 visa classification](#).
  - Otherwise, the employer can call our **Employer, Business, Investor and School Services (EBISS) information line** at **1-800-357-2099**.
- visa requirements based on an approved **O** petition, we suggest the Department of State website at [www.state.gov](http://www.state.gov).

### How long can I stay as an O? Can I extend my stay?

- **Initial status** – An **O** is normally admitted for a period of time necessary to accomplish the event or activity, not to exceed 3 years, plus up to 10 days before the validity period of the petition and up to 10 days after the petition expires.
- **Maximum stay** - **O** workers can be granted extensions of stay in 12-month increments based on subsequent I-129 petitions filed by employers. There is no actual maximum cutoff on the length of time an **O** can work in the U.S.

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**Can an O work for more than one employer or change employers?**

- **Changing employers-** An **O** worker can change employers, but first the new employer must file a new **O** petition, and USCIS must approve the petition. An **O2** can only change employers in conjunction with the **O1**'s change to the same new employer.
- **Multiple employers** - An **O** worker is allowed to work for more than one employer at a time. However, each employer must follow the process in applying for an **O**, and the employment cannot start until USCIS approve the petition.

**As an O, can my family come with me? Can they work or go to school?**

- Your husband or wife and unmarried children under 21 can accompany you as your dependents.
- **When dependents marry or turn 21** - They will no longer be eligible for dependent status in these categories. They must apply to change to another status or depart the U.S.
- **Working** – **O3** dependents cannot work in the U.S.
- **Extending their stay** – **O3** dependents can extend their stay to remain with the **O**. Use Form I-539 to apply. [More information about extensions of stay](#)
- **Going to school** – While in status, an **O3** can attend school without changing to another nonimmigrant status.

**Can I and/or my dependent change to/from the O category?**

Unless you are currently in a nonimmigrant category that does not allow a change of status, you can apply to change to **O** nonimmigrant status. However, you cannot engage in activities associated with that status until your application for a change of status is approved.

**O1**, **O2** and **O3** nonimmigrants can apply to change to another nonimmigrant status.

- [Information about the various other nonimmigrant categories](#)
- [More information about changing to another status](#)

Use [Form I-129](#) to apply for the worker. Use [Form I-539](#) for dependents.

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**Can I or my family travel outside the U.S. and return to this status?**

If you have complied with all the terms and conditions of your status, and continue to qualify for **O** status, you can usually return in the same status with a valid visa for this status and valid passport, if one is required.

**Dependents** – If you have complied with all the terms and conditions of your status, and they also have as well, they can usually return in the same status with a valid visa and a valid passport, if one is required.

**However, if any person has violated the terms and conditions of their status, it can affect whether they can return.**

**Can status in these categories ever be a basis to become a permanent resident?**

The approval of a permanent labor certification or the filing of an immigrant petition for an O-1 nonimmigrant shall not be the basis for denying an O-1 nonimmigrant petition, a request to extend such a petition, or the alien's admission, change of status, or extension of stay. The alien may legitimately come to the U.S. for a temporary period and depart voluntarily at the end of his or her authorized stay and, at the same time, lawfully seek to become a permanent resident of the U.S. This provision does not apply to essential support personnel of O-1 nonimmigrants.

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### In general, what are the requirements for the P1 category?

The **P1** category allows an employer to file to bring internationally recognized athletes, athletic teams, entertainers, entertainment groups and their essential support personnel to work in the U.S. temporarily at specific events, as well as certain other athletes and entertainers.

- **Internationally recognized**, means a high level of achievement in a field as shown by a degree of skill and recognition substantially above that ordinarily encountered to the extent that such achievement is renowned, leading, or well known in more than one country.
  - **Athletes and athletic teams** must have an internationally recognized international reputation, and must be coming to participate in an athletic competition that has a distinguished reputation and requires international reputations of participants.
  - **Entertainers and entertainment groups**, must be internationally recognized as outstanding and must be coming to perform services that require an internationally recognized entertainer or group.
- Certain other athletes and entertainers (who do not need to meet the “internationally recognized level of performance” standard):
  - An individual athlete on an athletic team that is a member of a regulating association of 6 or more professional sports teams whose total combined revenues exceed 10 million per year.
  - Individual coaches and athletes performing with teams in the U.S. that are part of an international league or association of 15 or more amateur sports teams if: 1) the league is operating at the “highest level of amateur performance” in the relevant foreign country, 2) participating in that league renders the players ineligible to get a scholarship to play at the collegiate level in the U.S., and 3.) a significant number of the players in the league are drafted to play for major or minor league teams in the U.S.
  - Amateur and professional ice skaters who perform in theatrical ice skating productions seeking to enter the U.S. to skate in a competition or a theatrical production.

The **P1** category includes a **P1’s essential support personnel** – persons who are an essential and integral part of the performance of a P-1 because he or she performs support services that cannot be readily performed by a U.S. worker and that are essential to the successful performance of the **P1**.

### How does an employer start the process? How can I get more information?

There are two steps. First, the employer files a petition for the **P1** nonimmigrant worker on Form I-129. A **P1** petition may only be filed by a U.S. employer, a U.S. agent, or a foreign employer through a U.S. agent.

If the petition is approved –

- if the worker is outside the U.S., he or she will go through the nonimmigrant visa process, and then enter as a **P1** worker;
- if the worker is already here, and that was indicated in the petition, the worker can begin work for the employer as described in the employer’s petition.

### For more information about -

- the petition process –
  - Visit our website at [www.uscis.gov](http://www.uscis.gov) and select the [Temporary Workers](#) link and then select either the P-1A or the P-1B link to the left.
  - Otherwise, the employer can call our **Employer, Business, Investor and School Services (EBISS) information line** at **1-800-357-2099**.
  - visa requirements based on an approved **P1** petition, we suggest the Department of State website at [www.state.gov](http://www.state.gov).

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[Nonimmigrant Services](#)

[Nonimmigrant Categories](#)

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**How long can I stay as a P1? Can I extend my stay?**

- **Initial status** – A **P1** is normally admitted for a period necessary to accomplish the event or activity, plus up to 10 days before the validity period of the petition and up to 10 days after the petition expires. **P1 athletes** can be granted initial status for up to 10 years. **Other P1's** can be granted initial status for up to 1 year.
- **Maximum stay** – **P1** workers can be granted extensions of stay in 12-month increments based on subsequent I-129 petitions filed by employers. The maximum stay for a **P1 athlete** is 10 years. There is no actual maximum cutoff on the length of time other **P1's** can work in the U.S.

**Can a P1 athlete be traded?**

An individual athlete who is a **P1** can be traded. When traded, the **P1's** status will automatically continue for 30 days after the trade to allow the new employer to file a new **P1** petition on Form I-129.

**Can a P1 work for more than one employer or change employers?**

- **Multiple locations** - A **P1** can work in more than one location, if listed in the itinerary included with the **P1** petition.
- **Changing employers**- A **P1** worker can change employers, but first the new employer must file a new **P1** petition, and we must approve the petition.
- **Multiple employers** - A **P1** worker is allowed to work for more than one employer at a time. However, each employer must follow the process in applying for a **P1**, and the employment cannot start until we approve the petition.

**As a P1, can my family come with me? Can they work or go to school?**

- Your husband or wife and unmarried children under 21 can accompany you as your dependents.
- **When dependents marry or turn 21** - They will no longer be eligible for dependent status in these categories. They must apply to change to another status or depart the U.S.
- **Working** – **P4** dependents cannot work in the U.S.
- **Extending their stay** – **P4** dependents can extend their stay to remain with the **P1**. Use Form I-539 to apply. [More information about extensions of stay](#)
- **Going to school** – While in status, a **P4** can attend school without changing to another nonimmigrant status.

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**Can I and/or my dependent change to/from the P1 or P4 category?**

Unless you are currently in a nonimmigrant category that does not allow a change of status, you can apply to change to **P1** or **P4** nonimmigrant status. However, you cannot engage in activities associated with that status until your application for a change of status is approved.

**P1's** can apply to change to another nonimmigrant status.

- [Information about the various other nonimmigrant categories](#)
- [More information about changing to another status](#)

Use [Form I-129](#) to apply for the worker. Use [Form I-539](#) for dependents.

**Can I or my family travel outside the U.S. and return to this status?**

If you have complied with all the terms and conditions of your status, and continue to qualify for **P1** status, you can usually return in the same status with a valid visa for this status and valid passport, if one is required.

- **Temporary absences count towards the P1 maximum stay.**

**Dependents** – If you have complied with all the terms and conditions of your status, and they also have as well, they can usually return in the same status with a valid visa and a valid passport, if one is required.

**However, if any person has violated the terms and conditions of their status, it can affect whether they can return.**

**Can status in these categories ever be a basis to become a permanent resident?**

The approval of a permanent labor certification or the filing of an immigrant petition for a P-1 nonimmigrant shall not be the basis for denying a P-1 nonimmigrant petition, a request to extend such a petition, or the alien's admission, change of status, or extension of stay. The alien may legitimately come to the U.S. for a temporary period and depart voluntarily at the end of his or her authorized stay and, at the same time, lawfully seek to become a permanent resident of the U.S. This provision does not apply to essential support personnel of P-1 nonimmigrants.

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### In general, what are the requirements for the P2 category?

The **P2** category allows an employer to bring artists and entertainers, who work individually or as part of an established group, and their essential support personnel, to work temporarily in the U.S. for a period of time at specific events under a reciprocal exchange agreement between the organization in the U.S. and organizations in a foreign country.

The **P2** category includes a **P2's essential support personnel** – persons who are an essential and integral part of the performance of a P-2 because he or she performs support services that cannot be readily performed by a U.S. worker and that are essential to the successful performance of the **P2**.

### How does an employer start the process? How can I get more information?

There are two steps. First, the employer files a petition for the **P2** nonimmigrant worker on Form I-129. A **P2** petition may only be filed by a U.S. employer, a U.S. agent, or a foreign employer through a U.S. agent.

If the petition is approved –

- if the worker is outside the U.S., he or she will go through the nonimmigrant visa process, and then enter as a **P2** worker;
- if the worker is already here, and that was indicated in the petition, the worker can begin work for the employer as described in the employer's petition.

For more information about -

- the petition process –
  - Visit our website at [www.uscis.gov](http://www.uscis.gov) and select the Temporary Workers link for further information about the [P-2 visa classification](#).
  - Otherwise, the employer can call our **Employer, Business, Investor and School Services (EBISS) information line** at **1-800-357-2099**.
- visa requirements based on an approved **P2** petition, we suggest the Department of State website at [www.state.gov](http://www.state.gov).

### How long can I stay as a P2? Can I extend my stay?

- **Initial status** – A **P2** is normally admitted for a period necessary to accomplish the event or activity plus up to 10 days before the validity period of the petition and up to 10 days after the petition expires.
- **Maximum stay** – **P2** workers can be granted extensions of stay in 12-month increments based on subsequent I-129 petitions filed by employers. There is no limit on how long a **P2** can stay and work.

Back to [P2 – artists and entertainers pursuant to Exchange Agreements Nonimmigrant Services](#)

[Nonimmigrant Categories](#)

[General Nonimmigrant Information](#)

**Can a P2 work for more than one employer, or change employers?**

- **Multiple locations** - A P2 can work in more than one location, if listed in the itinerary included with the P2 petition.
- **Changing employers**- A P2 worker can change employers, but first the new employer must file a new P2 petition, and USCIS must approve the petition.
- **Multiple employers** - A P2 worker is allowed to work for more than one employer at a time. However, each employer must follow the process in applying for a P2, and the employment cannot start until USCIS approves the petition.

**As a P2, can my family come with me? Can they work, or go to school?**

- Your husband or wife and unmarried children under 21 can accompany you as your dependents.
- **When dependents marry or turn 21** - They will no longer be eligible for dependent status in these categories. They must apply to change to another status or depart the U.S.
- **Working** – P4 dependents cannot work in the U.S.
- **Extending their stay** – P4 dependents can extend their stay to remain with the P2. Use Form I-539 to apply. [More information about extensions of stay](#)
- **Going to school** – While in status, a P4 can attend school without changing to another nonimmigrant status.

**Can I and/or my dependent change to/from the P2 or P4 category?**

Unless you are currently in a nonimmigrant category that does not allow a change of status, you can apply to change to P2 or P4 nonimmigrant status. However, you cannot engage in activities associated with that status until your application for a change of status is approved.

P2's can apply to change to another nonimmigrant status.

- [Information about the various other nonimmigrant categories](#)
- [More information about changing to another status](#)

Use [Form I-129](#) to apply for the worker. Use [Form I-539](#) for dependents.

[Back to P2 – artists and entertainers pursuant to Exchange Agreements Nonimmigrant Services](#)

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[General Nonimmigrant Information](#)

**Can I or my family travel outside the U.S. and return to this status?**

If you have complied with all the terms and conditions of your status, and continue to qualify for **P2** status, you can usually return in the same status with a valid visa for this status and valid passport, if one is required.

**Dependents** - If you have complied with all the terms and conditions of your status, and they have as well, they can usually return in the same status with a valid visa and a valid passport, if one is required.

**However, if any person has violated the terms and conditions of their status, it can affect whether they can return.**

**Can status in these categories ever be a basis to become a permanent resident?**

The approval of a permanent labor certification or the filing of an immigrant petition for a P-2 nonimmigrant shall not be the basis for denying a P-2 nonimmigrant petition, a request to extend such a petition, or the alien's admission, change of status, or extension of stay. The alien may legitimately come to the U.S. for a temporary period and depart voluntarily at the end of his or her authorized stay and, at the same time, lawfully seek to become a permanent resident of the U.S. This provision does not apply to essential support personnel of P-2 nonimmigrants.

[Back to P2 – artists and entertainers pursuant to Exchange Agreements  
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**Chapter 4                      General Nonimmigrant Information**

Unit 2                              Information about the various nonimmigrant categories

P3                                      Culturally unique Artists and Entertainers

**OVERVIEW**

The **P3** nonimmigrant category allows an employer to file for artists and entertainers, who perform individually or as part of established groups, to teach or coach in the U.S. temporarily in a program that is culturally unique.

The **P4** category allows the dependents of **P3** nonimmigrant workers to accompany them to the U.S.

<b>Culturally unique Artists and Entertainers</b>	
<b>P3</b>	Culturally unique Artists and Entertainers
<b>P4</b>	Husbands, wives and unmarried children under 21 of P3 nonimmigrants

**Frequently Asked Questions**

- [In general, what are the requirements for the P3 category?](#)
- [How does an employer start the process? How can I get more information?](#)
- [How long can I stay as a P3? Can I extend my stay?](#)
- [Can a P3 work in more in more than one location, for more than one employer, or change employers?](#)
- [As a P3, can my family come with me? Can they work or go to school?](#)
- [Can I and/or my dependent change to/from the P3 or P4 categories?](#)
- [Can I or my family travel outside the U.S. and return to this status?](#)
- [Can my status in these categories ever be a basis to become a permanent resident?](#)

### In general, what are the requirements for the P3 category?

The **P3** category allows an employer to bring artists and entertainers, who perform individually or as established groups, to teach or coach in the U.S. temporarily in a program that is culturally unique.

- Culturally unique, means a style of artistic expression, methodology, or medium that is unique to a particular country, nation, society, class, ethnicity, religion, tribe, or other group of persons. The artist or entertainer must be coming to the U.S. to participate in a cultural event or events that will further the understanding or development of his or her art form. The event or events must be for the purpose of developing, interpreting, representing, coaching, or teaching a unique or traditional ethnic, folk, cultural, musical, theatrical, or artistic performance or presentation.

The **P3** category includes a **P3's essential support personnel**, persons who are an essential and integral part of the performance of a **P3** because s/he performs support services which cannot be readily performed by a U.S. worker and which are essential to the successful performance of the **P3**.

### How does an employer start the process? How can I get more information?

There are two steps. First, the employer files a petition for the **P3** nonimmigrant worker on Form I-129. A **P3** petition may only be filed by a U.S. employer, a U.S. agent, or a foreign employer through a U.S. agent.

If the petition is approved –

- if the worker is outside the U.S., he or she will go through the nonimmigrant visa process, and then enter as a **P3** worker;
- if the worker is already here, and that was indicated in the petition, the worker can begin work for the employer as described in the employer's petition.

For more information about -

- the petition process –
  - Visit our website at [www.uscis.gov](http://www.uscis.gov) and select the Temporary Workers link for further information about the [P-3 visa classification](#).
  - Otherwise, the employer can call our **Employer, Business, Investor and School Services (EBISS) information line** at **1-800-357-2099**.
- visa requirements based on an approved **P3** petition, we suggest the Department of State website at [www.state.gov](http://www.state.gov).

### How long can I stay as a P3? Can I extend my stay? Can I travel outside the U.S. and return?

- **Initial status** – A **P3** is normally admitted for a period necessary to accomplish the event or activity plus up to 10 days before the validity period of the petition and up to 10 days after the petition expires.
- **Maximum stay – P3 workers** can be granted extensions of stay in 12-month increments based on subsequent I-129 petitions filed by employers. There is no limit on how long a **P3** can stay and work.

Back to: [P3 – culturally unique artists and entertainers Nonimmigrant Services](#)

[Nonimmigrant Categories](#)

[General Nonimmigrant Information](#)

**Can a P3 work for more than one employer or change employers?**

- **Multiple locations** - A **P3** can work in more than one location, if listed in the itinerary included with the **P2** petition.
- **Changing employers**- A **P3** worker can change employers, but first the new employer must file a new **P2** petition, and USCIS must approve the petition.
- **Multiple employers** - A **P3** worker is allowed to work for more than one employer at a time. However, each employer must follow the process in applying for a **P3**, and the employment cannot start until USCIS approves the petition.

**As a P3, can my family come with me? Can they work or go to school?**

- Your husband or wife and unmarried children under 21 can accompany you as your dependents.
- **When dependents marry or turn 21** - They will no longer be eligible for dependent status in these categories. They must apply to change to another status or depart the U.S.
- **Working** – **P4** dependents cannot work in the U.S.
- **Extending their stay** – **P4** dependents can extend their stay to remain with the **P3**. Use Form I-539 to apply. [More information about extensions of stay](#)
- **Going to school** – While in status a **P4** can attend school without changing to another nonimmigrant status.

**Can I and/or my dependent change to/from the P3 or P4 category?**

Unless you are currently in a nonimmigrant category that does not allow a change of status, you can apply to change to **P3** or **P4** nonimmigrant status. However, you cannot engage in activities associated with that status until your application for a change of status is approved.

**P3**'s can apply to change to another nonimmigrant status.

- [Information about the various other nonimmigrant categories](#)
- [More information about changing to another status](#)

Use [Form I-129](#) to apply for the worker. Use [Form I-539](#) for dependents.

Back to: [P3 – culturally unique artists and entertainers Nonimmigrant Services](#)

[Nonimmigrant Categories](#)

[General Nonimmigrant Information](#)



**Can I or my family travel outside the U.S. and return to this status?**

If you have complied with all the terms and conditions of your status, and continue to qualify for **P3** status, you can usually return in the same status with a valid visa for this status and valid passport, if one is required.

**Dependents** - If you have complied with all the terms and conditions of your status, and they also have as well, they can usually return in the same status with a valid visa and a valid passport, if one is required.

**However, if any person has violated the terms and conditions of their status, it can affect whether they can return.**

**Can status in these categories ever be a basis to become a permanent resident?**

The approval of a permanent labor certification or the filing of an immigrant petition for a P-3 nonimmigrant shall not be the basis for denying a P-3 nonimmigrant petition, a request to extend such a petition, or the alien's admission, change of status, or extension of stay. The alien may legitimately come to the U.S. for a temporary period and depart voluntarily at the end of his or her authorized stay and, at the same time, lawfully seek to become a permanent resident of the U.S. This provision does not apply to essential support personnel of P-3 nonimmigrants.

Back to: [P3 – culturally unique artists and entertainers  
Nonimmigrant Services](#)

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<b>Chapter 4</b>	<b>General Nonimmigrant Information</b>
Unit 2	Information about the various nonimmigrant categories
P4	Dependents of 'P' athletes, artists and entertainers
<b>OVERVIEW</b>	
The <b>P4</b> category allows the dependents of <b>P1</b> , <b>P2</b> and <b>P3</b> athletes, artists and entertainers to accompany them to the U.S.	

<b>Dependents of 'P' athletes, artists and entertainers</b>	
<b>P4</b>	Husbands, wives and unmarried children under 21 of <b>P1</b> , <b>P2</b> and <b>P3</b> nonimmigrants

For information about the terms and conditions of **P4** status, as well as how a dependent can get a visa or status, see the appropriate **P** worker category. To go there, you can click on the appropriate option below.

<a href="#"><u>P1</u></a>	Internationally recognized athletes and entertainers
<a href="#"><u>P2</u></a>	Artists and entertainers pursuant to Exchange Agreements
<a href="#"><u>P3</u></a>	Culturally unique artists and entertainers

**Chapter 4      General Nonimmigrant Information**

Unit 2      Information about the various nonimmigrant categories

Q1      International Cultural Exchange Visitors

**OVERVIEW**

The **Q1** category allows an employer to file for participants in an international cultural exchange program to the U.S. for training and to work for a maximum of 15 months.

There is no corresponding category for the dependents of a **Q1** to accompany the **Q1**.

International Cultural Exchange Visitors	
<b>Q1</b>	Participant in an international cultural exchange program

**Frequently Asked Questions**

- [In general, what are the requirements for the Q category?](#)
- [How does an employer start the process? How can I get more information?](#)
- [How long can I stay as a Q1? Can I extend my stay?](#)
- [Can a Q1 work in more than one location, for more than one employer, or change employers?](#)
- [As a Q1, can my family come with me? Can they work or go to school?](#)
- [Can I change to/from the Q categories?](#)
- [Can I travel outside the U.S. and return to this status?](#)
- [Can my status in these categories ever be a basis to become a permanent resident?](#)

Back to:

[Nonimmigrant Categories](#)[General Nonimmigrant Information](#)[Nonimmigrant Services](#)

### In general, what are the requirements for the Q category?

The **Q1** category allows an employer to file for participants in an international cultural exchange program to the U.S., for training and to work for a maximum of 15 months.

In order to qualify as an international cultural exchange program the program must -

- be accessible to the public by taking place in a school, museum, business or other establishment where the American public, or a segment of the public sharing a common cultural interest, is exposed to aspects of a foreign culture as part of a structured program; and
- have a cultural component, which is an essential and integral part of the international cultural exchange visitor's employment or training, and which is designed to exhibit or explain the attitude, customs, history, heritage, philosophy, or traditions of the international cultural exchange visitor's country.

The international cultural exchange visitor's employment or training in the U.S. cannot be independent of the cultural component of the international cultural exchange program. The work must serve as the vehicle to achieve the objectives of the cultural component.

### How does an employer start the process? How can I get more information?

There are two steps. First, the employer files a petition for the **Q** nonimmigrant worker on Form I-129. A **Q** petition may only be filed by a U.S. employer, a U.S. agent, or a foreign employer through a U.S. agent.

If the petition is approved –

- if the worker is outside the U.S., he or she will go through the nonimmigrant visa process, and then enter as a **Q** worker;
- if the worker is already here, and that was indicated in the petition, the worker can begin work for the employer as described in the employer's petition.

### For more information about

- the petition process –
  - Visit our website at [www.uscis.gov](http://www.uscis.gov) and select the Temporary Workers link for further information about the [Q visa classification](#).
  - Otherwise the employer can call our **Employer, Business, Investor and School Services (EBISS) information line** at **1-800-357-2099**.
- For visa requirements based on an approved **Q** petition, we suggest the Department of State website at [www.state.gov](http://www.state.gov).

### How long can I stay as a Q1? Can I extend my stay?

- **Initial status** – A **Q1** is normally admitted for a period necessary to accomplish the event or activity, with a maximum admission and maximum stay of 15 months.
- **Maximum stay** – **Q1**'s can be granted extensions of stay based on subsequent I-129 petitions filed by employers, but **Q1**'s are limited to a maximum stay of 15 months.

Back to: [Q1 – international cultural exchange visitors](#)  
[Nonimmigrant Services](#)

[Nonimmigrant Categories](#)

[General Nonimmigrant Information](#)

**Can a Q1 work for more than one employer, or change employers?**

- **Multiple locations** - A Q1 can work in more than one location, if listed in the itinerary included with the Q1 petition.
- **Changing employers**- A Q1 can change employers, but first the new employer must file a new Q1 petition, and USCIS must approve the petition before the proposed activities can begin. A change in employers does not affect the overall 15 month limit on the period a Q1 can stay in the U.S.
- **Multiple employers** - A Q1 worker is allowed to work for more than one employer at a time. However, each employer must follow the process in applying for a Q1, and the employment cannot start until USCIS approves the petition.

**As a Q1, can my family come with me? Can they work, travel or go to school?**

There is no corresponding category for the dependents of a Q1. Unless they qualify for a nonimmigrant status on their own, they may not accompany you to the U.S.

**Can I change to/from the Q category?**

Unless you are currently in a nonimmigrant category that does not allow a change of status, you can apply to change to Q nonimmigrant status. However, you cannot engage in activities associated with that status until your application for a change of status is approved.

Q's can apply to change to another nonimmigrant status.

- [Information about the various other nonimmigrant categories](#)
- [More information about changing to another status](#)

Use [Form I-129](#) to apply.

**Can I travel outside the U.S. and return to this status?**

If you have complied with all the terms and conditions of your status, and continue to qualify for Q1 status, you can usually return in the same status with a valid visa for this status and valid passport, if one is required.

- **Temporary absences count towards the maximum stay.**

**However, if any person has violated the terms and conditions of their status, it can affect whether they can return.**

**Can status in these categories ever be a basis to become a permanent resident?**

No. In fact, to be eligible under these categories, you must plan to depart the U.S. and return to your residence abroad when your Q status ends. The concept of 'dual intent' does not apply.

Back to: [Q1 – international cultural exchange visitors](#)  
[Nonimmigrant Services](#)

[Nonimmigrant Categories](#)

[General Nonimmigrant Information](#)

**Chapter 4      General Nonimmigrant Information**

Unit 2      Information about the various nonimmigrant categories

R      Temporary Religious Workers

**OVERVIEW**

The **R1** category allows a non-profit religious organization to bring qualifying persons to the U.S., to serve temporarily as a minister of the religious denomination or to work for the religious organization in a professional category. The individual must have been a member of the religious denomination for at least the past two years.

The **R2** category allows qualifying dependents of **R1** nonimmigrant workers to accompany them to the U.S.

International Cultural Exchange Visitors	
<b>R1</b>	Temporary Religious Workers
<b>R2</b>	Husbands, wives and unmarried children under 21 of <b>R1</b> nonimmigrants

**Frequently Asked Questions**

- [In general, what are the requirements for the R category?](#)
- [How does an employer start the process? How can I get more information?](#)
- [How long can I stay as an R1? Can I extend my stay?](#)
- [Can an R1 work in more than one location, for more than one employer, or change employers?](#)
- [As an R1, can my family come with me? Can they work or go to school?](#)
- [Can I and/or my dependent change to/from the R categories?](#)
- [Can I or my family travel outside the U.S. and return to this status?](#)
- [Can my status in these categories ever be a basis to become a permanent resident?](#)

### In general, what are the requirements for the R category?

The **R1** category allows a non-profit religious organization to bring qualifying persons to the U.S. who have been members of religious denomination for at least 2 years, to serve temporarily as ministers of mentioned religious denominations, or to work for a religious organization in a professional category, which means an activity in a religious vocation or occupation for which the minimum of a U.S. baccalaureate degree or a foreign equivalent degree is required. In addition, R-1 visa applicants must obtain an approved Form I-129 Petition from USCIS before issuance of a R-1 visa.

### How does an employer start the process? How can I get more information?

The employer begins the process by filing [Form I-129, Petition for Nonimmigrant Worker](#), with USCIS. If the worker is already in the U.S. in a valid nonimmigrant status and is seeking to change to R-1 status, the employer must still submit Form I-129.

- For more information about visa requirements, we suggest the Department of State website at [www.state.gov](http://www.state.gov).
- Visit our website at [www.uscis.gov](http://www.uscis.gov) and select the Temporary Workers link for further information about the [R-1 visa classification](#).
- Employers interested in more information about how to change the status of an employee to **R1**, or about how to apply for an extension of stay can call our **Employer, Business, Investor and School Services (EBISS) information line at 1-800-357-2099**.

### How long can I stay as a R1? Can I extend my stay? Can I travel outside the U.S. and return?

- **Initial status** – A **R1** is normally admitted for a period necessary to accomplish the activity, with a maximum initial status of 3 years.
- **Maximum stay** – **R1** workers can be granted extensions of stay for up to 30 months based on subsequent I-129 petitions filed by employers, with total maximum stay as an **R1** limited to 5 years.

### Can a R1 work for more than one employer or change employers?

- **Changing employers**- A **R1** worker can change employers, but first the new employer must file a new **R1** petition, and USCIS must approve the petition.
- **Multiple employers** - A **R1** worker is allowed to work for more than one religious organization at a time. However, each employer must follow the process in applying for a **R1**, and the employment cannot start until we approve the petition.

**As an R1, can my family come with me? Can they work or go to school?**

- Your husband or wife and unmarried children under 21 can accompany you as your dependents.
- **When dependents marry or turn 21** - they will no longer be eligible for dependent status in these categories. They must apply to change to another status or depart the U.S.
- **Working** – R2 dependents cannot work in the U.S.
- **Extending their stay** – R2 dependents can extend their stay to remain with the R2. Use Form I-539 to apply. [More information about extensions of stay](#)
- **Going to school** – While in status an R2 can attend school without changing to another nonimmigrant status.

**Can I and/or my dependent change to/from the R category?**

Unless you are currently in a nonimmigrant category that does not allow a change of status, you can apply to change to R nonimmigrant status. However, you cannot engage in activities associated with that status until your application for a change of status is approved.

R's can apply to change to another nonimmigrant status.

- [Information about the various other nonimmigrant categories](#)
- [More information about changing to another status](#)

Use [Form I-129](#) to apply for the worker. Use [Form I-539](#) for dependents.

**Can I or my family travel outside the U.S. and return to this status?**

If you have complied with all the terms and conditions of your status, and continue to qualify for R status, you can usually return in the same status with a valid visa for this status and valid passport, if one is required.

**Dependents** - If you have complied with all the terms and conditions of your status, and they also have as well, they can usually return in the same status with a valid visa and a valid passport, if one is required.

**However, if any person has violated the terms and conditions of their status, it can affect whether they can return.**

**Can status in these categories ever be a basis to become a permanent resident?**

The approval of a permanent labor certification or the filing of an immigrant petition for a R nonimmigrant shall not be the basis for denying a R nonimmigrant petition, a request to extend such a petition, or the alien's admission, change of status, or extension of stay. The alien may legitimately come to the U.S. for a temporary period and depart voluntarily at the end of his or her authorized stay and, at the same time, lawfully seek to become a permanent resident of the U.S. This provision does not apply to essential support personnel of R nonimmigrants.





### In general, what are the requirements for the TN1 category?

The **TN1** category relates to streamlined procedures under NAFTA (the North American Free Trade Agreement), to allow certain Canadian professional workers to temporarily work in the U.S.

NAFTA covers a wide variety of professional occupations. You can directly access the current NAFTA professional job series listing at [www.travel.state.gov](http://www.travel.state.gov).

### How do I start the process? How can I get more information?

A Canadian citizen seeking admission as a TN nonimmigrant needs to show evidence of Canadian citizenship, a job offer letter from a U.S. employer offering a job included on the NAFTA list. If the Canadian citizen earned a degree from a university located outside the US, Mexico or Canada, the applicant must provide a credentials evaluation from a reliable evaluation service specializing in evaluating foreign educational credentials. The prospective employee can apply for admission to the U.S. with an immigration officer at a U.S. port of entry. A prospective U.S. based employer does not have to file any paperwork on behalf of a Canadian citizen seeking TN status; they only need to supply a letter offering the prospective employee a job in the United States, which is included on the [NAFTA job list](#).

#### For more information -

- We recommend the Department of State's website at [www.travel.state.gov](http://www.travel.state.gov).
- Visit our website at [www.uscis.gov](http://www.uscis.gov) and select the Temporary Workers link for further information about the [TN visa classification](#).
- Otherwise the employer can call our **Employer, Business, Investor and School Services (EBISS) information line at 1-800-357-2099**.

A Canadian citizen seeking **TN** status must present documentary evidence when applying to enter the U.S. such as -

- the letter described above from the prospective employer;
- a copy of their college degree and employment records which establish their qualifications for the prospective job; and
- evidence of Canadian citizenship.

He or she can apply to enter the U.S. with this documentation at a designated U.S. land border port of entry, a U.S. international airport, or at a U.S. pre-clearance/pre-flight station. **For more information** about evidence and places where you can apply to enter the U.S., we recommend the U.S. Customs and Border Protection website at [www.cbp.gov](http://www.cbp.gov).

Alternatively, effective October 1, 2012, employers have the option of filing a Form I-129, Petition for Nonimmigrant Worker, with USCIS on behalf of Canadian citizens seeking TN status who are outside the U.S. Please see our [TN NAFTA Professionals Webpage](#) for more information.

Back to: [Canadian professionals under NAFTA](#) [Nonimmigrant Categories](#) [General Nonimmigrant Information](#) [Nonimmigrant Services](#)

### How long can I stay as a TN1? Can I extend my stay?

- **Initial status** – A **TN1** is normally admitted for a period not to exceed one year.
- **Maximum stay** – A **TN1** can be granted extensions of stay in 12-month increments. To receive an extension, the employer in the U.S. should use Form I-129, Petition for a Nonimmigrant Worker, to apply to extend the worker's status. There is no absolute limit on the length of **TN1** status. However, this is a nonimmigrant status, and the **TN1** must plan to return to Canada to live once **TN1** status ends.

### Can a TN1 work for more than one employer or change employers?

- **Changing employers**- A **TN1** worker can change employers, but first the new employer must file a new **TN1** petition on Form I-129, and USCIS must first approve the petition.
- **Multiple employers** - A **TN1** worker is allowed to work for more than one employer at a time. However, each employer must file a **TN1** petition on Form I-129, and the employment cannot start until USCIS approves the petition.

### As a TN1, can my family come with me? Can they work or go to school?

- Your husband or wife and unmarried children under 21 can accompany you as your dependents. They should apply for **TD** visas at the nearest U.S. consulate or for status at a designated Port-of-Entry into the U.S.
- **When dependents marry or turn 21** - They will no longer be eligible for dependent status in these categories. They must apply to change to another status or depart the U.S.
- **Working** – **TD** dependents cannot work in the U.S.
- **Extending their stay** – **TD** dependents can extend their stay to remain with the **TN**. Use Form I-539 to apply. [More information about extensions of stay](#)
- **Going to school** – While in status a **TD** can attend school without changing to another nonimmigrant status.

### Can I and/or my dependent change to/from the TN1 or TD category?

Unless you are currently in a nonimmigrant category that does not allow a change of status, you can apply to change to **TN** or **TD** nonimmigrant status. However, you cannot engage in activities associated with that status until your application for a change of status is approved.

**TN**'s and **TD**'s can apply to change to another nonimmigrant status.

- [Information about the various other nonimmigrant categories](#)
- [More information about changing to another status](#)

Use [Form I-129](#) to apply for the worker. Use [Form I-539](#) for dependents.

**Can I or my family travel outside the U.S. and return to this status?**

If you have complied with all the terms and conditions of your status, and continue to qualify for **TN** status, you can usually return in the same status with a valid visa for this status and valid passport, if one is required. You should carry the same documentation as when you first were granted **TN** status, and we recommend you have a copy of your I-94 Arrival-departure record showing your previous status.

**Dependents** – If you have complied with all the terms and conditions of your status, and they also have as well, they can usually return in the same status with a valid visa and a valid passport, if one is required. They will need to have evidence of your continuing **TN** status.

**However, if any person has violated the terms and conditions of their status, it can affect whether they can return.**

**Can status in these categories ever be a basis to become a permanent resident?**

No. In fact, to be eligible under these categories, you must plan to depart the U.S. and return to your residence abroad when your **TN** or **TD** status ends. The concept of 'dual intent' does not apply.

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### In general, what are the requirements for the TN2 category?

The **TN2** category relates to streamlined procedures under NAFTA (the North American Free Trade Agreement), to allow certain Mexican professional workers to temporarily work in the U.S.

NAFTA covers a large variety of professional occupations. You can directly access the current NAFTA professional job series listing at [www.travel.state.gov](http://www.travel.state.gov).

### How do I start the process? How can I get more information?

A Mexican citizen seeking admission as a TN nonimmigrant needs to apply for a TN visa at a U.S. consulate with evidence of Mexican citizenship, as established by a valid passport, and a job offer letter from a U.S. employer offering a job included on the NAFTA list. If the Mexican citizen earned a degree from a university located outside the US, Mexico or Canada, the applicant must provide a credentials evaluation from a reliable evaluation service specializing in evaluating foreign educational credentials. A prospective U.S. based employer does not have to file any paperwork on behalf of a Mexican citizen seeking TN status; they only need to supply a letter offering the prospective employee a job in the United States, which is included on the [NAFTA job list](#).

#### For more information -

- We recommend the Department of State's website at [www.travel.state.gov](http://www.travel.state.gov).
- Visit our website at [www.uscis.gov](http://www.uscis.gov) and select the Temporary Workers link for further information about the [TN visa classification](#).
- Otherwise the employer can call our **Employer, Business, Investor and School Services (EBISS) information line at 1-800-357-2099**.

A Mexican citizen seeking **TN** status must present documentary evidence when applying for a TN visa at a US consulate, such as -

- the letter described above from the prospective employer;
- a copy of their college degree and employment records which establish their qualifications for the prospective job; and
- evidence of Mexican citizenship, as established by a valid passport

After obtaining a valid TN nonimmigrant visa, he or she may be admitted to the U.S. at a designated U.S. land border port of entry, a U.S. international airport, or at a U.S. pre-clearance/pre-flight station.

### How long can I stay as a TN2? Can I extend my stay? Can I travel outside the U.S. and return?

- **Initial status** – A **TN2** is normally admitted for the validity period of the approved **TN2 visa** application.
- **Maximum stay** – A **TN2** can be granted extensions of stay in 12-month increments. To receive an extension, the applicant must apply for an extension at a U.S. Consulate or designated U.S. Port of Entry, or the applicant's employer may file a Form I-129, Petition for a Nonimmigrant Worker. There is no absolute limit on the length of **TN2** status. However, this is a nonimmigrant status, and the **TN2** must plan to return to Mexico to live once **TN2** status ends.

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**Can a TN2 work for more than one employer or change employers?**

- **Changing employers-** A **TN2** worker can change employers, but first must apply for and be granted a new visa for the new employer.
- **Multiple employers** - A **TN2** worker is allowed to work for more than one employer at a time. However, he/she must have an approved **TN2** visa for each employer.

**As a TN2, can my family come with me? Can they work or go to school?**

- Your husband or wife and unmarried children under 21 can accompany you as your dependents. They should apply for **TD** visas at the nearest U.S. consulate or for status at a designated Port-of-Entry into the U.S.
- **When dependents marry or turn 21** - They will no longer be eligible for dependent status in these categories. They must apply to change to another status or depart the U.S.
- **Working** – **TD** dependents cannot work in the U.S.
- **Extending their stay** – **TD** dependents can extend their stay to remain with the **TN**. Use Form I-539 to apply. [More information about extensions of stay](#)
- **Going to school** – While in status, a **TD** can attend school without changing to another nonimmigrant status.

**Can I and/or my dependent change to/from the TN2 or TD category?**

Unless you are currently in a nonimmigrant category that does not allow a change of status, you can apply to change to **TN** or **TD** nonimmigrant status. However, you cannot engage in activities associated with that status until your application for a change of status is approved.

**TN2**'s and **TD**'s can apply to change to another nonimmigrant status.

- [Information about the various other nonimmigrant categories](#)
- [More information about changing to another status](#)

Use [Form I-129](#) to apply for the worker. Use [Form I-539](#) for dependents.

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**Can I or my family travel outside the U.S. and return to this status?**

If you have complied with all the terms and conditions of your status, and continue to qualify for **TN** status, you can usually return in the same status with a valid visa for this status and valid passport, if one is required. You should carry the same documentation as when you first were granted **TN** status, and we recommend you have a copy of your I-94 Arrival-departure record showing your previous status.

**Dependents** - If you have complied with all the terms and conditions of your status, and they also have as well, they can usually return in the same status with a valid visa and a valid passport, if one is required. They will need to have evidence of your continuing **TN** status.

**However, if any person has violated the terms and conditions of their status, it can affect whether they can return.**

**Can status in these categories ever be a basis to become a permanent resident?**

No. In fact, to be eligible under these categories, you must plan to depart the U.S. and return to your residence abroad when your **TN** or **TD** status ends. The concept of 'dual intent' does not apply.

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**I am a U.S. citizen, and I am engaged. What are my options in terms of sponsoring my fiancé(e) to come live in the U.S.?**

You have two options –

- First, **if you choose to marry overseas**, as soon as you marry you can file a relative petition for your new husband or wife. This petition is the first step to become a permanent resident.
  - Often the petition can be filed and processed at the consulate once you marry, and your new husband or wife will be issued an immigrant visa, and can then enter the U.S. as a permanent resident.
  - [More information about this process](#) (to USCIS – Green Card for a Family Member of a U.S. Citizen)
- Your second option is the **K1** nonimmigrant category. Recognizing that sometimes a U.S. citizen and his or her fiancé(e) want to get married in the U.S., the **K1** category allows the U.S. citizen to file a fiancé(e) petition on Form [I-129F](#) to bring the fiancé (e) to the U.S. so that the two can marry here. To be eligible, the U.S. citizen and fiancé(e) must have decided to marry, not simply wish to have the opportunity to spend time together to decide whether to marry.
  - This status is not available to a person who is already in the U.S.
  - If granted, status will be given for 90 days and cannot be extended. If the two marry within that time, this nonimmigrant status becomes a pathway to permanent residence because the U.S. citizen's new husband or wife can then apply for adjustment of status.

**Can a permanent resident use the K1 process?**

No. The **K1** process is only available to U.S. citizens

**How long can a person stay as a K1? Can I extend my stay or work?**

- **Length of stay** - A **K1** is admitted for 90 days. This status cannot be extended. If the **K1** and U.S. citizen do not marry within that time, the **K1** must leave the U.S. or he or she will be out of status and subject to removal proceedings.
- **Working - K1** status only lasts for 90 days. The purpose is to let the **K1** and U.S. citizen fiancé(e) to marry. A **K1** has two options with respect to employment authorization.
  - Once a **K1** enters the U.S., he or she can apply for an Employment Authorization Document (EAD). Use Form I-765 to apply. However, the amount of time it will take to get an EAD means that it will be valid for only a short time. As soon as the **K1** marries, he or she can apply for permanent residence and will have to file a new application for another EAD.
  - The second option is to wait until the **K1** and U.S. citizen marry, and then file an I-765 application for an EAD along with the application for permanent residence.

**Can a K1 bring his or her family with them? Can they work or go to school?**

- **General family** - A **K1**'s general family cannot come as **K2** dependents just for the wedding.
- **Unmarried children** - If a **K1** has an unmarried child under 21, the child can be given **K2** dependent status if he or she was included in the U.S. citizen's **K1** petition.
- **Working** – **K2** dependents old enough to legally work in the U.S. can apply for an employment authorization document (EAD). Like the **K1**, the **K2** has two options.
  - Like the **K1**, the **K2** can apply for an EAD once s/he enters the U.S. Like the **K1**, the EAD will only be valid for the short period until **K2** status expires, and then the **K2**, when he or she applies for permanent residence once the **K1** and fiancé(e) marry, will have to apply for a new EAD.
  - The second option is to wait until the **K1** and U.S. citizen marry, and then file an I-765 application for an EAD along with the application for permanent residence.
- **Going to school** – While in status, a **K2** dependent may attend school in the U.S. without changing to another status.

**What happens when the K1 and U.S. citizen who filed the petition marry?**

As soon as they marry, the **K1** and **K2** dependents can apply to adjust their status to become permanent residents. Use Form I-485 to apply. Each person must file a separate application.

The **K1** and each **K2** can also file two additional applications with their I-485 if they choose.

- The first is that the **K1** and any **K2**'s old enough to work can file an I-765 application for an employment authorization document (EAD) so they can work while their permanent resident applications are pending.
- The second is that the **K1** and any **K2**'s can individually apply for an advance parole to be able to travel outside the U.S. while their application for adjustment of status is pending, and then return to continue to pursue those applications for permanent residence. Use Form I-131 to apply.

**What happens if my fiancé(e) enters using this status, but we don't marry in time, or at all?**

The **K1** and all **K2** dependents must leave the U.S. before their authorized stay expires, or they will be out of status and subject to removal proceedings.

**I am a K1. What happens if I decide to marry someone else while I am in the U.S.?**

Since your visa was sponsored by someone other than the person you now want to marry, you will need to leave the U.S. Otherwise, you may be placed in removal proceedings. If your new fiancé(e) is a U.S. citizen, he or she can file a new fiancé(e) petition for you after you leave the U.S..

If you marry someone else while you are here, if that person is a U.S. citizen or permanent resident, they can file a relative petition for you, but you will have to leave and wait abroad for an immigrant visa based on that petition.

**Can I change from/to K1 or K2 status?**

A person in the U.S. cannot get **K1** or **K2** status.

**K1**'s and **K2**'s cannot change to another nonimmigrant status. However, if the **K1** marries as provided in the fiancé(e) petition, he or she and **K2** dependents can apply for adjustment of status to permanent residence.

**What if I have other questions about eligibility?**

We recommend you first get the application form and read the instructions.

- On our website you can download the form, instructions and a fact sheet on the **K1** process, or
- we can take your form order now and have the form mailed to you.

For questions about eligibility, you can also directly research rules and requirements on our website at [www.uscis.gov/laws](http://www.uscis.gov/laws)

- You can also get information about these categories, and about visa requirements, direct from the Department of State website at [www.travel.state.gov](http://www.travel.state.gov).
- For information about entering and leaving the U.S., visit the U.S. Customs and Border Protection at [www.cbp.gov](http://www.cbp.gov).

**What form should I use to apply? Other questions about filing.**

For information about filing the [I-129F fiancé\(e\) petition](#), such as the filing fee, how to get the form, and more

For information about the [I-485 application](#) used by **K1**'s and **K2**'s to apply to adjust status to become permanent residents

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### I am a U.S. citizen, and I have filed or plan to file a relative petition so my husband or wife can immigrate and live in the U.S. What is the K3 option?

As a U.S. citizen, start the process of sponsoring the immigration of your husband or wife by filing a relative petition on Form I-130. However, we understand that it can take some time to process the I-130, and then for the Department of State to issue an immigrant visa. So you have a choice. When you file the I-130, or even after you have filed it, you can also file a **K3** petition for your husband or wife.

If approved, your husband or wife can come to the U.S. as a **K3** nonimmigrant and wait for the I-130 to be approved, and then apply for permanent residence here.

Use Form I-129F if you choose to file the optional **K3** petition.

You are not required to file a **K3** petition, and there is no guarantee that the **K3** process will be faster. We recommend that, before you choose to file a **K3** petition, you check our current processing times for both the **K3** petition and the I-130 petition, and then decide whether you want to invest in this extra step to try to accelerate your husband or wife's being able to come to the U.S.

**Applying for permanent residence** – After entering as a **K3**, your husband or wife can apply for permanent residence by filing an I-485 application after USCIS approves your relative petition for him or her.

### When do I file the K3 petition?

- You can file it **with** your I-130 relative petition for the person.
- If you have already filed the I-130, and it is still pending, you can decide to file the **K3** petition anytime while the I-130 is pending. However, once the I-130 is approved or denied, the **K3** option is no longer available.

### If I use the K3 process, when will my husband or wife need to get her medical examination?

Every immigrant needs a medical exam as part of the process. As part of getting the **K3** visa, your husband or wife will have to get the medical exam normally required before he or she would be given an immigrant visa.

If he or she files the I-485 adjustment of status application within one year of first entering the U.S. as a **K3** or **K4**, he or she will normally not need another medical examination.

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**If I use the K3 process, how long can my husband or wife stay as a K3? Can he or she extend stay as a K3? Can he or she work?**

- **Length of initial status** – Remember that **K3** status is an interim status designed to let the person come to the U.S. in K3 status until the I-130 relative petition filed by the U.S. citizen husband or wife is approved and s/he can apply for permanent residence. Thus a **K3** is initially admitted for 2 years.
- Once the I-130 relative petition is approved, the **K3** is expected to either file an I-485 application to adjust status and become a permanent resident. At that point s/he will also have the option of applying for an immigrant visa if s/he wishes to leave and then return.
- **Working** - Once a **K3** enters the U.S. s/he can apply for an Employment Authorization Document (EAD). Use Form I-765 to apply.

**Can a K3 bring his or her family with them? Can they work, or go to school?**

- **Status** - If a **K3** has an unmarried child under 21, the child can be given **K4** dependent status.
- The U.S. citizen stepparent may want to consider filing separate relative petitions for each stepchild, but it is not required for **K4** status, nor is it absolutely required for immigration since the children can immigrate with their parent based on the I-130 petition that the U.S. citizen filed for his or her husband or wife.
- A **K4** is normally admitted to the same date as the **K3**, but **K4** status cannot be granted beyond the date before s/he turns 21.
- **Working** – **K4** dependents old enough to legally work in the U.S. can apply for an employment authorization document (EAD). Use Form I-765 to apply.
- **Going to school** – While in status a **K4** dependent may attend school in the U.S. without changing to another status.

**Can a K3 or K4 extend their stay?**

A **K3** or **K4** can apply to extend their **K3** or **K4** status. Use Form I-539 to apply. In the application s/he will have to show that –

- the I-130 relative petition filed by the U.S. citizen husband or wife filed is still pending, or
- he or she already has an application for an immigrant visa pending based on that petition, or
- he or she already has an I-485 application to become a permanent resident pending. However, in this case, he or she has the choice of extending **K3** or **K4** status or simply remaining based on the pending I-485 application for permanent residence.

A **K4** cannot be granted an extension of stay as a **K4** beyond the date before he or she turns 21.

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**Can a permanent resident use the K3 process for family members?**

No. This process is only for qualifying relatives of a U.S. citizen.

However, we suggest you look at **V** nonimmigrant status. It is a similar program for certain relatives of permanent residents who are waiting to be able to immigrate.

**What is the effect on K3 or K4 status if the I-130 relative petition is later denied?**

If the underlying I-130 relative petition is denied, **K3** and **K4** status will terminate 30 days after the date of the denial. The individuals will have to leave the U.S. or they will be subject to removal proceedings.

**Can I change from/to K3 or K4 status?**

**K3** and **K4** visas are only available to a person who is outside the U.S. A person in the U.S. cannot get **K3** or **K4** status, and **K3**'s and **K4**'s cannot change to another nonimmigrant status.

**Can I or my family travel outside the U.S. and return to this status?**

Aliens present in the United States in a **K3/K4** nonimmigrant classification may travel outside of the United States and return using their nonimmigrant **K3/K4** visa, even if they have filed for adjustment of status in the U.S. prior to departure. "USCIS will not presume that departure constitutes abandonment of an adjustment application that has been filed."

A foreign national with a valid **K3/K4** visa may travel outside the U.S. without first obtaining special permission, referred to as advance parole.

**However, if any person has violated the terms and conditions of their status, it can affect whether they can return.**

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**What if I have other questions about eligibility?**

We recommend you first get the application form and read the instructions.

- On our website you can download the form and instructions, or
- We can take your form order now and have the form mailed to you.

For questions about eligibility, you can also directly research rules and requirements on our website at [www.uscis.gov/laws](http://www.uscis.gov/laws).

- You can also get information about these categories and visa requirements directly from the Department of State website at [www.travel.state.gov](http://www.travel.state.gov).
- For information about entering and leaving the U.S., we suggest contacting U.S. Customs and Border Protection. Their website is at [www.cbp.gov](http://www.cbp.gov).

**What form should I use to apply? Other questions about filing.**

For information about filing the [I-129F petition](#) for a **K3**, such as the filing fee, how to get the form, and more

For more information about the [I-485 application](#) used by **K3**'s and **K4**'s to apply to adjust status to become permanent residents

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**Chapter 4      General Nonimmigrant Information**

Unit 2      Information about the various nonimmigrant categories

V      Certain relatives of a Permanent Resident (Life Act)

**OVERVIEW**

This nonimmigrant category provides status to qualifying individuals who are the husbands and wives and unmarried children of a permanent resident, who filed Form I-130 relative petitions on their behalf before December 22, 2000, and they are waiting to be able to apply for permanent residence or have an application for permanent residence pending based on that relative petition.

<b>Certain relatives of a Permanent Resident (Life Act)</b>	
<b>V1</b>	Certain husbands and wives of Permanent Residents
<b>V2</b>	Certain children of Permanent Residents
<b>V3</b>	Certain children of a <b>V1</b> or <b>V2</b> nonimmigrant

**Frequently Asked Questions about eligibility and status**

- [I am a permanent resident? What is the V program, and when can my family use it?](#)
- [I am a permanent resident, and I filed an I-130 relative petition. How can I find out whether it qualifies as a basis for V status?](#)
- [How does someone apply for V status?](#)
- [If I use the V process, when will my relative need to get their medical examination?](#)
- [How long can my relative stay as a V? Can he or she work, or go to school?](#)
- [Can a V bring his or her family with them? Can they work or go to school?](#)
- [If I have V status, when do I apply for permanent residence? What then happens to my V status? Can a V extend their stay?](#)
- [What happens to V status if the permanent resident who filed the I-130 petition becomes a U.S. citizen, if the petition is withdrawn or revoked, or if my application for permanent residence is denied?](#)
- [Can I change from V to another nonimmigrant status?](#)
- [Can I or my family travel outside the U.S. and return to this status?](#)
- [Can a V-2 or V-3 extend their stay if they turn 21? Can they travel?](#)
- [What if I have other questions about eligibility?](#)

**FAQs about how to apply**

- [What form do I use to apply? Other form and filing questions.](#)

**I am a permanent resident. What is the V program, and when can my family use it?**

Immigration law limits the number of people who can immigrate each year. This can lead to substantial wait times after a permanent resident starts the process and files the I-130 relative petition until their husband, wife or child can become a permanent resident. The **V** program offers an interim nonimmigrant status in certain situations to a permanent resident's immediate family, if the I-130 relative petition was filed before **December 22, 2000**. Thus, most qualified people potentially have already taken advantage of this program, and hold **V** status.

To qualify –

- the family member must be the permanent resident's husband or wife, or unmarried child under age 21,
- the permanent resident must have filed an I-130 relative petition for the family member before December 22, 2000, and
- the petition must either –
  - still be pending, or
  - be approved, but with an immigrant visa not yet available based on the petition filing date, or
  - the family member has a pending I-485 adjustment of status application pending based on the petition.

**I am a permanent resident, and I filed an I-130 relative petition. How can I find out whether it qualifies as a basis for V status?**

- If the I-130 petition was approved, then check to see if the priority date is current to see whether the person can apply for permanent residence instead of for **V** status.
  - To check priority dates, you can go to the Department of State's website at [travel.state.gov](http://travel.state.gov).
- If you believe your case is still pending with USCIS (we have not approved or denied it), we recommend you check the status of your relative petition before you file for **V** status.

[Check case status with the receipt number for the relative petition.](#)

**How does someone apply for V status?**

- They can apply for a **V** nonimmigrant visa at a U.S. consulate.
  - **For more information about visa requirements**, we suggest the Department of State website at [www.state.gov](http://www.state.gov).
- If they are already in the U.S., they can apply for **V** status in the U.S. Use Form I-539 and its Supplement A to apply.
  - Normally, a person must be in a valid nonimmigrant status to change to another nonimmigrant status. That is not the case with the **V** program. If already in the U.S., the relative does not have to be in a valid nonimmigrant status to be eligible to receive **V** status.

**If I use the V process, when will my relative need to get their medical examination?**

Every immigrant has to get a medical exam as part of the process. As part of getting a **V** visa or status, your family member will have to get the medical exam normally required before he or she is given an immigrant visa. They will need to submit it with their visa application or I-539 application.

If he or she files the I-485 adjustment of status application, within one year of first entering the U.S. as a **V**, he or she will normally not need to have another medical examination.

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**How long can my relative stay as a V? Can he or she work or go to school?**

- **Length of initial status** – A **V1** or **V2** is normally granted status initially for 2 years. However, a **V2** will not be given status beyond the day before he or she turns 21.
- **Working** - Once a **V1** or **V2** enters the U.S. he or she can apply for an Employment Authorization Document (EAD). Use Form I-765 to apply. If in the U.S. and applying for a change to V status, the person can apply for an employment authorization document (EAD) at the same time he or she submits the I-539 application for V status. Use Form I-765 to apply for an EAD.
- **Going to school** – While in status, a person holding V status may attend school in the U.S. without changing to another status.

**Can a V bring his or her family with them? Can they work or go to school?**

- **Status** - If a **V1** or **V2** has an unmarried child under 21, the child can be given **V3** dependent status. A **V3** will be granted initial status for up to 2 years, but will not be given status beyond the day before he or she turns 21.
  - Authorized stay as a V automatically expires 30 days after -
    - the I-130 relative petition upon which V status is based is withdrawn or revoked; or
    - the person's application for permanent residence based on the I-130 relative petition upon which V status is based is denied or withdrawn.
  - If authorized stay expires, a person will be subject to removal proceedings.
- **Working** – **K4** dependents old enough to legally work in the U.S. can apply for an employment authorization document (EAD). Use Form I-765 to apply.
- **Going to school** – While in status, a person holding V status may attend school in the U.S. without changing to another status.

**If I have V status, when do I apply for permanent residence? What then happens to my V status? Can a V extend their stay?**

- Applying for permanent residence - When the priority date for the I-130 relative petition is reached, you can apply for permanent residence. Use Form I-485 to apply. If you do not file an I-485 by the time your status expires, when you apply for an extension of stay USCIS will only give you a one-time 6-month extension of V status to give you time to apply for permanent residence. If you apply to enter with a valid V visa, we will grant you status for 6 months.
- Extending stay as a V - A person holding V status can apply for an extension of stay on Form I-539. Extensions of stay can be granted in increments of up to 2 years.
  - If you are in a V status and filed an I-485 application for adjustment of status, you may file for an extension of your V status while the adjustment application is pending. However, any applicant for adjustment of status can obtain many of the same interim benefits provided by V status.

In your I-539 application to extend your stay, you will have to show that –

- the I-130 relative petition filed by the U.S. citizen husband or wife filed is still pending or approved, and
- he or she is still waiting for a visa to be available has a pending I-485 application for adjustment to permanent residence pending that is based on the I-130 relative petition.

For specific information about a **V2** or **V3** turning 21, please visit the [FAQ regarding a V2 or V3 turning 21](#).

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**What happens to V status if the permanent resident who filed the I-130 petition becomes a U.S. citizen, if the petition is withdrawn or revoked, or if my application for permanent residence is denied?**

- **Permanent resident becomes U.S. citizen** – When this happens, you will no longer qualify for V status and will not be eligible for an extension of your V status. However, you will probably still be eligible to file for permanent residence and may be able to do so more quickly since you are now the immediate relative of a U.S. citizen.
- **Petition withdrawn or revoked, or application for permanent residence denied** – V status automatically expires 30 days after any of these events. If authorized stay expires a person will be subject to removal proceedings.

**Can I change from V to another nonimmigrant status?**

It is possible in theory, but the V program provides a bridge to permanent residence, that is inconsistent with what is required for other nonimmigrant status. In addition, if you were not in a valid nonimmigrant status when you applied for V status, you would not be eligible to change to another nonimmigrant status.

**Can I or my family travel outside the U.S. and return to this status?**

If you have complied with all the terms and conditions of your status, and continue to qualify for V status, you can usually return in the same status with a valid visa for this status and valid passport, if one is required.

- For a V, this is true even if you have already filed your I-485 application to become a permanent resident. You can travel in your V status instead of getting an advance parole first based on your pending I-485 application.

**Dependents** – If you have complied with all the terms and conditions of your status, and they also have as well, they can usually return in the same status with a valid visa and a valid passport, if one is required even if they have already filed their I-485 application to adjust status and become a permanent resident.

**However, if any person has violated the terms and conditions of their status, it can affect whether they can return.**

- **This is especially important for a V because a person can be unlawfully present and still transfer to V status.** If that person leaves the U.S. they may not be able to return for some time.

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**Can a V-2 or V-3 extend his or her stay if they turn 21? Can they travel?**

To qualify for a V2 or V3 visa or initial status as a V2 or V3 nonimmigrant, you must meet certain requirements, including meeting the definition of a child at the time you enter the United States or changing status to a V-2 or V-3. This means: to obtain initial V-2 or V-3 status, you must be an unmarried child, under the age of 21, of a qualifying permanent resident or of a V2 nonimmigrant.

If you are in the United States in "V" status, you are expected to file an application for permanent resident status at the time your priority date becomes current.

If you are in V2 or V3 status and you marry at any time before you are granted permanent resident status, your "V" status will automatically terminate. There are no permanent resident categories as the married son or daughter of a permanent resident.

If you are in V2 or V3 status and you turn 21 while waiting for your priority date to become current, you may still be considered to be in valid status, and you can apply for an extension of your "V" status when/if it becomes necessary to do so. If you were previously denied or did not file for an extension of V2 or V3 status solely because you turned 21, you may wish to file for an extension of status by filing Form I-539. If approved, USCIS will grant a period of admission not to exceed two years. You may continue to extend V status until you become a permanent resident or until the law terminates V status.

The extension of status for those 21 years old or older does not affect the rules of V2 or V3 visa issuance by the State Department. So please be aware of the following:

If you are over 21 and are granted an extension of stay as a V2 or V3, traveling outside the United States may negatively impact your ability to return to the U.S. IF YOUR "V" VISA HAS EXPIRED OR YOU CHANGED YOUR STATUS TO "V" WHILE IN THE U.S. Since you would have to apply for a new visa if your old one expired, and since a V2 or V3 visa can only be issued to an unmarried child under the age of 21, you may find that traveling outside the U.S. in this situation could mean you would not be allowed to get a new "V" visa and return to the U.S.

**What if I have other questions about eligibility?**

We recommend you first get the application form and read the instructions.

- On our website you can download the form and instructions, or
- We can take your form order now and have the form mailed to you.

For questions about eligibility, you can also directly research rules and requirements on our website at [www.uscis.gov/laws](http://www.uscis.gov/laws)

- You can also get information about these categories, and about visa requirements, direct from the Department of State website at [www.travel.state.gov](http://www.travel.state.gov).
- For information about entering and leaving the U.S., we suggest U.S. Customs and Border Protection. Their website is at [www.cbp.gov](http://www.cbp.gov).

**What form should I use to apply? Other questions about filing.**

For information about filing an [I-539 application](#) for V status, such as the filing fee, how to get the form, and more

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**Chapter 4**      **General Nonimmigrant Information**

Unit 2      Information about the various nonimmigrant categories

C1, TWOV      Persons transiting the U.S.

**OVERVIEW**

These categories let certain individuals transit through the U.S. to elsewhere:

- The **C1** category is a visa that allows a person who will be in immediate and continuous transit through the U.S. to pass through the U.S.
- **TWOV** is not a visa, but a process that previously allowed an individual to remain in the carrier’s custody while they transited through the U.S. For security reasons, this program has been discontinued.

<b>Persons transiting the U.S.</b>	
<b>C1</b>	Transiting the U.S.
<b>TWOV</b>	Transit without a Visa

**Frequently Asked Questions**

- [In general, what are the requirements of these categories?](#)
- [Where can I get more information about these categories?](#)
- [Can a person in these categories extend their stay or change status?](#)

**In general, what are the requirements of these categories?**

These categories let certain persons transit through the U.S. to elsewhere:

- The **C1** category is a visa that allows a person who will be in immediate and continuous transit through the U.S. to pass through the U.S.
- **TWOV** is not a visa. It was a process that previously allowed an individual to remain in the carrier's custody while they transited through the U.S. with the carrier. This category was also used for a crewman to join a vessel, and then remain on board and depart on that vessel. However, for security reasons the **TWOV** program was discontinued in 2003.

**Where can I get more information about these categories?**

USCIS does not administer these programs. For information, we recommend either

- the Department of State website at [www.travel.state.gov](http://www.travel.state.gov), or
- the U.S. Customs and Border Protection website at [www.cbp.gov](http://www.cbp.gov).

**Can a person in these categories extend their stay or change status?**

- No. The terms and conditions of status in these categories cannot be modified.

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## Chapter 4 Information about the various nonimmigrant categories

Unit 2 Information about the various nonimmigrant categories

S, U Informants, and victims of severe criminal activity

### OVERVIEW

These categories are for individuals in very unique circumstances. Status is based on requests from local and federal law enforcement organizations to U.S. Immigration and Customs Enforcement.

The **S** category is a temporary status that can be granted by the government to certain informants. Granting this status is at the discretion of the Government, with the full involvement of associated law enforcement organizations, and is based on an application filed by the interested federal or state law enforcement agency.

The **U** category is for victims of severe criminal activity in the U.S. that violates U.S. law. The determination of eligibility is made in consultation with senior federal law enforcement officials. "U" Nonimmigrant Status is set aside for victims of crimes who have suffered mental or physical abuse because of the crime and who not only have information regarding the activity, but also are willing to assist government officials in the investigation of the criminal activity.

Informants	
<b>S5</b>	Informant on a criminal organization
<b>S6</b>	Informant on a terrorist organization
<b>S7</b>	Husband, wife, child, parent of a <b>S5</b> or <b>S6</b> nonimmigrant
<b>U</b>	Victims of severe criminal activity

### Frequently Asked Questions

- [In general, what are the requirements for S status? How can I get more information?](#)
- [Can an S's relatives also receive status?](#)
- [How long can a person stay as in S status? Can they work or go to school?](#)
- [Can an S change to another nonimmigrant status?](#)
- [How does one become eligible for U nonimmigrant status?](#)
- [What are the procedures to request U nonimmigrant status?](#)
- [Can family members of the petitioner apply for U nonimmigrant status?](#)
- [How long can a person maintain the U nonimmigrant classification? Can they go to school?](#)
- [How can I obtain an Employment Authorization Document if I have been granted U status?](#)
- [Can I file a petition for members of my family?](#)
- [A family member included on my U-Visa petition \(Form I-918\) might turn 21 before the petition is approved, what will happen to him/her?](#)
- [What happens to my family if I turn 21 before my U visa petition \(Form I-918\) is approved?](#)
- [I currently receive public assistance from the government or I am likely to receive public assistance from the government in the future. Will this cause my U visa petition to be denied?](#)

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**In general, what are the requirements for S status? How can I get more information?**

The **S** category is a temporary status that can be granted by the government to certain informants. This is a very limited program for unique circumstances. Granting this status is at the discretion of the Government, with the full involvement of associated law enforcement organizations, and is based on an application filed by the interested federal or state law enforcement agency.

A law enforcement organization interested in participating in this program should contact U.S. Immigration and Customs Enforcement (ICE).

**Can an S's relatives also receive status?**

The sponsoring law enforcement organization can include the informant's husband, wife, unmarried or married children and parents in its application. If they are not included, then they cannot receive **S7** dependent status.

**How long can a person stay in S status? Can they work or go to school?**

- **Status** - The maximum initial period is 3 years. To apply for an extension of stay, the individual should use Form **I-539**. The application must be supported by a law enforcement organization. **S7**'s can be included in the application by the **S5** or **S6**.
- **Working** – A person in **S** status, including **S7** status, can work in the U.S., but must file an **I-765** application for an employment authorization document (EAD). The EAD is needed to show an employer that he or she is authorized to work.
- **Going to school** – While in status an **S** may attend school in the U.S. without changing to another status.

**Can an S change to another nonimmigrant status?**

No. An S nonimmigrant cannot change to another nonimmigrant status.

**How does one become eligible for U nonimmigrant status?**

There are four statutory eligibility requirements: (1) the individual must have suffered substantial physical or mental abuse as a result of having been a victim of a qualifying criminal activity; (2) he/she has information concerning that criminal activity; (3) he/she has been helpful, is being helpful, or is likely to be helpful in the investigation or prosecution of the crime; and (4) the criminal activity must have violated the laws of the United States or occurred in the U.S.

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**What are the procedures to request U nonimmigrant status?**

To request U nonimmigrant status, you must submit the following documents:

- [Form I-918, Petition for U Nonimmigrant Status](#);
- Form I-918, Supplement B, U Nonimmigrant Status Certification, on which a law enforcement official confirms that you were or will likely be helpful in the prosecution of the case;
- A personal statement describing the criminal activity of which you were a victim; and
- Evidence to establish each eligibility requirement.

**Can family members of the petitioner apply for U nonimmigrant status?**

While family members who accompany the petitioner can, under certain circumstances, obtain U nonimmigrant status, they cannot apply on their own behalf. The principal applicant (alien victim), must petition on behalf of qualifying family members. Certain qualifying family members are eligible for a derivative U visa.

If the principal is...	Then...
<b>Under 21 years of age</b>	You may petition on behalf of your spouse, children, parents and unmarried siblings under age 18.
<b>21 years of age or older</b>	You may apply on behalf of your spouse and children.

To petition for a qualified family member, you must file a Form I-918, Supplement A, Petition for Immediate Family Member of U-1 Recipient, at the same time as your application or at a later time.

**How long can a person maintain the U nonimmigrant classification? Can they go to school?**

U nonimmigrant status cannot exceed four years; however, extensions are permitted upon certification from a certifying agency that the alien’s presence in the United States is required to assist in the investigation or prosecution of a qualifying criminal activity.

**Going to school** – While in status, a U visa holder may attend school in the U.S. without changing to another status.

### How can I obtain an Employment Authorization Document if I have been granted U status?

USCIS automatically will issue an initial Employment Authorization Document (EAD) to an alien granted **U-1** nonimmigrant status in the United States. For principal aliens who applied from outside the United States, the initial EAD will not be issued until the petitioner has been admitted to the United States in **U** nonimmigrant status. After admission, the alien may receive an initial EAD upon request and submission of a copy of his or her Form **I-94**, "Arrival-Departure Record" to the USCIS office having jurisdiction over the adjudication of petitions for **U** nonimmigrant status. You can obtain a copy of your I-94 at [www.cbp.gov/I94](http://www.cbp.gov/I94). No additional fee is required. An alien granted **U-1** nonimmigrant status who seeks to renew an expiring EAD or replace an EAD that was lost, stolen, or destroyed must file Form **I-765** in accordance with the instructions to the form.

**NOTE:** If your family member is living outside the United States, he or she is not eligible to receive employment authorization until he or she is lawfully admitted to the United States. Do not file an **I-765** for a family member living outside the United States. If your family member is in the United States and would like to request an EAD, please submit Form **I-765**, Application for Employment Authorization Document, separately.

### Can I file a petition for members of my family?

Yes, if you have been granted **U-1** nonimmigrant status, you may petition for the admission of a qualifying family member in a **U-2** (spouse), **U-3** (child), **U-4** (parent of a **U-1** alien who is a child under 21 years of age), or **U-5** (unmarried sibling under the age of 18) derivative status, if accompanying or following to join such principal alien. A qualifying family member who committed the qualifying criminal activity in a family violence or trafficking context that established the principal alien's eligibility for **U** nonimmigrant status shall not be granted **U-2**, **U-3**, **U-4**, or **U-5** nonimmigrant status.

The form **I-918** should be filed by you, the victim, and may include qualifying family members. It can also be used at a later date to file for qualifying family members not included on the original petition.

### A family member included on my U-Visa petition (Form I-918) might turn 21 before the petition is approved, what will happen to him/her?

Violence Against Women Act 2013 specifies that the age of the qualifying family member is determined by the date on which the I-918 petition is properly filed. An unmarried child under 21 who has a petition properly filed for him/her as a qualifying family member will continue to be considered a child for U-Visa purposes until a determination has been made on the petition.

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**What happens to my family if I turn 21 before my U visa petition (Form I-918) is approved?**

If you are under 21 at the time you file the U visa petition, unmarried siblings under 18 at the time of filing and your parent(s) will be considered qualifying family members for derivative U visa status until the petition is adjudicated. Therefore, these family members will still qualify even if you turn 21 or your sibling turns 18 before a decision is made on the petition.

**I currently receive public assistance from the government or I am likely to receive public assistance from the government in the future. Will this cause my U visa petition to be denied?**

A person likely to become a “public charge,” mainly dependent on government assistance, may be denied admission into the U.S. However, a person and his/her qualifying family members who are petitioning for U-Visa status or has been granted U visa status are not subject to the public charge ground of inadmissibility and will not have to submit a waiver application for this ground. USCIS plans to eliminate the question relating to public charge from the Form I-918. However, until that time you should write “not applicable” in response to the question related to public charge on the Form I-918.

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**FAQ about eligibility requirements for “U” Nonimmigrants seeking adjustment of status to become lawful permanent residents**

- [What are the eligibility requirements for “U” nonimmigrant seeking adjustment of status?](#)
- [What are the procedures for “U” visa holders to apply for lawful permanent residence?](#)
- [Can family members of the “U” visa holder apply for lawful permanent residence?](#)
- [Is there a cap on the number of “U” nonimmigrant visas given in a year?](#)
- [Are there any work or travel limitations on a “U” nonimmigrant while an application for adjustment of status is pending?](#)
- [Are there fees associated with the “U” nonimmigrant classification?](#)

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**What are the eligibility requirements for “U” nonimmigrants seeking adjustment of status?**

Applicants for adjustment of status holding a “U” visa must have been lawfully admitted to the United States as a “U” nonimmigrant and must continue to hold such status at the time of application. In addition, “U” visa holders demonstrate:

- Physical presence in the United States for a continuous period of at least three years since the date of admission as a “U” nonimmigrant; and
- No unreasonable refusal to provide assistance in the criminal investigation or prosecution.

**Note:** If you were granted U nonimmigrant status while you resided in the Commonwealth of Northern Mariana Island (CNMI), the required three years of continuous physical presence begin to accrue once the status is granted.

**What are the procedures for “U” visa holders to apply for lawful permanent residence?**

Applicants must file the Application to Register Permanent Residence or Adjust Status Form I-485 in accordance with the form instructions. Among other requirements, applicants must also present evidence that they were admitted in “U” nonimmigrant status. That evidence may be provided by submitting a copy of the Notice of Action Form I-797. Evidence of continuous physical presence is also required; this can be provided by college transcripts, employment records, or installment payments (e.g., monthly rent receipts, utility bills, etc.) during the requisite time period.

**Can family members of the “U” visa holder apply for lawful permanent residence?**

Yes. Derivative family members may apply for adjustment of status provided that the principal “U” visa holder meets the eligibility requirements for adjustment of status and that his/her application for adjustment has been approved, is currently pending, or is concurrently filed.

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**Is there a cap on the number of “U” nonimmigrant visas given in a year?**

USCIS may grant no more than 10,000 U-1 nonimmigrant visas in any given fiscal year. This does not apply to derivative family members such as spouses, children or other qualifying family members who are accompanying or following to join the principal foreign national victim. If the cap is reached in any fiscal year before all petitions are adjudicated, USCIS will create a waiting list that will provide a mechanism by which victims cooperating with law enforcement agencies can stabilize their immigration status. Further, U nonimmigrant visa petitioners assigned to the waiting list will be given deferred action or parole while they are on the waiting list. This means they will be eligible to apply for employment authorization or travel until their petitions can be adjudicated after the start of the following fiscal year.

**Are there any travel or work limitations on a “U” nonimmigrant while an application for adjustment of status is pending?**

“U” nonimmigrants who wish to travel or work must follow the same requirements as any applicant with a pending adjustment of status application. Advance parole can be requested by filing Form I-131, Application for Travel Document. For work authorization, applicants may be required to submit a Form I-765, Application for Employment Authorization.

**Are there fees associated with the U nonimmigrant classification?**

No. The program involves the well-being of victims of severe criminal activity and USCIS's decision to waive the petition fee reflects the humanitarian purposes of the law. Petitioners for “U” nonimmigrant status are entitled to request a fee waiver of any form associated with the filing for the U nonimmigrant status.

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**Chapter 4      General Nonimmigrant Information**

Unit 2                      Information about the various nonimmigrant categories

T                              Victims of Trafficking

**OVERVIEW**

This category is for a person who is or has been the victim of a severe form of trafficking in people and who has complied with any reasonable requests for assistance in the investigation or prosecution of acts of trafficking in persons, or is under 18 years of age and would suffer extreme hardship and unusual and severe harm upon removal. This is a very unique category. It is designed to assist government law enforcement investigation and prosecution of crimes.

<b>Victims of Trafficking</b>	
<b>T1</b>	Victim of Trafficking
<b>T2</b>	Husband or Wife of <b>T1</b> nonimmigrant
<b>T3</b>	Child of <b>T1</b> nonimmigrant
<b>T4</b>	Parent of <b>T1</b> nonimmigrant who is a minor
<b>T5</b>	Unmarried sibling under 18 years of age of a T1 nonimmigrant
<b>T6</b>	Son or daughter of a derivative beneficiary of a T1 nonimmigrant

**Frequently Asked Questions about eligibility and status**

- [In general, what are the requirements for T status?](#)
- [What is human trafficking?](#)
- [Can a T's relatives also receive status?](#)
- [How long can a person stay as in T status? Can they work or go to school?](#)
- [Can a T change to another nonimmigrant status?](#)
- [Can I or my family travel outside the U.S. and return to this status?](#)
- [Can my status in these categories ever be a basis to become a permanent resident?](#)
- [How can I report human trafficking?](#)

**FAQs about how to apply**

- [What form do I use to apply?](#)

FAQs about eligibility requirements for "T" Nonimmigrants seeking adjustment of status to become lawful permanent residents, click [here](#).

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### In general, what are the requirements for T status?

The **T** nonimmigrant category is for a person who is or has been the victim of human trafficking. This category is designed to allow victims to remain in the United States to assist federal authorities in the investigation and prosecution of human trafficking related crimes.

To be eligible, it must be shown that –

- the person is a victim of a severe form of trafficking in persons;
- the person is physically present in the United States, American Samoa, the Commonwealth of the Northern Mariana Islands, or at a port of entry on account of trafficking;
- the person has complied with any reasonable requests from a law enforcement agency for assistance in the investigation or prosecution of human trafficking, or is under the age of 18, or is unable to cooperate with a law enforcement request due to physical or psychological trauma; and
- the person would suffer extreme hardship and unusual and severe harm upon removal.

### What is human trafficking?

Human trafficking, also known as trafficking in persons, is a form of modern-day slavery in which traffickers lure individuals with false promises of employment and a better life. Traffickers often take advantage of poor, unemployed individuals who lack access to social safety nets. The T nonimmigrant visa allows victims to remain in the United States to assist federal authorities in the investigation and prosecution of human trafficking cases.

### Can a T's relatives also receive status?

Yes, to apply for family members, a [Form I-914 Supplement A, Application for Immediate Family Member of T-1 Recipient](#), must be submitted to USCIS. Applications for family members can be filed at the same time as the principal's application.

The following immediate family members are eligible for derivative nonimmigrant status based on the age of the primary applicant, or the principal.

- If the principal is under 21 years of age, then he/she may apply on behalf of his/her spouse, children, parents and unmarried siblings under age 18;
- If the principal is 21 years of age or older, then he/she may apply on behalf of his/her spouse and children.

The following family members are eligible if they can demonstrate present danger of retaliation as a result of the principal's (1) escape from severe form of trafficking in persons, or (2) cooperation with law enforcement:

- The principal's parents;
- Unmarried siblings under 18 years of age;
- Son or daughter of a derivative beneficiary of the principal applicant. If applying for this new T6 derivative status, leave "Part A. Family Member Relationship to You" blank, attach a sheet of paper detailing the relationship, and request adjudication under the new derivative category.

**How long can a person stay in T status? Can they work or go to school?**

- **Status** - The T nonimmigrant visa is valid for 4 years and a visa holder may be eligible to apply for permanent residence (Green Card) after 3 years in a T nonimmigrant status.
- **Working** – Any person in T status can work in the U.S. When USCIS grants T nonimmigrant status, an Employment Authorization Document (EAD) is granted at the same time. The information for the EAD is generated from the Form I-914. There is no need to file a Form I-765, Application for Employment Authorization, along with the application for a T nonimmigrant status.
- **Going to school** – While in status, a T may attend school in the U.S. without changing to another status.

**Can a T change to another nonimmigrant status?**

It is possible in limited circumstances if you qualify for the other nonimmigrant status.

- [Information about the various other nonimmigrant categories](#)
- [More information about changing to another status](#)

Use [Form I-539](#).

**Can I or my family travel and return to the U.S. in this status?**

Before you travel, use [Form I-131](#) to apply for an advance parole. If we issue the parole document, you can then travel. If you have complied with all the terms and conditions of your status, and continue to qualify for T status, you can usually return in the same status with the parole document and valid passport, if one is required. However, travel can delay eligibility for permanent residence.

**However, if any person has violated the terms and conditions of their status, it can affect whether they can return.**

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### Can my status in these categories ever be a basis for permanent residence?

A **T1** and family in **T** dependent status can use Form I-485 to apply for permanent residence after they have been physically present in the U.S. for a continuous period of 3 years since being granted **T** status. In the application, he or she will have to show that he or she -

- has been a person of good moral character since being granted **T** status;
- has complied with all reasonable requests for assistance in the investigation and prosecution of acts of trafficking; and
- would suffer extreme hardship involving unusual and severe harm if removed from the U.S.

**Note:** If you were granted **T** nonimmigrant status while you resided in the Commonwealth of Northern Mariana Island (CNMI), the required three years of continuous physical presence begin to accrue once the status is granted.

### How can I report human trafficking?

- To report suspicious activity to Immigration and Customs Enforcement (ICE):  
1-866-347-2423
- To reach a non-governmental organization:  
National Human Trafficking Resource Center Hotline  
1-888-373-7888

### What form should I use to apply?

If you are a victim of a severe form of trafficking, you must submit a Form I-914, Application for T Nonimmigrant Status. The Form I-914 requests information regarding your eligibility for T nonimmigrant status, as well as admissibility to the United States. You must also include a statement in your own words about your victimization. You may submit a law enforcement agency endorsement using Form I-914, Supplement B, Declaration of Law Enforcement Officer for Victim of Trafficking in Persons. You also have the option to submit secondary evidence of compliance with reasonable requests for assistance. This evidence may include: trial transcripts, court documents; police reports, news articles and affidavits.

For more information about the [I-914 application](#), such as the filing fee or how to get the form.

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**FAQs about eligibility requirements for “T” Nonimmigrants seeking adjustment of status to become lawful permanent residents**

- [What are the eligibility requirements for “T” nonimmigrants seeking adjustment of status?](#)
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- [Can family members of the “T” visa holder apply for lawful permanent residence?](#)
- [Is there a cap on the number of “T” nonimmigrant visas that are given each year?](#)
- [Are there any travel or work limitations on a “T” nonimmigrant while an application for adjustment of status is pending?](#)
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**What are the eligibility requirements for “T” nonimmigrants seeking adjustment of status?**

Applicants for adjustment of status holding a “T” visa must have been lawfully admitted to the United States as a “T” nonimmigrant and must continue to hold such status at the time of application. In addition, “T” visa holders demonstrate:

- Physical presence in the United States: “T” nonimmigrants must have been physically in the U.S. for either: (a) a continuous period of at least three years since the date of admission as a “T” nonimmigrant; or (b) a continuous period during the investigation or prosecution of the acts of trafficking, provided that the Attorney General has certified that the investigation or prosecution is complete;
- Good moral character since first being lawfully admitted as a “T” nonimmigrant; and
- Continued compliance with any reasonable request for assistance in the investigation or prosecution of the acts of trafficking or extreme hardship involving unusual and severe harm upon removal from the United States.

**Note:** If you were granted T nonimmigrant status while you resided in the Commonwealth of Northern Mariana Island (CNMI), the required three years of continuous physical presence begin to accrue once the status is granted.

**What are the procedures for “T” visa holders to apply for lawful permanent residence?**

Applicants must file the Application to Register Permanent Residence or Adjust Status Form I-485 in accordance with the form instructions. Among other requirements, applicants must also present evidence that they were admitted in “T” nonimmigrant status. That evidence may be provided by submitting a copy of the Notice of Action Form I-797. Evidence of continuous physical presence is also required; this can be provided by college transcripts, employment records, or installment payments (e.g., monthly rent receipts, utility bills, etc.) during the requisite time period.

**Can family members of the “T” visa holder apply for lawful permanent residence?**

Yes. Derivative family members may apply for adjustment of status provided that the principal “T” visa holder meets the eligibility requirements for adjustment of status and that his/her application for adjustment has been approved, is currently pending, or is concurrently filed.

**Is there a cap on the number of “T” nonimmigrant visas that are given each year?**

Congress has limited the number of T nonimmigrant visas granted each year to 5,000. This does not apply for family derivative visas. Once the cap is reached, applicants will be placed on a waiting list. This waiting list allows those applicants who cannot be granted a visa due to the numerical limitation to obtain priority in the following year.

**Are there any travel or work limitations on a “T” nonimmigrant while an application for adjustment of status is pending?**

“T” nonimmigrants who wish to travel or work must follow the same requirements as any applicant with a pending adjustment of status application. Advance parole can be requested by filing Form I-131, Application for Travel Document. For work authorization, applicants may be required to submit a Form I-765, Application for Employment Authorization.

**Are there fees associated with filing for T nonimmigrant status?**

There is no fee to file a Form I-914, Application for T Nonimmigrant Status. You may submit a request for a waiver of the filing fees for any other forms associated with filing your Form I-914.

**Chapter 3**      **Information about employment and Social Security cards for nonimmigrants**

N8, N9      Special Nonimmigrant categories

**OVERVIEW**

An **N-8** or **N-9** nonimmigrant is admitted as a parent (N-8) or dependent child (N-9) of an alien granted permanent residence under **section 101(a)(27)(I)** of the Act. N-8 and N-9 nonimmigrants are eligible to receive employment authorization.

**Can I work in the United States?**

An N-8 or N-9 is authorized employment but must have an employment authorization document (EAD) as evidence of that authorization. The N-8 or N-9 should apply for the EAD on a Form I-765 under the category (a)(7).

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**Chapter 3 Information about employment and Social Security cards for nonimmigrants**

Micronesia &amp; Marshall Island Citizens Special Nonimmigrant Categories

**OVERVIEW**

Citizens of Micronesia or the Marshall Islands may enter the U.S. in a special nonimmigrant status, under the Compact of Free Association. These nonimmigrants are authorized to work pursuant to their status and are NOT required to have an employment authorization document (EAD).

**Can I work in the United States?**

An unexpired passport with an unexpired I-94 showing a legal admission to the U.S. under the Compact of Free Association (CFA) is valid proof of work authorization. An employment authorization document is no longer needed to establish authorization to be legally employed in the U.S. as a citizen of Micronesia or the Marshall Islands. You may still apply for an EAD if you choose to do so. If you choose to apply for the EAD, you would file an I-765 under the category of (a)(8).

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**Chapter 4**      **General Nonimmigrant Information**

Unit 3      Passports and Nonimmigrant Visas, Visa Alternatives, the Visa Waiver Program, Border Crossing Cards and Global Entry

**OVERVIEW**

Most nonimmigrants must have a passport and a visa to come to the U.S.

- A visa can take various forms. Most commonly it is a label or stamp placed in a passport by the U.S. consulate. It can also be a Border Crossing Card.
- To simplify travel, certain tourists and visitors for business can enter without a visa under the Visa Waiver program.
- To expedite their travel, certain businessmen who frequently travel to the U.S. can enroll in Global Entry.

**Frequently Asked Questions**

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- [Questions about Border Crossing Cards](#)
- [Questions about the Visa Waiver Program](#)
- [Questions about the Paperless Visa Waiver Program or ESTA](#)
- [Are there programs that can streamline the process of entering the U.S. at airports and land border ports? What is Global Entry?](#)

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**Border Crossing Cards**

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- [Where do I apply for a Border Crossing Card or renew or replace my card?](#)
- [Is my old Border Crossing Card \(BCC\) still valid?](#)

**Visa Waiver Program**

- [What is the Visa Waiver Program?](#)
- [How long can a person admitted under the Visa Waiver Program stay in the U.S.? Are there special conditions to their stay?](#)
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### Which nonimmigrants need passports and visas to come to the U.S.?

Most persons coming to the U.S. need a valid passport and a valid visa. Where a passport is required, the passport must meet certain standards.

There are a few exceptions to the normal passport and visa requirement. For example -

- **Citizens of Canada** – a passport is only required if returning from a trip outside the Western Hemisphere (N. America and S. America). A visa is not required.
- **Citizens of Mexico** – a passport and visa is not required if the person has a Border Crossing Card. There are other limited circumstances where a passport and/or visa are not required.
- **Visa Waiver Program** – This program lets eligible citizens from certain countries travel to the U.S., for tourism or on business for a period of up to 90 days without first obtaining an U.S. visa.

There are other examples. **For more information about who needs a passport and passport standards**, we recommend U.S. Customs and Border Protection, which manages the inspection, admission and exit of people from the U.S., or the Department of State, which handles visa issuance. Another option is to contact your own government.

- For CBP, you can directly check their website at [www.cbp.gov](http://www.cbp.gov) or call them at 1-877-CBP-5511 (1-877-227-5511) Monday through Friday between 8:30 AM and 5:00 PM, Eastern Time.
- For the State Department, you can directly check their website at [www.travel.state.gov](http://www.travel.state.gov) or contact the nearest U.S. consulate.

### What is a Border Crossing Card?

A Border Crossing Card, or BCC, is simply a visa issued as a card instead of as a label or stamp in a passport. The BCC is a type of B nonimmigrant visa. It is issued to tourists and persons coming to the U.S. temporarily on business.

Today cards are only issued to applicants from Mexico. An older version was issued to Mexicans and Canadians.

### Where do I apply for a Border Crossing Card or renew or replace my card?

The Department of State administers this program, just as it issues other kinds of visas. They accept applications at select consulates and processing sites in Mexico. **For information and applications** –

- see the U.S. Embassy in Mexico City's website at [www.usembassy-mexico.gov](http://www.usembassy-mexico.gov)
- or see the Department of State webpage about [Border Crossing Cards](#) on their website at [www.state.gov](http://www.state.gov)
- or call the Department of State -
  - in Mexico call 01-900-849-4949
  - in the U.S. call 202-647-4000

### Is my old Border Crossing Card (BCC) still valid?

No. The current card has an optical stripe on the back, with the cardholder's photo etched into the stripe. Earlier versions of the card are no longer valid.

However, Canadians who have an unexpired version of the older card, which indicates they were given a waiver of inadmissibility so they can travel to the U.S., may still use the card to show that the waiver was granted. New BCCs are not issued for this purpose.

- For information about these waivers of inadmissibility, we recommend you contact U.S. Customs and Border Protection, the agency that manages the inspection, admission and exit of people from the U.S. You can directly check their website at [www.cbp.gov](http://www.cbp.gov) or call them at 1-877-CBP-5511 (1-877-227-5511) Monday through Friday between 8:30 AM and 5:00 PM, Eastern Time.

### What is the Visa Waiver Program?

The Visa Waiver Program, lets eligible citizens from certain countries travel to the U.S. for tourism or on business for a period of up to 90 days without first obtaining a U.S. visa. To be eligible, you must be a citizen of a participating country, your passport must meet certain standards, and you must be coming to the U.S. for 90 days or less solely as a temporary visitor – either for business (**B1**) or as a tourist (**B2**).

For information about participating countries, standards and requirements, check the [U.S. Department of State's website](http://www.state.gov) or contact the nearest U.S. consulate.

### How long can a person admitted under the Visa Waiver program stay in the U.S.? Are there special conditions to their stay?

- A person admitted under the Visa Waiver Program can stay for up to 90 days, but cannot get an extension of stay or change of status.
- The person cannot work or study in the U.S. and must comply with all the normal conditions of their status as a **B2** nonimmigrant tourist or **B1** visitor for business.

### Can a person admitted under this program return after a temporary trip?

Yes. A person admitted under the Visa Waiver Program who travels to a foreign contiguous territory or an adjacent island may be readmitted for the balance of his or her original Visa Waiver admission if

- otherwise admissible, and
- he or she continues to meet all the conditions for admission under the Visa Waiver Program.

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**What is ESTA?**

ESTA is an Electronic System for Travel Authorization administered by the Department of Homeland Security. ESTA is a paperless process for the Visa Waiver Program (VWP) travelers arriving by air or sea.

**What is the benefit of ESTA?**

The benefit of ESTA is you will no longer have to fill in FORM I-94W every time you enter the USA. It also mean as a traveler you will know before you leave your country of origin and arrival in the U.S, that you would be ok for entry (but not guaranteed).

**What information do I need to provide when completing the ESTA on line?**

You will need to provide some basic biographical and travel information. For more information, please visit the ESTA website at <https://esta.cbp.dhs.gov>.

**Can I use ESTA service at the port of entry?**

No. A nonimmigrant must complete the application via ESTA and obtain travel authorization before boarding carriers' en route to the United States. An ESTA application may be submitted at any time prior to travel.

**For how long is my ESTA approval valid?**

Once your ESTA is approved, it is valid for two years or until your current passport expires. Authorizations will be valid for multiple entries into the United States.

**What can I expect at the port of entry if I arrive by air or by sea?**

If admitted under the new automated process at the designated port of entry, the CBP officer will stamp your passport and annotate it with the class of admission WT/WB.

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**Can any air carrier deny me to travel to the United States?**

Yes, VWP travelers who have not obtained approval through ESTA could expect to be denied boarding on any air carrier bound for the United States.

**If I have a pending application with USCIS how can I prove that I entered legally?**

You can make a copy of the admission stamp issued to you by the CBP officer and you submit it to USCIS as evidence of your entry.

**Is there a fee associated with ESTA service?**

Yes, there is a US \$4 ESTA fee and a \$10 TPA (Travel Promotion Act) fee. The \$4 ESTA fee is charged each time a new ESTA application is submitted. The \$10 TPA fee will be charged whenever a new ESTA travel authorization is granted.

**How can I pay for ESTA service?**

You may pay by using a major credit card.

**When is Form I-94W required?**

The Form I-94W will continue to be required at land borders, in case of system outages, and at a port of entry that has not completed the transition to automated processing.

**Where can I find more information about ESTA?**

For more information, you may visit the ESTA web page at: <https://esta.cbp.dhs.gov/> or visit the state department web site: [www.state.gov](http://www.state.gov) under the visa waiver program (VWP).

**What if I am denied authorization through ESTA?**

Travelers unable to received authorization through ESTA may still apply for a visa to travel to the United States.

**Can I expedite my ESTA application?**

Most applications receive an immediate response. However, if necessary, an individual may request an expedited review by calling the ESTA Help Desk at 202-344-3710.

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**Are there programs that can streamline the process of entering the U.S. at airports and land border ports? What is Global Entry?**

U.S. Customs & Border Protection (CBP) manages the inspection, admission and exit of people from the U.S. CBP provide multiple programs that expedite the process when entering the U.S.

Global Entry is one of the CBP programs that allow expedited clearance for pre-approved, low-risk travelers upon arrival in the United States. Participants may enter the United States by using automated kiosks located at select airports. All applicants undergo a background check and in-person interview before enrollment.

For information about Global Entry and about other CBP programs and projects, visit their website is at [www.cbp.gov](http://www.cbp.gov).

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### Who has to pay the student fee?

**Students** –The student fee applies to both academic and vocational students (**F1, F3, M1** and **M3**). When a school accepts a foreign student, it issues a form I-20. For information about the student fee, we suggest you contact your school's foreign student advisor or see the I-901 form. But, in general –

- A student fee applies if the I-20 was issued on or after September 1, 2004.
- Any student applying for reinstatement on or after September 1, 2004 must pay a new student fee.
- Any student whose studies are interrupted for 5 or more months must pay a new student fee before applying for a new student visa or reinstatement.

**Exchange visitors** – When an exchange program accepts a person into an exchange program, it issues a form DS-2019. For information about the student fee, we suggest you contact the exchange program's coordinator. But, in general –

- A student fee applies if the DS-2019 was issued on or after September 1, 2004 to a person to study in the U.S.
- Any exchange visitor applying for reinstatement on or after September 1, 2004 must pay a new student fee.
- Any exchange visitor whose exchange program has been interrupted for 120 days or more.

However, the fee usually does not apply to a person who is seeking exchange visitor status in a government sponsored program for the first time. You can identify these programs because the program identifier starts with **G-1, G-2** or **G-3**.

### When and how do I pay the student fee? What form should I use?

- Once the prospective student or exchange visitor receives the Form I-20 or Form DS-2019, he or she can pay the fee.
- Use Form I-901 to submit your fee. The form has extensive instructions designed to help you understand the fee requirement and to determine whether you must pay the fee.
- USCIS will mail you a receipt when we receive the fee payment.
- The prospective student or exchange visitor must then submit that fee receipt with their application for a nonimmigrant visa, change of status or reinstatement. If a visa is not required, the student will need to show the receipt when applying for entry to the U.S.

### How can I get the form to submit the fee?

- You can e-file. That means you can fill the form out and submit it through the Immigration and Customs Enforcement (ICE) website at [www.ice.gov](http://www.ice.gov) and pay with a credit card. We recommend e-filing because it is the fastest and easiest way to submit your fee.
- A second choice is to download the I-901 from the Immigration and Customs Enforcement (ICE) website at [www.ice.gov](http://www.ice.gov).
- You may also be able to get the form from the school's foreign student advisor or the exchange program's coordinator.
- If you are in the U.S., you can also have us mail you the forms. To order them, call customer service at 1-800-375-5283.
- Lastly, if you are in the U.S., you can go to one of our Local Offices to pick up these forms. If you are outside the U.S., you can have a friend or relative or the school send them to you, or they may be available from the U.S. consulate.

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**Can someone else pay the fee for me?**

Yes. Any person or organization can file the I-901 and pay your student fee. If someone other than your school or exchange program files the I-901, be sure you give them the information from your I-20 or DS-2019 so they can complete the I-901 accurately.

**How can I get more information about this fee, and help to decide if I must pay it?**

- We recommend you start with the school or exchange program.
- Next, we recommend the I-901 form. It has extensive instructions designed to help you understand the fee requirement and to determine whether a particular student must pay the fee.
- You can also directly access an I-901 self-help guide on the ICE website at [www.ice.gov](http://www.ice.gov) to help them determine if they must pay the fee.
- The student fee is administered by U.S. Immigration and Customs Enforcement, a separate agency. You can directly access extensive information about the fee on their website at [www.ice.gov](http://www.ice.gov).

**If you have filed the I-901 but not yet received your receipt, have a problem with your receipt, need a duplicate, or need to update information on your receipt.**

- Expect to receive your receipt within 4 weeks. If you do not receive it in that time, call us at 212-620-3418.
- Two weeks after you submit your payment, you can call us at the above number to verify that we have received your I-901 and fee. But you will still have to wait to get your receipt in the mail before applying for a visa or status.
- If you have a problem with your receipt, need a duplicate or need to update information on your receipt, call us at the above number.

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**Chapter 4      General Nonimmigrant Information**

## Unit 5                      Certification Requirement for Foreign Health Care Workers

**OVERVIEW**

Before they are granted a visa and status, most immigrant and nonimmigrant health care workers must first be certified by an approved independent credentialing organization before they will be allowed to work in the U.S.

**Frequently Asked Questions**

- [Which medical occupations require certification?](#)
- [Does the certification requirement apply to both immigrants and nonimmigrants?](#)
- [What is reviewed as part of the certification process?](#)
- [Have any programs been designated as comparable to programs in the U.S.?](#)
- [Does everyone who seeks to come to the U.S. as a health care worker have to pass a test of English proficiency?](#)
- [Who issues the certification, and how does someone apply for certification?](#)
- [How long does certification take?](#)
- [How long is a certification valid?](#)
- [When and how do I submit my certification to the U.S. Government?](#)
- [How can I get more information about the requirement, about how to apply for certification and about acceptable tests?](#)

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### Which medical occupations require certification?

You need a certification if your medical occupation is on the following list:

- Nurses,
- Physical Therapists,
- Occupational Therapists,
- Speech-Language Pathologists and Audiologists,
- Medical Technologists (also known as Clinical Laboratory Scientists),
- Medical Technicians (also known as Clinical Laboratory Technicians), and
- Physician Assistants.

### Does the certification requirement apply to both immigrants and nonimmigrants?

The requirement applies to anyone who wants to immigrate based on a job offer in any of these occupations, or who wants to come to the U.S. as a nonimmigrant worker in any of these occupations, or change nonimmigrant status to become a nonimmigrant worker. However, the requirement does not apply to **F1** students, **J1** exchange visitors and **H3** trainees coming to school or for practical training.

### What is reviewed as part of the certification process?

The certification process can vary depending on the occupation. Typically it will involve –

- A review of the applicant's educational credentials to ensure they meet all requirements for the profession in which the person would work in the U.S., and are equivalent to those of a graduate of a U.S. school seeking licensure.
- A licensure review to evaluate past and present licenses held by the individual.
- A review of the person's English language proficiency as shown by passing a test approved by the U.S. Department of Education and the U.S. Department of Health and Human Services.
- Nurses must also present a CGFNS Certificate (Commission on Graduates of Foreign Nursing Schools) or a passing score on the NCLEX-RN® examination as proof of their nursing knowledge.

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**Have any programs been designated as comparable to programs in the U.S.?**

Yes. The following programs also meet the educational comparability requirements:

- **For nurses**, graduation from an entry-level program accredited by the National League for Nursing Accreditation Commission (NLNAC) or the Commission on Collegiate Nursing Education (CCNE);
- **For occupational therapists**, graduation from a program accredited by the Accreditation Council for Occupational Therapy Education (ACOTE) of the American Occupational Therapy Association (AOTA);
- **For physical therapists**, graduation from a program accredited by the Commission on Accreditation in Physical Therapy Education (CAPTE) of the American Physical Therapy Association (APTA); and
- **For speech language pathologists and audiologists**, graduation from a program accredited by the Council on Academic Accreditation in Audiology and Speech Language Pathology (CAA) of the American Speech-Language-Hearing Association (ASHA).

**Does everyone who seeks to come to the U.S. as a health care worker have to pass a test of English proficiency?**

A person is exempt from the English language requirement if he or she has graduated from a college, university or professional school in any of the following countries –

- Australia,
- Canada (except Quebec),
- Ireland,
- New Zealand, and
- The United Kingdom, and
- The United States.

The test is required for all other foreign health care workers.

**Who issues the certification, and how does someone apply for certification?**

The following organizations are authorized to issue certificates for the listed health care occupations:

- The Commission on Graduates of Foreign Nursing Schools (CGFNS) - authorized to issue certificates to all seven health care occupations.
- The National Board for Certification in Occupational Therapy - authorized to issue certificates for occupational therapists.
- The Foreign Credentialing Commission on Physical Therapy - authorized to issue certificates for physical therapists.

**To apply for certification**, contact an appropriate certifying organization. For further information, points of contact are -

- The Commission on Graduates of Foreign Nursing Schools (CGFNS) – [www.cgfns.org](http://www.cgfns.org)
- The National Board for Certification in Occupational Therapy – [www.nbcot.org](http://www.nbcot.org)
- The Foreign Credentialing Commission on Physical Therapy – [www.fccpt.org](http://www.fccpt.org)

**How long does certification take?**

Certification depends in large part, on how long it takes the individual to gather all the necessary documentation for certification. USCIS regulations require that credentialing organizations complete their process within 60 days **after** the applicant submits all the required academic and documents and professional licenses.

**How long is a certification valid?**

Certificates are valid for 5 years and must be presented each time the nonimmigrant health care worker seeks admission to the U.S.

**When and how do I submit my certification to the U.S. Government?**

It should be submitted with the petition filed by the I-129 nonimmigrant worker petition or the I-140 immigrant worker petition the employer submits.

**How can I get more information about the requirement, about how to apply for certification, and about acceptable tests?**

You may want to contact your prospective employer in the U.S., a professional association, or one of the approved certification organizations for information.

You can also directly research rules and requirements on the USCIS website at [www.uscis.gov/laws](http://www.uscis.gov/laws).

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## Chapter 5 Changing Your Address as a Nonimmigrant

### If You do Not Have a Case Pending with USCIS

Most non U.S. citizens who are in the U.S., are *required* by law to notify USCIS of any change of address within 10 days after moving to a new address. To notify us of your change of address, you must file the [Form AR-11](#), *Change of Address*. Also, the Form AR-11 can now be completed electronically on our website at [www.uscis.gov/addresschange](http://www.uscis.gov/addresschange).

### If You Do Have a Pending Case

Even though it is not required by law, if you have filed any application or petition with us and it is still pending a decision, you will want to keep us informed of any change of address so you can get any notices or decisions from us. You can personally update your address electronically on our website for most applications and petitions at [www.uscis.gov/addresschange](http://www.uscis.gov/addresschange). If you use the Online Change of Address system, it will file the Form AR-11 and change your address on any pending or recently approved applications or petitions at the same time.

[Information about the best way to notify USCIS of a change of address.](#)

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**Disclaimer**

The information contained here is a basic guide to help you become generally familiar with many of our rules and procedures. Immigration law can be complex, and it is impossible to describe every aspect of every process. After using this guide, the conclusion reached, based on your information, may not take certain factors such as arrests, convictions, deportations, removals or inadmissibility into consideration. If you have any such issue, this guide may not fully address your situation, as the full and correct answer may be significantly different.

This guide is not intended to provide legal advice. If you believe you may have an issue such as any described above, it may be beneficial to consider seeking legal advice from a reputable immigration practitioner such as a licensed attorney or nonprofit agency accredited by the Board of Immigration Appeals before seeking this or any immigration benefit.

For more information about immigration law and regulations, please see our website at [www.uscis.gov](http://www.uscis.gov).

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