

Nonimmigrant Business Visa Chart

Visa Category	Description	Duration of Stay	Criteria/Special Rules
<p>B-1 / H-1B for Professionals paid by their overseas employer</p> <p>Application filed at U.S. Consulate abroad.</p>	<p>Position must require at least a Bachelor's degree and be considered a specialty occupation.</p> <p>Applicant must have related Bachelor's degree or its equivalent.</p>	<p>Up to the length of the project or six-months maximum.</p> <p>It can be renewed but the applicant must return abroad and reapply at the consular post.</p>	<p>This is a hybrid B-1/H-1B status used successfully for certain professionals to come to the U.S. temporarily on an assignment from their employer abroad.</p> <p>Applicant must show evidence of nonimmigrant intent and ongoing compensation from the employer abroad</p> <p>This visa is not recognized by all consulates.</p>
<p>E-2 for Treaty Investors</p> <p>Application filed at U.S. Consulate abroad <u>or</u> through USCIS.</p> <p>Must be a citizen of a treaty country.</p>	<p>Coming to the U.S. to invest in a new or existing business.</p> <p>Investment must be substantial and in an active commercial business that produces services or goods for profit.</p> <p>Financial Investment must be irrevocably committed and subject to loss if the business fails.</p> <p>Must be capable of developing and directing the business.</p>	<p>Up to 2 years stay with unlimited extensions as long as business continues to be successful.</p> <p>E-2 visa stamp issued for 1-5 years depending on reciprocity schedules with potential for unlimited renewals.</p>	<p>Applicant must be the business owner or key employee with essential skills.</p> <p>Company must be at least 50% owned by a national of the treaty country.</p> <p>Significant financial investment required of \$70,000 or more.</p> <p>Must file substantial documentation including five year business plan and plans to employ U.S. workers.</p> <p>E-2 spouse can apply for work authorization in U.S.</p>

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<p>E-3 for Professionals from Australia</p> <p>First application filed at U.S. Consulate abroad.</p> <p>Extensions can be processed through USCIS or abroad.</p>	<p>Must be Australian citizen possessing at least a Bachelor's degree or its equivalent.</p> <p>Coming to work in a position that requires specialized knowledge related to the Bachelor's degree</p> <p>Similarities to H-1B.</p>	<p>Up to 2 years with unlimited extensions as long as fulfilling requirements of visa category.</p>	<p>Applicant must have sponsoring employer.</p> <p>Employer must obtain certified Labor Condition Application pre filing E-3.</p> <p>Employer must pay prevailing wage or above.</p> <p>E-3D spouse can apply for work authorization in U.S.</p>
<p>H-1B for Professionals working in a Specialty Occupation</p> <p>Petition must be filed with USCIS.</p>	<p>Position must require at least a Bachelor's degree and be considered a specialty occupation.</p> <p>Applicant must have related Bachelor's degree or its equivalent.</p> <p>May work full time, part time or for multiple concurrent employers.</p>	<p>Up to 3 years with potential for 3 year extension for a total of 6 years. Under special circumstances, can extend beyond 6 years.</p>	<p>Applicant must have sponsoring employer.</p> <p>Employer must obtain certified Labor Condition Application pre filing H-1B.</p> <p>Employer must pay prevailing wage or above. Cap of 85,000 new H-1Bs per year. Certain employers are exempt from the cap. Special quota for Singapore/Chile nationals.</p> <p>Spouse can apply for H-4 status but generally might not work in this status.</p>

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<p>H-1B1 for Professionals from Chile and Singapore</p> <p>First application directly at U.S. Consulate abroad.</p> <p>Extensions can be processed through USCIS or abroad</p>	<p>Must be a Chilean or Singaporean citizen possessing at least a Bachelor's degree or its equivalent.</p> <p>Coming to work in a position that requires specialized knowledge related to the applicant's education</p>	<p>Up to 18 months visa but up to one year stay.</p> <p>Extensions and renewals are allowed.</p>	<p>Applicant must have a sponsoring employer.</p> <p>Employer must obtain certified Labor Condition Application prior to filing H-1B1</p> <p>Employer must pay prevailing wage or above.</p> <p>Applicant cannot be self-employed or an independent contractor</p> <p>Must show nonimmigrant intent.</p> <p>No premium processing available. Spouse can apply for H-4 status but might not work in this status.</p>
<p>H-3 Trainee</p> <p>Petition must be filed with USCIS.</p>	<p>Very useful to transfer foreigners to the U.S. temporarily to receive training by a U.S. company in any field of endeavor, other than graduate medical education or training, that is not available in the foreign national's home country.</p>	<p>Up to two years. However, if trainee spends two years in H-3 status, the person cannot apply for change of status, extension or readmission to the U.S. in H or L status until the trainee has resided outside of the U.S. for six months.</p> <p>Changes of status to H-1B, L-1 or other nonimmigrant visas are possible but must be planned carefully. Time spend in H-3 status counts against potential time in H-1B status.</p>	<p>Applicant must have sponsoring company.</p> <p>Petition must contain evidence that: training is not available in trainee's home country; training will advance the person's career outside the U.S.; trainee will not be productively employed unless necessary to the training; and training will not displace U.S. workers.</p> <p>Petition must contain detailed training plan.</p> <p>Spouse can apply for H-4 status but might not work in this status.</p>

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<p>J-1 for Exchange Visitors – Intern or Trainee</p> <p>Application filed at U.S. Consulate abroad <u>or</u> through USCIS as a change of status.</p>	<p>Program allows business intern or trainee to intern or train temporarily in the U.S. in a program approved by the Department of State (DOS)</p> <p>Interns must be current students or recent grads of post-secondary institution outside the U.S.</p> <p>Trainees must have earned a degree from a post-secondary institution outside the U.S. and have at least one year of related work experience or if no degree, have at least five years of work experience outside the U.S.</p> <p>There are other categories of J-1 visas for student, medical graduate, researcher, teacher and others.</p>	<p>Business interns – 12 months</p> <p>Business trainees – 18 months</p> <p>No extensions.</p>	<p>Internship or training must be specific, supervised and evaluated. It must allow participant to gain international experience and advance their careers abroad.</p> <p>Host company (business entity providing the training) must develop training program (Form DS-7002) which must be approved by sponsor (an organization approved by DOS for this purpose).</p> <p>Intern/Trainee completes application forms and provides evidence of credentials.</p> <p>Sponsor issues Form DS-2019, Certificate of Eligibility which is needed for the visa application and U.S. admission. This is one of the most important documents for the J-1.</p> <p>May enter the U.S. 30 days before program begins. Must exit the U.S. 30 days after end of the program as noted in the DS-2019.</p>

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<p>L-1A for Intracompany Executive or Manager Transferee</p> <p>Petition must be filed with USCIS.</p> <p>Canadian citizens can apply at designated border posts with supporting documentation.</p>	<p>Very valuable option for foreigners transferring from abroad to work as executives or managers in the U.S.</p>	<p>Up to 3 years for initial petition for established company (new office petition up to for 1 year).</p> <p>Two 2 year renewals available for a maximum of 7 years.</p>	<p>Applicant must have sponsoring employer.</p> <p>U.S. employer must have qualifying relationship with employer abroad (affiliate, branch, subsidiary or parent).</p> <p>Both entities must continue to share common ownership and control, and to operate.</p> <p>Must have been employed abroad full time as a manager or executive for qualifying employer for 1 of the last 3 years.</p> <p>New office must show secured sufficient space to operate.</p> <p>L-2 spouse can apply for work authorization in U.S.</p>

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<p>L-1B for Intracompany Transferee with Specialized Knowledge</p> <p>Petition must be filed with USCIS.</p> <p>Canadian citizens can apply at designated border posts with supporting documentation.</p>	<p>Very valuable option for foreigners transferring from abroad to work in a position that requires their specialized knowledge of company, products or processes.</p>	<p>Up to 3 years for initial petition for established company (new office petition up to 1 year).</p> <p>One 2 year renewal available for a maximum of 5 years.</p>	<p>Applicant must have sponsoring employer.</p> <p>U.S. employer must have qualifying relationship with employer abroad (affiliate, branch, subsidiary or parent).</p> <p>Both entities must continue to share common ownership and control, and to operate.</p> <p>Must have been employed abroad full time in a specialized knowledge capacity for at least 1 of the last 3 years.</p> <p>L-2 spouse can apply for work authorization in U.S.</p>
<p>O-1A for Extraordinary Ability Individuals</p> <p>Petition must be filed with USCIS.</p>	<p>Very valuable for those with a significant record of achievement in the sciences, education, business or athletics.</p>	<p>Up to 3 years or duration of event. Unlimited one year extensions as long as fulfilling the requirements of the category.</p>	<p>Must show recognition and renown through at least 3 of following: Prizes/awards; membership in prestigious societies; judge of work of others; contributions of significance to field; significant publications; high salary; published material about applicant; employment in critical capacity.</p> <p>Must provide advisory letter and itinerary</p> <p>Spouse can apply for O-3 status but might not work in this status.</p>

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<p>P-1 for Internationally Recognized Athlete</p> <p>Petition must be filed with USCIS.</p>	Coming to perform in distinguished athletic competition or entertainment	Up to 5 years or duration of event, with one extension for up to 5 years.	<p>Must show international acclaim in the sport and at least 2 of following: Honors/awards; participation with major U.S. sport league; international competition with national team; U.S. college intercollege competition; expert opinions; international ranking</p> <p>Must provide advisory letter and itinerary</p> <p>Spouse can apply for P-4 status but might not work in this status.</p>
<p>P-3 for Artists or Entertainers</p> <p>Petition must be filed with USCIS</p>	Coming temporarily to perform, teach or coach in a culturally unique program individually or as part of a group	<p>Time needed to complete the event, activity or performance not to exceed one year.</p> <p>Extension of up to one year allowed to continue or complete event</p>	<p>Must show cultural uniqueness and authenticity through letters, newspaper articles, journals and other documentation</p> <p>Must provide advisory letter and itinerary</p> <p>Essential support personnel who provide services that are not available in the U.S. can apply for P-3S</p> <p>Spouse can apply for P-4 status but might not work in this status.</p>

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<p>TN for Canadian and Mexican Professionals</p> <p>Application filed at U.S. Consulate (Mexicans) <u>or</u> Port of Entry (Canadians) or through USCIS.</p> <p>Only available to citizens of Mexico or Canada.</p>	<p>Profession must be on the NAFTA list.</p> <p>U.S. position must require a NAFTA professional.</p>	<p>Up to 3 years with unlimited extensions as long as fulfilling the requirements of the category.</p>	<p>Self-employment not permitted. Full or part time work permitted.</p> <p>Most allowed professions require Bachelor's degree.</p> <p>Experience can't be substituted for degree.</p> <p>Management consultants, scientific and medical technologists and computer systems analysts positions are scrutinized.</p> <p>Spouse can apply for TD status but might not work in this status.</p>

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