

IV.E.8. SUMMARY OF VISA OPTIONS FOR SCHOOLS WITH INTERNATIONAL STUDENTS AND SCHOLARS

NOVEMBER 1999

TYPE OF VISA	POSSIBLE INCOME FROM U.S. SOURCES	PROBABLE TAX STATUS*	ELIGIBILITY CRITERIA	MAXIMUM LENGTH OF STAY IN THE U.S.	ADVANTAGES	DISADVANTAGES	SUPPORTING DOCUMENTATION	FORMS	COST**
B-1 Visitor For Business	Reimbursement for expenses ; honoraria permitted if visit is for 9 days or less AND payment is not received from more than 5 schools w/in a 6 month period	Nonresident	Proof of scholarly or business purpose of U.S. visit.	Six months at entry ; renewable to twelve months.	Quick and relatively easy to obtain.	Strict limitation on payments from U.S. sources. Reimbursement for living expenses : honorarium (see box 1)	Invitation letter with dates and purpose of visit; proof of adequate funds, evidence of return ticket.	None	None
B-2 Visitor For Pleasure	Honoraria permitted with same conditions as above	Nonresident	Evidence of financial support and tourist plans.	Six months at entry ; renewable to 12 months with difficulty.	Quick and relatively easy to obtain.	Limited stay in the U.S.	Proof of adequate funds for visit; evidence of return ticket.	None	None
WB (Business) or WT (Tourist)	WB: see B-1 above WT: see B-2 above	Nonresident	WB: see B-1 above WT: see B-2 above; Only applicable for countries designated under visa waiver pilot program.	90 days	No need to visit U.S. Consulate.	WB: see B-1 above WT: see B-2 above No extensions or change of status possible.	WB: see B-1 above WT: see B-2 above	None	None
F-1 Student	Employment permitted on and off-campus under certain circumstances. Curricular practical training and 12 months of optional practical training permitted.	Nonresident for five tax years	Admission to academic course of study; evidence of adequate financial support; indication of adequate English or admission to intensive English training program.	As long as full-time academic progress continues; must file to extend status if completion of program is delayed.	Easy to obtain; easy to move to other status when applicable; not subject to home country residence requirement (as opposed to J-1).	Limited to students who meet normal admission requirements for recognized degree program; off-campus work limited; spouse unable to work.	Proof of academic admission shown on I-20; evidence of financial support.	1) I-20 AB 2) I-538 for off-campus employment, practical training, program extensions 3) I-765 for optional practical training and need based employment	1) None 2) None 3) \$100
H-1B Temporary Workers in "Specialty Occupation"	Employment permitted only with petitioning employer(s).	Resident if meets substantial presence test (on average present in U.S. for half of the tax year).	Possession of at least a bachelor's degree (or equivalent experience except where PhD required) and skills; position must be temporary and in a specialty occupation; approval of labor condition application.	Three years at entry ; renewable for a total stay of six years.	May have long term intent to immigrate ; not subject to home residency requirement (as opposed to J-1).	Must file with both Dept. of Labor and INS; employer may incur severe liability under Dept. of Labor rule; H-4 spouse cannot work; employer liable for return transportation costs.	Certified copy of highest degree certificate; copy of job contract or agreement, letter attesting to job duties and requirements as well as merit/professional skills.	1) Labor Condition Application 2) I-129 with H supplement	1) None 2) \$110
J-1 Exchange Visitor (Students)	On-campus fellowship; on and off-campus employment based on economic need with sponsor approval; 18 months post completion academic training permitted.	Nonresident for five years.	Admission to academic program with sponsorship (may be non-degree short-term program as well as degree program); evidence of adequate financial support.	As long as full-time academic progress continues.	Relatively quick and easy to obtain; spouse may work with permission.	Subject to two-year home country residency requirement if funded by U.S. or home government, on skills list, or medical trainee. Must maintain medical insurance throughout stay for J-1 and J-2 dependents.	IAP-66 from program sponsor with details of academic objectives and financial support.	1) IAP-66 2) I-539 for extensions and transfers without "D/S".	1) None 2) \$120 fee for extension, including dependents
J-1 Exchange Visitor (Visiting Professors and Researchers, Short-Term Scholars)	Employment permitted for work on campus; off campus work permit difficult to obtain.	Nonresident for two years.	University appointment to teach or conduct research; indication of adequate financial support for length of program.	Professors or Researchers: Up to three years. Short-term Scholars maximum stay is 6 months.	Relatively easy to obtain; spouse may work with permission.				
TN (Canada) Professionals from Canada under NAFTA Agreement	Employment permitted in specific professions including visiting faculty and most research positions.	See H-1B above	Minimum Bachelor's degree in specified field, and offer of professional employment in the U.S.	1 year maximum, with 1 year extensions possible with no limitation on number of years.	Application maybe presented at border - no prior INS processing required, no entry visa required, no limit on # of years in the U.S.	Not all occupations are eligible. Spouse cannot work; must maintain non-immigrant intent in U.S.	Offer letter for employment in U.S., and proof of qualifications for position.	1) Application completed at border; or 2) I-129 if applying in U.S. or to extend stay in U.S.	1) \$50 at Border or 2) same as H-1B (if applying in the U.S.)
TN (Mexico) Professionals from Mexico under NAFTA Agreement	Employment permitted by petitioning employer in specified professions including faculty and most research positions.	See H-1B above	Minimum Bachelor's degree in specified field; offer of professional employment in U.S.; approval of labor condition application.	Same as TN (Canada) above	No limit on # of years in U.S.	3,000 limit on # of petitions per fiscal year for 1st 10 years. Requires prior INS processing and labor condition application; and TN Visa Stamp for entry to U.S.	Same as TN (Canada) above	1) Labor Condition Application 2) Form I-129	1) None 2) \$110
Immigrant/ Permanent Resident	No restrictions	Resident	Professional degree and labor certification for permanent position; international reputation; immediate family member of U.S. citizen or permanent resident; refugee or asylee; Diversity program.	Indefinite; citizenship optional after five years (three years if married to a U.S. citizen).	No need for work permits, extension of stay.	Extensive time, effort, documentation needed; most will have to show professional degree and permanent full-time job offer.	Labor certification; documentation of international reputation; or proof of immediate family relationship to U.S. citizen or permanent resident.	1) ETA 750 A&B 2) I-140 3) I-485 packet to adjust status	1) None 2) \$115 3) \$220

Please note that this chart is meant only to provide a brief overview. For a more detailed explanation, please refer to the NAFSA Advisor's Manual of Federal Regulations or to the international students and scholars office on your campus.

* Tax treaties may apply. ** Visa application fees vary from country to country. Dependent benefits and requirements vary. Please refer to specific regulations governing each dependent classification. All INS processing fees effective 10/13/98.