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## PRACTICE AREAS

### BUSINESS

L-1 Visas

H-1B

H-1B Transfers

Visas

TN Visas (NAFTA)

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### HOSPITALS /HEALTHCARE

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### AMNESTY

MONDAY, JANUARY 18 2010

## E-Newsletter

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## Visas

International travelers often need visas to move between countries or to engage in certain activities abroad. Visas are official government documents permitting the holder to apply for entry. In the United States, foreign nationals may receive either an immigrant or a nonimmigrant visa for entry. The specific visa issued depends on the individual's needs and goals.

The US Citizenship and Immigration Services (USCIS), a government agency within the Department of Homeland Security, issues visas to qualified applicants who wish to enter the US (This function was formerly performed by the Immigration and Naturalization Service, which no longer exists.) Some categories are subject to annual limitations on the number of visas that may be issued, so it is best to apply as far in advance as possible.

## Immigrant Visas

There are four different types of visas that allow aliens to move permanently to the US and become legal residents: employment-based visas, family-based visas, diversity lottery visas and visas for those with refugee or asylee status.

Government regulations divide employment-based and family-based visas into limited categories, and visas are granted on a pre-determined allocation among those categories. For example, in family-based immigration, spouses and children of US citizens receive priority for immigration. In employment-based immigration, priority workers, including outstanding professors and persons of extraordinary ability in



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various fields, receive priority over other categories of workers.

In addition to family-based and employment-related visas, USCIS grants diversity visas to a limited number of immigrants each year from countries that historically send few immigrants to the United States. Currently, the US offers 55,000 of these visas annually. Diversity lottery visa winners are selected randomly by a computer system from the pool of applicants, making it an uncertain method of gaining legal residency in the US.

The US also provides resettlement opportunities to those who have become refugees and cannot return to their home countries. Those meeting the definition of a refugee may be able to relocate to the United States, seek asylum status at a port of entry, or apply for asylum status once they have entered the United States. There are limits on the number of refugees that may enter the US each year. Similar limits do not exist for asylum seekers. However, there are specific requirements that must be met to gain either protected status.

## Nonimmigrant Visas

Nonimmigrant visas are for those who plan to travel to the US for a temporary time period for a specific purpose, such as training, business, education or temporary employment. Successful applicants for nonimmigrant visas must be able to demonstrate that they will return to their home countries once their time in the US expires.

There are more categories of nonimmigrant visas than immigrant visas. It is essential that applicants file for the correct type of visa so that they may accomplish the purpose of their temporary stay in the US. For example, someone traveling to the US for vacation on a B-2 visa may not enroll in a university without applying for a student visa. Some examples of nonimmigrant visa categories include:

B-1 visas for business visitors

B-2 visas for visitors for pleasure

F visas for students



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H visas for temporary workers

K visas for fiancé(e)s

L visas for intercompany transferees

Some nonimmigrant visas allow the holder to work during his or her stay in the United States. Others allow the visitor to bring family members or to enter the country to join family members. For example, the K visa allows fiancé(e)s of US citizens to enter the country for 90 days in order to get married.

The application procedure for both immigrant and nonimmigrant visas can be complicated, and some visa categories have long waiting periods. Prospective applicants should contact an immigration attorney for the most current advice and guidance.

## Getting Ready To Apply for a Visa

To read and print out a copy of the checklist, please follow the link below.

[Getting Ready to Apply for a Visa](#)

**DISCLAIMER:** This site and any information contained herein are intended for informational purposes only and should not be construed as legal advice. Seek competent counsel for advice on any legal matter.