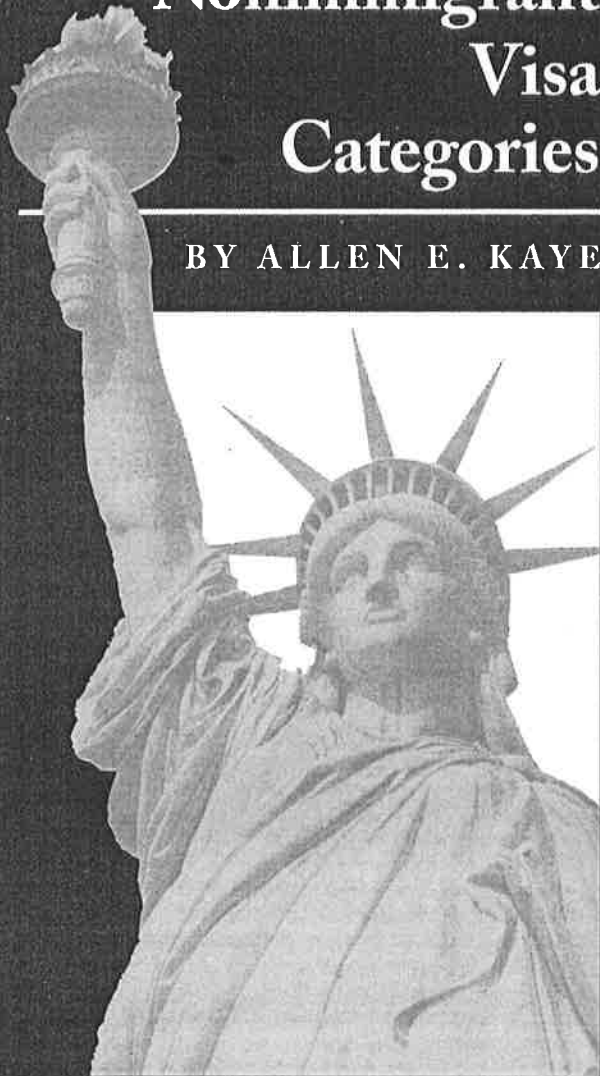


NEW REVISED EDITION

U.S.
Nonimmigrant
Visa
Categories

BY ALLEN E. KAYE



**IMMIGRATION LIBRARY
SERIES**

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U.S. NONIMMIGRANT VISA CATEGORIES

The United States has two broad categories of visas: immigrant and nonimmigrant. A nonimmigrant is someone who establishes that he fits within one of the classes of nonimmigrant aliens described in Section 101(a)(15) of the Immigration and Nationality Act, as amended.

A listing of these U.S. nonimmigrant visa categories follows. Readers should note that some of these visa categories (H, K, L, O, P, Q, R, S, T, U, V and sometimes E) require a petition to be filed with United States Citizen and Immigration Services and to be approved before the visa can be issued. Further, unless otherwise noted, one must have a residence in a foreign country, which one has no intention of abandoning, to qualify for a visa. Finally, all nonimmigrant categories are for the purpose of coming temporarily to the United States.

A. Foreign Government Official

A-1: Ambassador, public minister, career diplomat or consular officer, or immediate family

A-2: Other foreign government official or employee, or immediate family

A-3: Attendant, servant, or personal employee of A-1 or A-2, or immediate family

B. Visitor

B-1: Temporary visitor for business

B-2: Temporary visitor for pleasure

B-1/B-2: Temporary visitor for business and pleasure

C. Alien in Transit

C-1: Alien in transit through the U.S.

C-2: Alien in transit to United Nations headquarters district

C-3: Foreign government official, immediate family, attendant, servant or personal employee in transit

D. Crewmember (Sea or Air)

E. Treaty Trader/Treaty Investor (*There must be a treaty of commerce and navigation between the United States and the foreign state of which the alien is a national.*)

E-1: Treaty Trader, spouse or child; an alien coming to the U.S. solely to carry on substantial trade, including trade in services or trade in technology, principally between the U.S. and the foreign state of which he is a national

E-2: Treaty Investor, spouse or child; an alien coming to the U.S. solely to develop and direct the operations of an enterprise in which he has invested, or of an enterprise in which he is actively in the process of investing, a substantial amount of capital

E-3: The Immigration and Nationality Act has been amended to add a new subsection for Australian nationals who will perform services in a specialty occupation. The definition of specialty occupation applicable to H-1B visas also applies to the E-3 category. The new provision limits the number of E-3 visas to 10,500 for each fiscal year. This numerical limitation only applies to principal aliens and not to their spouses or children.

F. Student

F-1: Student - academic

F-2: Spouse or child of F-1

G. International Organization Alien

G-1: Principal resident representative of recognized foreign government to international organization, staff, or immediate family

G-2: Other representative of recognized foreign member government to international organization, or immediate family

G-3: Representative of non-recognized nonmember foreign government to international organization, or immediate family

G-4: International organization officer or employee, or immediate family

G-5: Attendant, servant, or personal employee of

G-1 through G-4, or immediate family

H. Temporary Worker

H-1B: Alien in Specialty Occupation (Profession); an alien who is coming temporarily to the U.S. to perform services in a specialty occupation or as a fashion model

H-1C: An alien nurse who is going to work for up to three years in a health professional shortage area under certain highly limited circumstances

H-2: An alien who is temporarily coming to the U.S. to perform agricultural labor or services of a temporary or seasonal nature or other temporary service or labor if unemployed persons capable of performing such service or labor cannot be found in the U.S.

a. **H-2A:** Temporary worker performing agricultural services which are unavailable in the United States

b. **H-2B:** Temporary worker performing other temporary services which are unavailable in the United States

H-3: Trainee; an alien who is coming temporarily to the U.S. as a trainee

H-4: Spouse or child of alien classified H-1B/C, H-2A/B, or H-3

I. Foreign Information Media Representative, Spouse or Child

J. Exchange Visitor

J-1: Exchange visitor

J-2: Spouse or child of J-1

K. Fiancé or Fiancée of a U.S. Citizen, Child of the Fiancé(e) or Spouse or Child of a U.S. Citizen

K-1: Fiancé(e) of United States citizen

K-2: Child of Fiancé(e) of United States citizen

K-3: Spouse of United States citizen

K-4: Child of K-3 spouse

L. Intracompany Transferee

L-1: Intracompany transferee (executive, managerial and specialized knowledge personnel continuing employment with international firm or corporation)

L-2: Spouse or child of L-1

M. Student - Vocational

M-1: Vocational or other non-academic student

M-2: Spouse or child of M-1

N. Parent of Certain Special Immigrants (retired officers/employees previously accorded G-4 visa status)

N-8: Parent of an alien classified SK-3 "Special Immigrant"

N-9: Child of N-8 or of an SK-1, SK-2, or SK-4 "Special Immigrant"

NATO. Alien Entering Under

North Atlantic Treaty Organization Treaty

NATO-1: Principal permanent representative to NATO (including any of its subsidiary bodies), resident in the U.S. and resident members of official staff; Secretary General, Assistant Secretary General, and Executive Secretary of NATO; other permanent NATO officials of similar rank, or immediate family

NATO-2: Other representative of member state to NATO (including any of its subsidiary bodies), including representatives, its advisers and technical experts of delegations, members of immediate family, Art. 3, 4 UST 1796; dependents of member of a force entering in accordance with the provisions of Status-of-Forces Agreement or in accordance with the provisions of the Protocol on the Status of International Military Headquarters; members of such a force if issued visas

NATO-3: Official clerical staff accompanying representatives of member state to NATO (including any of its subsidiary bodies), or immediate family

NATO-4: Official of NATO (other than those classifiable as NATO-1), or immediate family

NATO-5: Expert, other than NATO officials classifiable under the NATO-4, employed in missions on behalf of NATO, and their dependents

NATO-6: Member of a civilian component accompanying a force entering in accordance with the provisions of the NATO Status-of-Forces Agreement; member of a civilian component attached to or employed by an Alien Headquarters Under the Protocol on the Status of International Military Headquarters set up pursuant to the North Atlantic Treaty, and their dependents

NATO-7: Attendant, servant, or personal employee of NATO-1, NATO-2, NATO-3, NATO-4, NATO-5, NATO-6 classes, or immediate family

O. Extraordinary Ability

O-1: Alien who has extraordinary ability in the sciences, arts, education, business or athletics which has been demonstrated by sustained national or international acclaim or, with regard to motion picture and television productions, a demonstrated record of extraordinary achievement and whose achievements have been recognized in the field through extensive documentation and who is coming to the U.S. to continue work in the area of extraordinary ability

O-2: Alien who seeks to enter temporarily and solely for the purpose of accompanying and assisting in the performance of an alien of extraordinary ability and who is an integral part of that performance and has a critical skill and experience which is not of a general nature and which cannot be performed by other individuals

O-3: Spouse and minor children of aliens of extraordinary ability

P. Athlete or Entertainer

P-1: Athlete or entertainer who, as part of a team or group, has received international recognition as outstanding; entertainer must have relationship with the group for at least one year

P-2: Athlete or entertainer entering under a reciprocal exchange program

P-3: Entertainer entering in a culturally unique program

P-4: Spouse or child of P-1, P-2, or P-3

Q. Cultural Exchange Visitor

Q-1: Participant in an international cultural exchange program who is coming temporarily to the U.S. to participate in an international cultural exchange program which provides practical training, employment and which involves the sharing of history, culture and traditions of the applicant's country

Q-2: Irish Peace Process Cultural and Training Program (also known as the Walsh Visa Program); program offers eligible men and women from disadvantaged areas of Northern Ireland and the six border counties of the Republic of Ireland to live and work in the United States for up to 36 months with a Q-2 work visa

Q-3: Spouse or child of Q-2

R. Alien in a Religious Occupation; ministers of religion, professional workers in religious vocations and occupations and other religious personnel; requires membership for at least two years in the religious organization

R-1: Alien in a religious occupation

R-2: Spouse or child of R-1

S. Alien Supplying Critical Information

S-5: Certain aliens supplying critical information relating to a criminal organization or enterprise

S-6: Certain aliens supplying critical information relating to terrorism

T. Victims of a Severe Form of Trafficking in Persons; available to eligible victims of severe forms of trafficking in persons; victims must have complied with any reasonable request for assistance in the investigation or prosecution of acts of trafficking in persons, and also must demonstrate that they would suffer extreme hardship involving unusual and severe harm if they were removed from the United States

T-1: Victim of a severe form of trafficking in persons

T-2: Spouse of a victim of a severe form of trafficking in persons

T-3: Child of a victim of a severe form of trafficking in persons

T-4: Parent of a victim of a severe form of trafficking in persons (if T-1 victim is under 21 years of age)

TN. Professional Entering Under U.S.-Canada-Mexico Free Trade Agreement; alien who is a citizen of Canada or Mexico and seeks to enter the United States under and pursuant to the provisions of Annex 1603, of Section A of the U.S.-Canada-Mexico Free Trade Agreement to engage in business activities at a professional level as provided for therein

TN: NAFTA Professional

TD: Spouse or child of NAFTA Professional

U. Victims of Certain Crimes; created by the Victims of Trafficking and Violence Prevention Act; available to aliens who (1) have suffered substantial physical or mental abuse resulting from a wide range of criminal activity, and (2) have been helpful, are being helpful, or are likely to be helpful with the investigation or prosecution of the crime; provides eligible aliens with authorized stay in the United States and employment authorization

U-1: Victim of certain criminal activity

U-2: Spouse of U-1

U-3: Child of U-1

U-4: Parent of U-1 (if U-1 is under 21 years of age)

V. Spouse or Child of Legal Permanent Resident

V-1: Spouse of lawful permanent resident who is the principal beneficiary of a family-based petition which was filed prior to December 21, 2000, and has been pending for at least three years

V-2: Child of lawful permanent resident who is the principal beneficiary of a family-based petition which was filed prior to December 21, 2000, and has been pending for at least three years

V-3: Child of V-1 or V-2

Any person who desires more detailed information about the nonimmigration visas listed above should contact me.

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