

Immigration Statuses Chart

The following is a guide for departments who wish to invite and/or employ a foreign national. It is recommended that you familiarize yourself with the policies, procedures, and timelines for obtaining various immigration benefits and classifications.

	Visa Waiver Program	B-1/B-2	J-1	H-1B	E-3	TN	O-1	Permanent Residency
Country	See list here	Any	Any	Any	Australia	Mexico or Canada	Any	Any
Immigrant Category	Nonimmigrant	Nonimmigrant	Nonimmigrant	Nonimmigrant (but has dual intent)	Nonimmigrant	Nonimmigrant	Nonimmigrant (but has dual intent)	Immigrant
Intent/Purpose of U.S. visit	Visiting the U.S.	Visiting the U.S.	Cultural Exchange	Dual intent - Temporary or permanent employment	Temporary employment	Temporary employment	Temporary Employment	Permanent Employment
Duration Allowed	90 days or less	Determined upon entry, usually 6 mo. (although the visa stamp can be valid up to 10 years)	Generally: 5 yrs Short-term Scholar: 6 mo. or less	6 yrs (3 yrs/each), with exceptions (ex: if has approved I-140)	Indefinite, but 2 yrs at a time	Indefinite, but 3 yrs at a time	None; initial application for 3 yrs renewals for 1 yr only	Indefinite
UW salary required?	No	No	No; can be paid or unpaid	Yes	Yes	Yes	Yes	No; can be paid or unpaid
Minimum wage requirement	Not applicable – cannot be paid	Not applicable – cannot be paid	Yes, must meet IFSS minimum funding requirement	Yes, depends on minimum job requirements	Yes, depends on minimum job requirements	No	No	No
Cost to Department to File Initial Petition	None for department	None for department	None for department. SEVIS fee must be paid by the scholar.	\$460 & \$500 for initial petition. Extra \$2500 if requesting premium processing. Subsequent petition fees vary.	\$460 only if filing a petition while employee is <u>inside</u> the US.	\$460 only if filing a petition while employee is <u>inside</u> the US.	\$460 & \$500 for initial petition. Extra \$2500 if requesting premium processing. Subsequent petition fees vary.	None for department.
Cost to Employee (visa fees vary by country)	\$14 ESTA fee	Visa fees	\$180 SEVIS fee And visa fees	None if changing status inside the U.S.	None if changing status inside the U.S.	If traveling outside U.S. to obtain/extend TN, there is a \$50 fee. If entering at a land border, there is also a \$6 fee for the issuance of the I-94.	None if changing status inside the U.S.	USCIS fee calculator

	Visa Waiver Program	B-1/B-2	J-1	H-1B	E-3	TN	O-1	Permanent Residency
Document that identifies the status	I-94 card	Visa stamp and I-94 card	DS-2019	I-797 Notice of Action	I-797 Notice of Action (only if petition is filed w/ USCIS) <u>or</u> I-94 card (if traveling to obtain status)	I-797 Notice of Action (only if petition is filed w/ USCIS) <u>or</u> I-94 card (if traveling to obtain status)	I-797 Notice of Action	PR card <u>or</u> I-551 visa <u>or</u> I-797 Notice of action
Who issues the above document?	CBP	DOS grants visa stamp; CBP grants the I-94	IFSS	USCIS	USCIS grants the I-797; CBP grants the I-94	USCIS grants the I-797; CBP grants the I-94	USCIS	USCIS grants the I-797 and PR card; DOS grants the I-551
Dependent Status	Not applicable	Not applicable	J-2	H-4	E-3D	TD	O-3	Not applicable
Dependent Work Authorization	Spouse: No Children: No	Spouse: No Children: No	Spouse: Yes Children: Yes	Spouse: Most, no; (spouses that are eligible, see here) Children: No	Spouse: Yes Children: No	Spouse: No Children: No	Spouse: No Children: No	Spouse: Yes Children: Yes
Two Year Home Residency Requirement	Not applicable	Not applicable	Yes; however, not all J-1s are subject; must fulfill it or get waiver before changing to H-1B or PR	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable
12 or 24 month bar on repeat participation	Not applicable	Not applicable	Yes, in some cases	Not applicable	No Not applicable	Not applicable	Not applicable	Not applicable
English Proficiency Requirement	No	No	Yes	No	No	No	No	No
Health Insurance Coverage Mandatory for Status?	No; travel insurance recommended	No; travel insurance recommended	Yes	No	No	No	No	No
Grace Period for Timely Filed Straight Extensions (no changes in title, department, %, or duties)	Not applicable	Only if I-539 is pending	Not applicable; IFSS issues the documents	240 days	240 days	240 days	240 days	Never expires

	Visa Waiver Program	B-1/B-2	J-1	H-1B	E-3	TN	O-1	Permanent Residency
Amended Petitions (change in title, dept, % of employment, duties)	Not applicable	Not applicable	Yes, field of specialization and category cannot change. Updated documents needed from IFSS	Must have approval notice from USCIS before change can be in place	Must have approval notice from USCIS before change can be in place	Must have approval notice from USCIS before change can be in place	Must have approval notice from USCIS before change can be in place	Not applicable
Grace Period When Status Expires	None	None	30 days	Depends. Consult IFSS.	None	None	None	Never expires
Travel Endorsement Required	No	No	Yes (valid 6 months)	No	No	No	No	No
Valid Visa stamp needed to enter	No	Yes (except Canadians)	Yes (except Canadians)	Yes (except Canadians)	Yes	Canadians—No Mexicans—Yes	Yes (except Canadians)	No; enters U.S. with PR card
Ways to Extend	None	May file I-539	File request with IFSS; short term scholars cannot extend beyond 6 months	Must file I-129, can use premium processing	Take certified LCA to Consulate or file I-129, no premium processing available	Canadians—go to port of entry or send I-129 Mexicans—go to Consulate or send I-129 Can use premium processing	Must file I-129, can use premium processing	Renew green card itself every 10 years
UW Title	None. Visitor status only—should not have UW appointment at all	None. Visitor status only—should not have UW appointment at all	Non-tenure track Academic Staff, Visiting Faculty, Employee-In-Training	Academic Staff, Faculty or Employee-In-Training and very limited university staff	Academic Staff, Visiting Faculty or Employee-In-Training and very limited university staff	Title must be on Schedule 2 of the Trade NAFTA Treaty (see IFSS website); Non-tenure track	Academic Staff or Faculty, generally	Any
Accept payments outside the UW?	No salary or income allowed. Honorarium may be possible, see here .	No salary or income allowed. Honorarium may be possible, see here .	Prior approval needed from IFSS <u>before</u> event occurring (or program sponsor if not IFSS)	Only per diem (no honorarium)	Only per diem (no honorarium)	Only when notation on I-94 includes the names of <u>all</u> employers for whom you work.	Only per diem (no honorarium)	Yes
Allowable funding sources	Not applicable – can't be paid	Not applicable – can't be paid	Personal, UW or home institution (fellowships from outside the UW are allowed)	UW only (cannot be on fellowships from outside the UW)	UW only (cannot be on fellowships from outside the UW)	UW only (cannot be on fellowships from outside the UW)	UW only (cannot be on fellowships from outside the UW)	Any

NOTE: This brief overview is not all-inclusive.