

Table of Contents

Volume 1

CHAPTER 1. THE B VISA CATEGORY

I. BASIC INFORMATION ABOUT THE B CATEGORY

- § 1:1 General requirements
- § 1:2 Duration of stay
- § 1:3 Application process
- § 1:4 Special conditions
- § 1:5 Family members
- § 1:6 Visa Waiver Program
- § 1:7 Canadian and Mexican business visitors under the USMCA

II. REQUIREMENTS FOR CLASSIFICATION IN THE B CATEGORY

- § 1:8 Broad requirements
- § 1:9 Bona fide nonimmigrant intent
- § 1:10 Legitimate activities for B-1 business visitors
- § 1:11 Legitimate activities in the B-2 category (visitors for pleasure)

III. PROCEDURES FOR OBTAINING B STATUS

A. APPLICATION FOR THE B VISA AT A U.S. CONSULATE

- § 1:12 Generally
- § 1:13 Papers required for a B-1 visa
- § 1:14 Documents required for a B-2 visa
- § 1:15 Submission and processing of the visa application
- § 1:16 Visa issuance and denial

B. PROCEDURE AT THE BORDER

- § 1:17 Generally
- § 1:18 Documents to be carried by the applicant for admission
- § 1:19 Procedures upon admission
- § 1:20 Procedures if admission to the U.S. is refused

IV. EXTENSION OF STAY AND OTHER POST-ADMISSION ISSUES

A. EXTENSIONS OF STAY

- § 1:21 Generally
- § 1:22 Extension package
- § 1:23 Preparing the extension application
- § 1:24 Submitting arrival/departure records and replacing lost I-94 forms
- § 1:25 Preparing the notice of appearance (when represented)
- § 1:26 Filing procedures and USCIS adjudication

B. CHANGE OF STATUS FROM THE B CATEGORY

- § 1:27 Generally

- § 1:28 Procedures for change of status

C. CHANGE OF ADDRESS REPORTS

- § 1:29 Obligation to report change of address

V. THE VISA WAIVER PROGRAM FOR B VISITORS

- § 1:30 Requirements for participation
 § 1:31 Special conditions after VWP admission
 § 1:32 Special Guam-CMNI Visa Waiver Program

VI. BUSINESS VISITORS UNDER THE USMCA

- § 1:33 Acceptable B-1 activities under the USMCA
 § 1:34 Procedures for B-1 admission under the USMCA

CHAPTER 2. THE F VISA CATEGORY

I. BASIC INFORMATION ABOUT THE F CATEGORY

- § 2:1 General requirements
 § 2:2 Duration of stay
 § 2:3 Application process
 § 2:4 Special conditions
 § 2:5 Family members of the F-1 student

II. BASIC REQUIREMENTS FOR OBTAINING F-1 STATUS

- § 2:6 The student must be enrolled in an “academic” education program, not a vocational-type program
 § 2:7 The student must be enrolled in a school approved for the attendance of foreign students
 § 2:8 The student must comply with restrictions on pursuing a course of study at public schools
 § 2:9 The student must be enrolled in a “full course of study” at the school
 § 2:10 The student must be proficient in English or be enrolled in English language courses leading to proficiency
 § 2:11 The student must have sufficient funds available to him or her to support him or herself completely during the entire proposed course of study
 § 2:12 The student must maintain a residence abroad and must intend to depart the U.S. upon completion of his or her studies
 § 2:13 Upon initial admission, the student must intend to attend the school specified on the F-1 visa

III. PROCEDURES FOR OBTAINING F-1 STATUS

A. OVERVIEW

- § 2:14 Generally

B. THE CERTIFICATE OF ELIGIBILITY AND PAYMENT OF SEVIS FEE

- § 2:15 Obtaining Form I-20 from the school
 § 2:16 Payment of SEVIS fee

C. THE F-1 VISA APPLICATION

- § 2:17 Preparation of the Nonimmigrant Visa Application (Form DS-160)

TABLE OF CONTENTS

- § 2:18 Preparation of the documents in support of the F-1 visa application
- § 2:19 Submission and processing of the visa application
- § 2:20 Visa issuance or denial

D. PROCEDURES AT THE BORDER

- § 2:21 Students making an initial entry
- § 2:22 Procedures when incorrect documentation is presented at border
- § 2:23 Procedures if admission to the U.S. is questioned

IV. CHANGE OF STATUS TO THE F-1 CATEGORY

- § 2:24 Generally
- § 2:25 Change of status papers
- § 2:26 Preparing the application for change of nonimmigrant status
- § 2:27 Supporting documentation
- § 2:28 Filing change of status papers and USCIS adjudication
- § 2:29 Obtaining an F-1 visa after approval of the change of status application
- § 2:30 Persons ineligible for change of status

V. POST-ADMISSION ISSUES: REPORTING REQUIREMENTS, CHANGES IN PROGRAM, REINSTATEMENT, AND TRAVEL

A. REGISTRATION AT SCHOOL AND ON-GOING REPORTING REQUIREMENTS

- § 2:31 Student reporting obligations after admission
- § 2:32 School reporting obligations under SEVIS

B. CHANGING SCHOOLS, EDUCATIONAL PROGRAMS, OR MAJORS, REDUCTIONS IN COURSE LOAD, AND EXTENSIONS OF PROGRAMS

- § 2:33 School transfers
- § 2:34 Changing educational program or major while remaining at the same school
- § 2:35 Reductions in course load
- § 2:36 Program extensions

C. MAINTAINING STATUS, REINSTATEMENT REQUESTS, AND TERMINATION OF STUDENT STATUS

- § 2:37 Maintaining student status
- § 2:38 Obtaining reinstatement when the student is out of status
- § 2:39 Reasons for termination of SEVIS record and impact of termination

D. TRAVEL

- § 2:40 Students returning to the U.S. from a temporary trip abroad
- § 2:41 Travel issues for F-1 students changing to H-1B status

VI. EMPLOYMENT ISSUES

A. EMPLOYMENT BY STUDENTS (OTHER THAN OPTIONAL PRACTICAL TRAINING)

- § 2:42 Generally
- § 2:43 On-campus and work/study (curricular) employment permissible without explicit USCIS authorization

- § 2:44 Off-campus employment authorized by USCIS because of unforeseen economic necessity

B. OPTIONAL PRACTICAL TRAINING FOR F-1 STUDENTS

- § 2:45 Generally
 § 2:46 Key features of optional practical training
 § 2:47 Initial grant of OPT
 § 2:48 Extension of optional practical training (“cap-gap” extensions and STEM OPT)
 § 2:49 Travel for a student granted practical training

CHAPTER 3. THE J-1 VISA CATEGORY

I. BASIC INFORMATION ABOUT THE J-1 CATEGORY

- § 3:1 General requirements
 § 3:2 Duration of stay
 § 3:3 Application process
 § 3:4 Special limitations
 § 3:5 Family members of the J-1 exchange visitor

II. BASIC REQUIREMENTS FOR OBTAINING J-1 STATUS

- § 3:6 To enter the U.S., the exchange visitor must have plans to participate in a designated Exchange-Visitor Program
 § 3:7 Certain categories of exchange visitors must spend an aggregate of two years following completion of their U.S. training program in the country of their nationality or last legal residence
 § 3:8 The exchange visitor must maintain a foreign residence which he or she has no intention of abandoning

III. BASIC QUESTIONS TO ANSWER BEFORE PROCEEDING WITH A J-1 CASE

- § 3:9 Is there an already established program through which you can proceed?
 § 3:10 Is your organization eligible to sponsor its own exchange-visitor program?
 § 3:11 Is the exchange visitor subject to the two-year foreign residence requirement?
 § 3:12 If the exchange visitor is subject to the two-year foreign residence requirement, is a waiver obtainable?

IV. PROCEDURES AND REQUIREMENTS APPLICABLE TO EXCHANGE PROGRAM SPONSORS

A. APPLICATION TO SERVE AS EXCHANGE PROGRAM SPONSOR

- § 3:13 Selecting a program category
 § 3:14 Completing the application form
 § 3:15 Preparing general supporting documentation for the sponsor application and reviewing general requirements applicable to all J-1 exchange visitor programs
 § 3:16 Preparing special supporting documentation for training and internship sponsor applications and reviewing specific requirements for training/internship programs
 § 3:17 Fee for program sponsor applications
 § 3:18 Filing the application for program designation

B. PROGRAM REDESIGNATIONS AND MODIFICATIONS

- § 3:19 Requirements for program redesignations and modifications

TABLE OF CONTENTS

§ 3:20 Procedures for redesignations and modifications

C. SPONSOR REPORTING AND RECORDKEEPING RESPONSIBILITIES

§ 3:21 Reporting requirements under SEVIS Program

§ 3:22 Annual reports, management reviews, and DOS site visits

§ 3:23 Internal recordkeeping and reporting requirements for training/internship program sponsors and DOS on-site inspections

V. PROCEDURES FOR OBTAINING J-1 STATUS FOR EXCHANGE VISITORS

A. SELECTION OF EXCHANGE VISITORS, ISSUANCE OF THE CERTIFICATE OF ELIGIBILITY, AND PAYMENT OF SEVIS FEE

§ 3:24 Bringing an exchange visitor to the U.S. under an established umbrella program

§ 3:25 Using an in-house exchange-visitor program

§ 3:26 Payment of SEVIS fee

B. OBTAINING THE J-1 VISA

§ 3:27 Generally

§ 3:28 Submission and processing of the visa application

§ 3:29 Visa issuance

C. PROCEDURES AT THE BORDER

§ 3:30 Generally

VI. CHANGE OF STATUS TO THE J-1 CATEGORY

§ 3:31 Generally

§ 3:32 Preparing the papers for a change of status application and filing the application

§ 3:33 Visa renewal and travel while application is pending or after application is approved

§ 3:34 Persons ineligible for a change of status

VII. EXTENSIONS, REINSTATEMENT, AND OTHER POST-ADMISSION ISSUES

§ 3:35 Extensions

§ 3:36 Reinstatement requests and impact of unlawful status

§ 3:37 Change of J program category or sponsor

§ 3:38 Employment of exchange visitors by non-sponsor employers

§ 3:39 Change of address reports

VIII. THE FOREIGN RESIDENCE REQUIREMENT AND WAIVERS OF THE REQUIREMENT

A. COVERAGE OF THE FOREIGN RESIDENCE REQUIREMENT

§ 3:40 Persons subject to the foreign residence requirement

§ 3:41 Challenging the applicability of § 212(e)

§ 3:42 Prohibitions under § 212(e)

§ 3:43 Fulfilling the two-year foreign residence requirement

B. WAIVERS OF THE FOREIGN RESIDENCE REQUIREMENT

§ 3:44 Generally

- § 3:45 “No objection” waiver
- § 3:46 Sponsorship by an interested government agency
- § 3:47 Hardship waivers
- § 3:48 Persecution waivers
- § 3:49 Waiver strategies

C. WAIVER PROCEDURES

- § 3:50 The application process
- § 3:51 Supporting documents
- § 3:52 Government processing and post-filing issues

D. OBTAINING IGA SPONSORSHIP FOR J-1 PHYSICIANS

- § 3:53 Generally
- § 3:54 Employment with a government sponsor
- § 3:55 Health-related research
- § 3:56 Work in a medically-underserved area

CHAPTER 4. THE E VISA CATEGORY

I. BASIC INFORMATION ABOUT THE E CATEGORY

- § 4:1 Coverage of the E category
- § 4:2 Duration of stay
- § 4:3 Application process
- § 4:4 Special conditions
- § 4:5 Alternatives to the E category
- § 4:6 Family members of the E visa holder

II. BASIC REQUIREMENTS FOR OBTAINING E STATUS

- § 4:7 Generally
- § 4:8 The first requirement: a treaty of commerce and navigation or bilateral investment treaty
- § 4:9 The second requirement: qualifying under the treaty (treaty company’s ownership)
- § 4:10 The third requirement: nationality of the employee or principal
- § 4:11 Special requirements for traders
- § 4:12 Special requirements for investors
- § 4:13 Special requirements for Canadian and Mexican traders and investors under the USMCA

III. PROCEDURES FOR OBTAINING E STATUS

A. OVERVIEW

- § 4:14 The process for obtaining E status (generally)

B. THE APPLICATION PAPERS

- § 4:15 Usual application papers
- § 4:16 The support letter
- § 4:17 Supporting documentation
- § 4:18 E supplement to the nonimmigrant visa application (DS-156E)
- § 4:19 Nonimmigrant visa application for E-1 or E-2 nonimmigrant (DS-160)
- § 4:20 Nonimmigrant visa application for family member

C. SUBMISSION OF THE VISA APPLICATION AND GOVERNMENT PROCESSING

- § 4:21 Generally
- § 4:22 Procedures when prescreening is utilized
- § 4:23 Procedure when prescreening is not used
- § 4:24 Procedures when a company is already “registered”
- § 4:25 Visa issuance

D. PROCEDURES AT THE BORDER

- § 4:26 Generally

IV. CHANGE OF STATUS TO THE E CATEGORY

- § 4:27 Generally
- § 4:28 Change of status papers
- § 4:29 Filing the application and government processing
- § 4:30 Visa renewal after change of status application granted
- § 4:31 Persons ineligible for change of status

V. EXTENSIONS AND OTHER POST-ADMISSION ISSUES

A. EXTENSIONS OF STAY

- § 4:32 Generally
- § 4:33 Papers for extension of stay
- § 4:34 Preparation of the extension application
- § 4:35 The support letter and supporting documentation
- § 4:36 Filing fees
- § 4:37 Form I-907 and special fee in premium processing cases
- § 4:38 Extension applications for family members
- § 4:39 The notice of appearance (when represented)
- § 4:40 Filing the application and government processing
- § 4:41 Visa reissuance
- § 4:42 Persons ineligible for extensions of stay

B. OTHER POST-ADMISSION ISSUES

- § 4:43 Changes of employer or corporate structure
- § 4:44 Change of address reports

CHAPTER 5. THE L-1 VISA CATEGORY

I. BASIC INFORMATION ABOUT THE L CATEGORY

- § 5:1 General requirements
- § 5:2 Duration of stay
- § 5:3 Application process
- § 5:4 Special conditions
- § 5:5 Family members of the L-1 nonimmigrant

II. BASIC REQUIREMENTS FOR OBTAINING L-1 STATUS

- § 5:6 The employee must have worked abroad for the overseas company for a continuous period of one year in the preceding three years
- § 5:7 The overseas company must be related to the U.S. company in a specific manner

- § 5:8 The company must be a qualifying organization
- § 5:9 The employee to be transferred must have been employed abroad in an “executive” or “managerial” position or a position involving “specialized knowledge”
- § 5:10 The employee must be coming to the U.S. company to work in an executive, managerial, or specialized knowledge capacity
- § 5:11 The employee must be qualified for the position by virtue of his or her prior education and experience
- § 5:12 An export control license must be obtained when controlled technology is involved
- § 5:13 The L-1 transferee must intend to depart the United States upon completion of his or her authorized stay (including extensions), but may also pursue permanent residence at the same time
- § 5:14 Special requirements applicable to Canadian and Mexican intracompany transferees under the USMCA

III. BASIC QUESTIONS TO ANSWER BEFORE PROCEEDING WITH AN L-1 CASE

- § 5:15 Has the employee been employed with the company abroad for a continuous period of at least one year within the last three years?
- § 5:16 Is the company abroad for which the employee works related to the U.S. company in the correct way?
- § 5:17 Is the employee to be transferred currently working in an executive, managerial, or specialized knowledge capacity with the company abroad and will he or she work in one of these capacities with your company in the U.S.?
- § 5:18 Will the foreign national be exposed to technology that is controlled under federal law, has an export control license been obtained?
- § 5:19 Miscellaneous points to remember about the L-1 category

IV. PROCEDURES FOR OBTAINING L-1 STATUS

A. OVERVIEW

- § 5:20 The process for obtaining L-1 status (generally)

B. PREPARATION OF THE USCIS PETITION

- § 5:21 Generally
- § 5:22 Preparing the petition (Form I-129)
- § 5:23 Preparing the company’s supporting letter for an L-1 petition
- § 5:24 Preparing the supporting documentation
- § 5:25 Special variations: A new U.S. office and a transferee who is an owner/operator
- § 5:26 Filing fees
- § 5:27 Form I-907 and special fee in premium processing cases
- § 5:28 Form G-28, notice of appearance

C. SUBMISSION OF THE L-1 PETITION AND GOVERNMENT PROCESSING

- § 5:29 Filing the petition
- § 5:30 USCIS processing of the petition

D. OBTAINING THE L-1 VISA AND ADMISSION IN L-1 STATUS

- § 5:31 Obtaining the L-1 visa (generally)
- § 5:32 Documents required for an L-1 visa
- § 5:33 Submission and processing of the visa application
- § 5:34 Visa issuance

TABLE OF CONTENTS

§ 5:35 Procedures at the border

V. CHANGE OF STATUS TO THE L-1 CATEGORY

§ 5:36 Generally

§ 5:37 Preparing the papers for a change of status application

§ 5:38 Filing change of status papers and USCIS adjudication

§ 5:39 Obtaining the L-1 visa

§ 5:40 Persons ineligible for change of status

VI. EXTENSIONS AND OTHER POST-ADMISSION ISSUES

A. EXTENSIONS OF STAY

§ 5:41 Generally

§ 5:42 Papers required for extensions of stay

§ 5:43 Completing the application for extension of the employee's stay in the United States

§ 5:44 Supporting letter and documentation

§ 5:45 Special situation: Extension application involving a new office

§ 5:46 Filing and USCIS processing of the extension application

§ 5:47 Visa renewal

§ 5:48 Persons ineligible for extensions of stay

B. OTHER POST-ADMISSION ISSUES

§ 5:49 Change of address reports

§ 5:50 Employer site visit program and filing amended petitions

VII. THE L-1 BLANKET PETITION PROGRAM

§ 5:51 Generally

§ 5:52 Papers for making an L-1 blanket petition

§ 5:53 Filing blanket petition and government processing

§ 5:54 Obtaining admission for individual employees after approval of the blanket petition

§ 5:55 Special situation: The transferee is visa-exempt or is already in the U.S.

§ 5:56 Processing of the visa application and admission to the United States

§ 5:57 Extensions of the blanket petition and extensions of stay for individual employees admitted under the blanket petition

CHAPTER 6. THE TN CATEGORY FOR CANADIAN AND MEXICAN PROFESSIONALS UNDER THE USMCA

I. BASIC INFORMATION ABOUT THE TN CATEGORY

§ 6:1 General requirements

§ 6:2 Duration of stay

§ 6:3 Procedures for the TN category

§ 6:4 Special conditions

§ 6:5 Choosing the TN category or an alternative

II. REQUIREMENTS FOR OBTAINING TN CLASSIFICATION

§ 6:6 Key requirements

§ 6:7 Designated TN professions

§ 6:8 Qualifications of TN professional

III. PROCEDURES FOR CANADIAN TN PROFESSIONALS

§ 6:9 Generally

- § 6:10 Preparation of the TN application
- § 6:11 Presentation of the TN application
- § 6:12 Family members of the TN applicant: TD nonimmigrants
- § 6:13 Processing of the TN application, admission, and reentries
- § 6:14 Change of status to the TN category
- § 6:15 Extensions of stay for the TN professional
- § 6:16 Changing or adding a U.S. employer

IV. PROCEDURES FOR MEXICAN TN PROFESSIONALS

- § 6:17 Generally
- § 6:18 Obtaining the TN visa, admission, and reentries
- § 6:19 Change of status to the TN category
- § 6:20 Extensions of stay for the TN professional
- § 6:21 Changing or adding a U.S. employer

V. CHANGE OF ADDRESS REPORTS AND SPECIAL REGISTRATION

- § 6:22 Reporting change of address

CHAPTER 7. THE H-2B VISA CATEGORY

I. BASIC INFORMATION ABOUT THE H-2B CATEGORY

- § 7:1 General requirements
- § 7:2 Duration of stay
- § 7:3 Application process
- § 7:4 Special conditions

II. BASIC REQUIREMENTS FOR OBTAINING H-2B STATUS

- § 7:5 H-2B status can be sought for a single worker, or a group of workers, and the identity of the workers must generally be known in advance
- § 7:6 Petitioner must be U.S. employer or U.S. agent
- § 7:7 Certification must be sought from DOL
- § 7:8 The employer's need for the H-2B worker must be temporary
- § 7:9 The employer must intend to employ the worker temporarily
- § 7:10 The worker can be skilled or unskilled, beneficiary must meet any specific job requirements
- § 7:11 The worker must intend to remain in the U.S. temporarily and must maintain a foreign residence
- § 7:12 An admission slot within the annual cap must be available
- § 7:13 Elimination of requirement that beneficiary be a national of a country designated for H-2B participation
- § 7:14 The employer may not require beneficiary to pay fee as condition of employment
- § 7:15 The employer must be willing to pay the reasonable cost of return transportation for the worker in specified circumstances
- § 7:16 The employer must agree to make certain employment-related notifications

III. BASIC QUESTIONS TO ANSWER BEFORE PROCEEDING WITH AN H-2B CASE

- § 7:17 Is there a shortage of unemployed U.S. workers who are capable of performing the labor?
- § 7:18 Is the employer's need for the worker's services temporary?

IV. PREPARATION OF THE PAPERS TO OBTAIN H-2B STATUS

A. OVERVIEW

§ 7:19 The process for obtaining H-2B status (generally)

B. OBTAINING LABOR CERTIFICATION FROM DOL

- § 7:20 The labor certification process (generally)
- § 7:21 Assurances and obligations of H-2B employers
- § 7:22 Duration of temporary need and filings by job contractors
- § 7:23 Prefiling procedures: H-2B registration
- § 7:24 Preliminary step: obtaining prevailing wage determination
- § 7:25 Preliminary step: filing the application and submission of job order
- § 7:26 Initial processing, amendments to the application or job order, and withdrawals
- § 7:27 Required recruitment and submission of recruitment report
- § 7:28 Final determination and document retention requirements
- § 7:29 Post-certification issues: Redeterminations, extensions of employment period, withdrawals, and amendments after final determination
- § 7:30 Integrity measures under DOL rules and WHD enforcement actions

C. OBTAINING APPROVAL OF H-2B PETITION FROM USCIS

- § 7:31 The H-2B petition package
- § 7:32 Preparing the support letter
- § 7:33 Preparing the supporting documentation
- § 7:34 Submitting the H-2B petition to USCIS
- § 7:35 USCIS processing of the H-2B petition

D. OBTAINING THE H-2B VISA AND ADMISSION TO THE U.S.

- § 7:36 Procedures for obtaining an H-2B visa
- § 7:37 Procedures at the border

V. CHANGE OF STATUS TO THE H-2B CATEGORY

- § 7:38 Generally
- § 7:39 Preparing the papers for a change of status application
- § 7:40 Filing change of status papers and USCIS adjudication
- § 7:41 Obtaining the H-2B visa
- § 7:42 Persons ineligible for a change of status

VI. EXTENSIONS OF STAY AND OTHER POST-ADMISSION ISSUES

- § 7:43 Extensions of stay, change of H-2B employers, and visa renewals
- § 7:44 Change of address reports
- § 7:45 Notice obligations for H-2B employers
- § 7:46 Employer site visit program and program integrity measures

CHAPTER 8. THE H-3 VISA CATEGORY

I. BASIC INFORMATION ABOUT THE H-3 CATEGORY

- § 8:1 Basic requirements
- § 8:2 Nature of the training
- § 8:3 Application process
- § 8:4 Duration of training

§ 8:5 Special limitations

II. BASIC REQUIREMENTS FOR OBTAINING H-3 STATUS

§ 8:6 Basic requirements for obtaining H-3 status

§ 8:7 Basic questions to answer before proceeding with an H-3 case

§ 8:8 Considering alternatives to the H-3 visa category

III. THE PROCEDURES FOR OBTAINING H-3 STATUS

A. PREPARING THE PAPERS TO OBTAIN H-3 STATUS

§ 8:9 The H-3 package to be filed with USCIS

§ 8:10 Preparing the petition (Form I-129 and H supplement)

§ 8:11 Preparing the company's letter in support of the H-3 petition (Form I-129 and H supplement)

§ 8:12 Detailed outline of training program

§ 8:13 Other supporting documentation

B. SUBMISSION OF H-3 PETITION AND GOVERNMENT PROCESSING

§ 8:14 Submitting the H-3 petition to USCIS

§ 8:15 Government processing

C. OBTAINING H-3 VISA AND ADMISSION IN H-3 STATUS

§ 8:16 Procedures for obtaining H-3 visa

§ 8:17 Procedures at the border

IV. CHANGE OF STATUS TO THE H-3 CATEGORY

§ 8:18 Generally

§ 8:19 Preparing the papers for a change of status application

§ 8:20 Filing change of status papers and USCIS adjudication

§ 8:21 Obtaining the H-3 visa

§ 8:22 Persons ineligible for a change of status

V. EXTENSIONS AND OTHER POST-ADMISSION ISSUES

§ 8:23 Extensions of stay and visa renewals

§ 8:24 Change of address reports

§ 8:25 USCIS site visit program

CHAPTER 9. THE O AND P VISA CATEGORIES

I. BASIC INFORMATION ABOUT THE O AND P CATEGORIES

A. BASIC INFORMATION ABOUT THE O VISA CATEGORY

§ 9:1 Coverage of the O category

§ 9:2 Duration of stay

§ 9:3 Procedures for the O category

§ 9:4 Special conditions

B. BASIC INFORMATION ABOUT THE P VISA CATEGORY

§ 9:5 Coverage of P category

§ 9:6 Duration of stay

TABLE OF CONTENTS

- § 9:7 Procedures for the P category
- § 9:8 Special conditions

II. REQUIREMENTS FOR OBTAINING O STATUS

- § 9:9 Basic requirements for obtaining O-1 status
- § 9:10 Basic requirements for obtaining O-2 status

III. REQUIREMENTS FOR OBTAINING P STATUS

- § 9:11 Basic requirements for obtaining P-1 status
- § 9:12 Basic requirements for obtaining P-2 status
- § 9:13 Basic requirements for obtaining P-3 status

IV. PROCEDURES FOR OBTAINING O OR P STATUS

A. OVERVIEW

- § 9:14 The process for obtaining O or P status (generally)

B. OBTAINING ADVISORY OPINIONS

- § 9:15 Advisory opinions from “peer groups,” management organizations, or labor organizations
- § 9:16 Summary of consultation requirement
- § 9:17 Obtaining advisory opinions
- § 9:18 Factors considered by labor organizations in particular cases
- § 9:19 Contents of advisory opinions and unfavorable advisory opinions
- § 9:20 Tactical considerations: Submitting favorable advisory opinions or a letter of “no objection”
- § 9:21 Weight of advisory opinions and rebuttals to adverse opinions
- § 9:22 Establishing the nonexistence of an appropriate consulting entity or non-cooperation of organization
- § 9:23 Request for expeditious handling of a petition
- § 9:24 Waiver of consultation requirements for persons in the arts

C. OBTAINING APPROVAL OF AN O OR P PETITION FROM USCIS

- § 9:25 Presentation of the O or P petition to USCIS
- § 9:26 Preparation of the O or P petition
- § 9:27 Company letter in support of the O petition
- § 9:28 Company letter in support of the P petition
- § 9:29 Supporting documentation for an O or P petition
- § 9:30 Submitting the O or P petition and government processing
- § 9:31 Approval and denial of the petition

D. OBTAINING THE O OR P VISA AND ADMISSION IN O OR P STATUS

- § 9:32 Procedures for obtaining O or P visa
- § 9:33 Procedures at the border

V. CHANGE OF STATUS TO THE O OR P CATEGORY

- § 9:34 Preparing the papers for a change of status application
- § 9:35 Filing change of status papers and USCIS adjudication

VI. EXTENSIONS AND OTHER POST-ADMISSION ISSUES

- § 9:36 Extensions of stay and visa renewals

- § 9:37 Special case one: O or P artist or entertainer working in the U.S. wants to add events or activities
- § 9:38 Special case two: O or P nonimmigrant working in the U.S. wants to change employers
- § 9:39 Reporting a change of address and other reporting requirements under the special registration rules
- § 9:40 USCIS employer site visit program

VII. TABLES

- § 9:41 Table 9-2: USCIS list of labor organizations
- § 9:42 Table 9-3: USCIS list of management organizations
- § 9:43 Table 9-4: List of peer groups

CHAPTER 10. NONIMMIGRANT VISA PROCESSING

I. BASIC INFORMATION ABOUT NONIMMIGRANT VISA PROCESSING

- § 10:1 Visa requirement and visa exempt groups
- § 10:2 Application process
- § 10:3 Family members

II. PREPARING PAPERS FOR A NONIMMIGRANT VISA

- § 10:4 Generally
- § 10:5 Nonimmigrant visa application, Form DS-160
- § 10:6 Special supplements
- § 10:7 Passport of the visa applicant
- § 10:8 Photograph of the visa applicant
- § 10:9 Visa issuance fee
- § 10:10 Visa application processing fee
- § 10:11 Evidence of USCIS petition approval (when applicable)
- § 10:12 Certification from the sponsoring organization (when appropriate)
- § 10:13 Other documents establishing the applicant's eligibility for a visa
- § 10:14 Special evidentiary issues when applications are made by third country nationals
- § 10:15 Evidence of lawful status and pre-conceived intent to violate status during prior U.S. visits
- § 10:16 Country-specific travel restrictions
- § 10:17 Evidence of compliance with the special registration requirements (if applicable)
- § 10:18 Family members

III. SUBMISSION OF THE APPLICATION TO THE U.S. CONSULATE

- § 10:19 Choosing a U.S. consulate for filing
- § 10:20 Submission of the visa application and visa interview
- § 10:21 Consular processing of the application after the interview
- § 10:22 Status inquiries
- § 10:23 Visa issuance
- § 10:24 Denial of visa applications and revocation of NIV visas

IV. VISA RENEWAL AND AUTOMATIC VISA EXTENSIONS

- § 10:25 Generally
- § 10:26 Automatic visa extensions

V. TABLES

- § 10:27 Table 10-1: Countries with passport reciprocity (current as of October 15, 2025)

CHAPTER 11. PROCEDURES AT THE BORDER AND POST-ADMISSION ISSUES

I. PROCEDURES AT THE BORDER

A. INTRODUCTION

§ 11:1 Generally

B. THE DOCUMENTS TO BE CARRIED AT THE BORDER

§ 11:2 Visa and passport requirements

§ 11:3 Additional documents in particular situations

C. GOVERNMENT PROCESSING OF THE APPLICATION FOR ADMISSION

§ 11:4 Generally

§ 11:5 Review of the application by the immigration inspector

§ 11:6 Procedures upon admission

§ 11:7 Procedures if admission to the United States is questioned

§ 11:8 Cancellation of visas at the border based on a prior period of overstay

D. EXPEDITED ENTRY PROGRAMS

§ 11:9 Generally

§ 11:10 NEXUS Program

§ 11:11 SENTRI Program

§ 11:12 FAST commercial driver program

§ 11:13 Global Entry Pilot Program

II. CHANGE OF ADDRESS REPORTS

§ 11:14 The legal requirement

§ 11:15 Procedures for filing the change of address report

§ 11:16 New online registration requirement for certain foreign nationals

III. OBTAINING SOCIAL SECURITY CARDS AND DRIVER'S LICENSES

§ 11:17 Generally

§ 11:18 SSA procedures

§ 11:19 Driver's licenses

IV. EMPLOYER SITE VISIT PROGRAM AND FRAUD INVESTIGATIONS

§ 11:20 Generally

§ 11:21 Scope and conduct of the site visit

§ 11:22 FDNS actions after visit

§ 11:23 Employer response

§ 11:24 Representative questions asked by FDNS officers

CHAPTER 12. FAMILY-SPONSORED IMMIGRATION: IMMEDIATE RELATIVES AND FAMILY-BASED PREFERENCES

I. BASIC INFORMATION ABOUT IMMIGRATION BASED ON A FAMILY RELATIONSHIP

§ 12:1 Generally

- § 12:2 The application process
- § 12:3 Family members of prospective immigrants
- § 12:4 Conditional residence granted to certain family-based immigrants

II. REQUIREMENTS FOR PERMANENT RESIDENCE BASED ON A FAMILY RELATIONSHIP

A. IMMEDIATE RELATIVES OF U.S. CITIZENS

- § 12:5 Generally
- § 12:6 Spouses of U.S. citizens
- § 12:7 Children of U.S. citizens
- § 12:8 Parents of U.S. citizens
- § 12:9 Special issues regarding immediate relatives of U.S. citizens

B. OTHER CLOSE FAMILY MEMBERS OF CITIZENS OR PERMANENT RESIDENTS (PREFERENCE IMMIGRANTS)

- § 12:10 Generally
- § 12:11 Unmarried sons and daughters of citizens (family first preference)
- § 12:12 Spouses and unmarried sons and daughters of permanent residents (family second preference)
- § 12:13 Married sons and daughters of citizens (family third preference)
- § 12:14 Brothers and sisters of citizens (family fourth preference)

C. DEFINITIONS OF QUALIFYING RELATIONSHIPS

- § 12:15 Generally
- § 12:16 Who is a “spouse”?
- § 12:17 Who is a “child”?

III. PREPARATION OF THE PAPERS FOR FAMILY-BASED IMMIGRANTS

- § 12:18 Generally
- § 12:19 Preparing the petition
- § 12:20 Preparing the supporting documentation
- § 12:21 Special requirements in spouse cases
- § 12:22 Form G-1145 to obtain electronic notification of petition acceptance

IV. FILING THE PETITION, GOVERNMENT PROCESSING, AND POST-FILING ISSUES

- § 12:23 Filing the family-based petition
- § 12:24 Government processing of the petition
- § 12:25 Approval or denial of petition
- § 12:26 Post-filing issues

V. PERMANENT RESIDENCE GRANTED CONDITIONALLY TO CERTAIN SPOUSES

- § 12:27 Generally
- § 12:28 Persons subject to conditional residence provisions
- § 12:29 Acts that lead to termination of conditional residence
- § 12:30 Grounds for waivers
- § 12:31 Preparation of a joint petition to remove conditions or waiver application
- § 12:32 Filing papers and government processing
- § 12:33 Special situations

CHAPTER 13. FAMILY-SPONSORED IMMIGRATION: SPOUSES OF DECEASED CITIZENS AND OTHER SELF-PETITIONERS

I. BASIC INFORMATION ABOUT WIDOW(ER)S AND OTHER SELF-PETITIONERS

- § 13:1 Generally
- § 13:2 Application process
- § 13:3 Family members

II. REQUIREMENTS FOR OBTAINING SELF-PETITION BENEFITS

- § 13:4 Requirements for spouses of deceased citizens (widow/er)
- § 13:5 Requirements for battered spouses, children, and parents seeking VAWA self-petition benefits

III. PREPARATION OF PAPERS FOR SELF-PETITION BENEFITS

A. PAPERS FOR SPOUSES OF DECEASED CITIZENS

- § 13:6 Generally
- § 13:7 Preparing the immigrant visa petition
- § 13:8 Supporting documentation

B. PAPERS FOR BATTERED SPOUSES, CHILDREN, AND PARENTS

- § 13:9 Generally
- § 13:10 Preparing the self-petition
- § 13:11 Supporting documentation

IV. FILING THE PETITION, GOVERNMENT PROCESSING, AND POST-FILING ISSUES

- § 13:12 Filing the widow(er) or VAWA self-petition
- § 13:13 Government processing of the petition
- § 13:14 Post-filing issues

Volume 2

CHAPTER 14. FAMILY-SPONSORED IMMIGRATION: CONVENTION ADOPTEE AND ORPHAN PETITIONS

I. BASIC INFORMATION ABOUT CONVENTION ADOPTEE AND ORPHAN PETITIONS

- § 14:1 Generally
- § 14:2 Application process
- § 14:3 Family members
- § 14:4 Acquisition of citizenship

II. REQUIREMENTS FOR OBTAINING CONVENTION ADOPTEE STATUS

- § 14:5 Generally
- § 14:6 List of Hague Convention countries
- § 14:7 Local laws regarding adoptions

- § 14:8 Use of adoption service provider
- § 14:9 Definition of Convention adoptee
- § 14:10 Prospective adoptive parents
- § 14:11 Adoption abroad or intent to adopt in the United States
- § 14:12 Home study requirement
- § 14:13 Prohibited and permissible payments

III. PROCEDURES FOR OBTAINING CONVENTION ADOPTEE STATUS

A. INTRODUCTION

- § 14:14 Petition process (generally)

B. APPLICATION FOR DETERMINATION OF SUITABILITY TO ADOPT A CHILD FROM A CONVENTION COUNTRY

- § 14:15 Generally
- § 14:16 Form I-800A
- § 14:17 Supporting documentation
- § 14:18 Filing application
- § 14:19 USCIS processing of the application

C. THE PETITION TO CLASSIFY CONVENTION ADOPTEE AS IMMEDIATE RELATIVE

- § 14:20 Generally
- § 14:21 Form I-800
- § 14:22 Supporting documentation
- § 14:23 Filing the petition
- § 14:24 USCIS processing of the petition

IV. REQUIREMENTS FOR OBTAINING ORPHAN STATUS

- § 14:25 Generally
- § 14:26 Local laws regarding adoptions
- § 14:27 Definition of orphan
- § 14:28 Prospective adoptive parents
- § 14:29 Adoption abroad or intent to adopt in the United States
- § 14:30 Home study requirement
- § 14:31 Child-buying prohibition

V. PROCEDURES FOR OBTAINING ORPHAN STATUS

A. INTRODUCTION

- § 14:32 Petition process (generally)

B. APPLICATION FOR ADVANCE PROCESSING

- § 14:33 Generally
- § 14:34 Preparing the application for advance processing
- § 14:35 Supporting documentation
- § 14:36 Filing the advanced processing application
- § 14:37 USCIS processing of the application

C. THE ORPHAN PETITION

- § 14:38 Generally

TABLE OF CONTENTS

- § 14:39 Petition package when the application for advanced processing was previously filed and approved
- § 14:40 Petition package when the application for advanced processing has been filed but is still pending
- § 14:41 Petition package when application for advanced processing filed concurrently with orphan petition
- § 14:42 Filing the orphan petition
- § 14:43 Processing of the orphan petition

VI. CITIZENSHIP FOR ORPHANS

- § 14:44 Automatic acquisition of citizenship for Convention adoptees and orphans

CHAPTER 15. K NONIMMIGRANT BENEFITS FOR FIANCÉ(E)S AND RELATIVES WITH PENDING PERMANENT RESIDENCE PAPERS

I. BASIC INFORMATION ABOUT K NONIMMIGRANT CATEGORIES

- § 15:1 Generally
- § 15:2 Application process
- § 15:3 Family members
- § 15:4 Duration of stay
- § 15:5 Special conditions

II. REQUIREMENTS FOR OBTAINING K NONIMMIGRANT BENEFITS

- § 15:6 K-1 nonimmigrants
- § 15:7 K-2 nonimmigrants
- § 15:8 K-3 nonimmigrants
- § 15:9 K-4 nonimmigrants

III. PROCEDURES FOR OBTAINING K NONIMMIGRANT BENEFITS

- § 15:10 Generally
- § 15:11 Obtaining approval of the K petition
- § 15:12 Obtaining K visa
- § 15:13 Admission

IV. EXTENSIONS, ADJUSTMENTS, WORK AUTHORIZATION, TRAVEL AND OTHER POST-ADMISSION ISSUES

- § 15:14 Generally
- § 15:15 Adjustment of status
- § 15:16 Work authorization
- § 15:17 Extensions of stay
- § 15:18 Termination of status
- § 15:19 Travel authorization

CHAPTER 16. EMPLOYMENT-BASED PERMANENT RESIDENCE PETITIONS OTHER THAN FOR IMMIGRANT INVESTORS

I. BASIC INFORMATION ABOUT EMPLOYMENT-BASED IMMIGRATION IN THE FIRST THREE EMPLOYMENT-BASED PREFERENCES

- § 16:1 Generally

- § 16:2 The application process
- § 16:3 Family members of employment-based immigrants
- § 16:4 Filing permanent residence papers and the employer sanctions law

II. REQUIREMENTS FOR QUALIFYING IN THE FIRST THREE EMPLOYMENT-BASED PREFERENCES

A. REQUIREMENTS FOR ALL THREE PREFERENCE GROUPS

- § 16:5 Generally
- § 16:6 The U.S.-based employer must offer full-time, permanent employment
- § 16:7 In most cases, the Department of Labor (DOL) must certify that U.S. workers are unavailable to fill the position
- § 16:8 The foreign worker must meet the minimum requirements for the job
- § 16:9 The employer must be able to pay the salary offered
- § 16:10 The foreign worker and employer must both intend for the worker to undertake the position
- § 16:11 An immigrant visa number must be available to finalize process for permanent residence

B. SPECIAL REQUIREMENTS FOR PRIORITY WORKERS IN THE FIRST EMPLOYMENT-BASED PREFERENCE GROUP

- § 16:12 Generally
- § 16:13 Extraordinary ability workers
- § 16:14 Outstanding professors and researchers
- § 16:15 Managerial or executive transferees

C. SPECIAL REQUIREMENTS FOR EXCEPTIONAL ABILITY PERSONS AND ADVANCED-DEGREE PROFESSIONALS IN THE SECOND EMPLOYMENT-BASED PREFERENCE GROUP

- § 16:16 Generally
- § 16:17 Exceptional ability workers
- § 16:18 Advanced-degree professionals
- § 16:19 National interest waivers

D. SPECIAL REQUIREMENTS FOR PROFESSIONALS, SKILLED WORKERS, AND OTHER WORKERS IN THE THIRD EMPLOYMENT-BASED PREFERENCE GROUP

- § 16:20 Generally
- § 16:21 Professionals with bachelor's degrees
- § 16:22 Skilled workers
- § 16:23 Unskilled workers

III. PREPARATION OF THE PAPERS FOR THE FIRST THREE EMPLOYMENT-BASED PREFERENCES

- § 16:24 Generally
- § 16:25 Completing the petition
- § 16:26 The labor certification approval, Schedule A papers, or national interest waiver request
- § 16:27 Letter from the employer in support of the petition
- § 16:28 Supporting documentation

IV. FILING THE EMPLOYMENT-BASED IMMIGRANT PETITION AND GOVERNMENT PROCESSING

- § 16:29 Filing the employment-based immigrant petition
- § 16:30 Government processing
- § 16:31 Approval and denial of petition

V. POST-FILING ISSUES

- § 16:32 Changes in employer ownership after I-140 filing or approval
- § 16:33 Changes in employers for professional athletes
- § 16:34 Changes in employment after I-140 filing or approval
- § 16:35 Changes in job location after I-140 filing or approval
- § 16:36 Substitution of beneficiary listed in approved labor certification
- § 16:37 Changes in employers or jobs for beneficiaries with long-pending adjustment applications (portability provision)
- § 16:38 Employment benefits for beneficiaries of approved I-140 petitions, limits on automatic revocation of approved I-140 petitions, and priority date retention for beneficiaries of revoked petitions
- § 16:39 H-1B extensions while permanent residence papers are pending
- § 16:40 “Age-out” protection for children of employment-based immigrants
- § 16:41 Survivor benefits
- § 16:42 Changing plans for adjustment or visa processing after petition approved

CHAPTER 17. EMPLOYMENT-BASED PERMANENT RESIDENCE PETITIONS: IMMIGRANT INVESTORS

I. BASIC INFORMATION ABOUT EMPLOYMENT-BASED IMMIGRATION IN THE FIFTH EMPLOYMENT-BASED PREFERENCE (IMMIGRANT INVESTORS)

- § 17:1 Generally
- § 17:2 The application process
- § 17:3 Family members of immigrant investors
- § 17:4 Conditional status of residence

II. REQUIREMENTS FOR EB-5 CLASSIFICATION UNDER THE TRADITIONAL IMMIGRANT INVESTOR PROGRAM

- § 17:5 Generally
- § 17:6 Qualifying amount of investment
- § 17:7 Investment of capital
- § 17:8 Invested capital obtained through lawful means
- § 17:9 Job-creation requirement
- § 17:10 Investment in a “new commercial enterprise”
- § 17:11 Investor engaged in the management of the enterprise

III. REQUIREMENTS FOR EB-5 CLASSIFICATION UNDER THE EB-5 REGIONAL CENTER PROGRAM

- § 17:12 Generally
- § 17:13 Compliance with job-creation requirement
- § 17:14 Other requirements applicable to regional centers
- § 17:15 Transition cases

IV. PRELIMINARY PROCEDURES: OBTAINING REGIONAL CENTER DESIGNATION (IN EB-5 RC PROGRAM CASES)

- § 17:16 Generally
- § 17:17 Application for RC designation (Form I-956)
- § 17:18 Supporting documentation
- § 17:19 Filing application and USCIS processing
- § 17:20 Application for approval of specific RC project
- § 17:21 Amendments to approved RC designations and business plans
- § 17:22 Capital redeployment
- § 17:23 Annual updates, reporting requirements, and compliance measures
- § 17:24 Regional centers approved under prior RC program

V. PETITION PROCEDURES FOR INDIVIDUAL INVESTORS

- § 17:25 Generally
- § 17:26 Completing the petition (Form I-526 or I-526E)
- § 17:27 Supporting documentation
- § 17:28 Filing the immigrant investor petition
- § 17:29 Government processing
- § 17:30 Approval and denial of the petition
- § 17:31 Post-filing issues

VI. REMOVAL OF CONDITIONAL STATUS

- § 17:32 Generally
- § 17:33 Termination of conditional residence
- § 17:34 Removal of conditional residence
- § 17:35 Preparing a petition to remove conditional residence
- § 17:36 Family members
- § 17:37 Supporting documentation
- § 17:38 Filing the petition and government processing

CHAPTER 18. PERMANENT RESIDENCE UNDER THE DIVERSITY IMMIGRATION PROGRAM

I. BASIC INFORMATION ABOUT THE DIVERSITY PROGRAM

- § 18:1 Generally
- § 18:2 Application process

II. REQUIREMENTS FOR PARTICIPATION IN THE DV PROGRAM

- § 18:3 General
- § 18:4 Native of a low admission foreign state
- § 18:5 Requirement concerning education or work experience

III. PREPARATION OF THE APPLICATION FOR SELECTION

- § 18:6 Generally
- § 18:7 The entry form
- § 18:8 Photographs

IV. FILING THE APPLICATION FOR SELECTION AND GOVERNMENT PROCESSING

- § 18:9 Generally

TABLE OF CONTENTS

- § 18:10 Filing the entry form
- § 18:11 Processing of the EDV application
- § 18:12 Processing of DV lottery winners

V. TABLES

- § 18:13 Table 18-1: Eligible countries for the DV-2026 program
- § 18:14 Table 18-2: List of foreign certificates equivalent to U.S. high school diploma

CHAPTER 19. IMMIGRANT VISA PROCESSING

I. BASIC INFORMATION ABOUT IMMIGRANT VISA PROCESSING

- § 19:1 Generally
- § 19:2 Application process

II. REQUIREMENTS FOR IMMIGRANT VISA PROCESSING

A. BASIC REQUIREMENTS

- § 19:3 Generally
- § 19:4 Classification as a qualified immigrant or diversity registrant
- § 19:5 An immigrant visa must be available
- § 19:6 The visa applicant must be admissible

B. THE GROUNDS FOR DENIAL OF ADMISSION

- § 19:7 Generally
- § 19:8 Health-related grounds for denial of admission
- § 19:9 Grounds relating to criminal, illegal, or immoral conduct
- § 19:10 Security and related grounds
- § 19:11 Economic grounds
- § 19:12 Labor certification/special qualifications
- § 19:13 Illegal entrants and immigration violators
- § 19:14 Documentation grounds
- § 19:15 Ineligibility for citizenship
- § 19:16 Persons previously removed and unlawfully present
- § 19:17 Miscellaneous grounds

III. PROCEDURES FOR OBTAINING AN IMMIGRANT VISA

A. INITIAL PROCESSING OF THE ALIEN'S CASE AND SELECTION OF A CONSULAR POST

- § 19:18 Generally
- § 19:19 Preliminary steps
- § 19:20 Selection of a consular post

B. INSTRUCTION PACKAGE FOR IMMIGRANT VISA APPLICANTS

- § 19:21 Generally
- § 19:22 The Instruction Package
- § 19:23 Gathering the civil documents and other preparatory steps
- § 19:24 Application for provisional waiver

C. DOCUMENTATION ON THE PUBLIC CHARGE ISSUE

- § 19:25 Generally

- § 19:26 Immigrants subject to the affidavit of support requirement
- § 19:27 Eligible sponsors
- § 19:28 Sponsor income requirements
- § 19:29 Preparing the affidavit of support
- § 19:30 Preparing the I-864EZ
- § 19:31 Preparing the I-864A contract
- § 19:32 Financial documentation supporting affidavit of support
- § 19:33 Prescreening of affidavits and financial documentation
- § 19:34 Curing deficiencies in affidavit of support documentation
- § 19:35 Sponsor's legal obligations under Form I-864
- § 19:36 Public charge determination under totality of the circumstances test

D. FINAL STEP WITH REGARD TO THE INSTRUCTION PACKAGE

- § 19:37 Generally
- § 19:38 Submission of the Instruction Package documentation and review of file for completeness

E. APPOINTMENT PACKAGE AND PREPARATION FOR THE VISA INTERVIEW

- § 19:39 Generally
- § 19:40 Case-specific inquiries with consular posts after case forwarded to consular post
- § 19:41 The medical examination
- § 19:42 Genetic/blood testing in family-sponsored cases
- § 19:43 Additional documentation required for the appointment

F. THE VISA APPOINTMENT AND VISA ISSUANCE OR DENIAL

- § 19:44 Generally
- § 19:45 The visa appointment
- § 19:46 Visa issuance or denial

CHAPTER 20. ADJUSTMENT OF STATUS

I. BASIC INFORMATION ABOUT ADJUSTMENT OF STATUS

- § 20:1 Generally
- § 20:2 Application process

II. BASIC REQUIREMENTS FOR ADJUSTMENT OF STATUS

A. INTRODUCTION

- § 20:3 Avenues for adjustment

B. IMMIGRANTS ELIGIBLE UNDER NORMAL ADJUSTMENT STANDARDS (INA § 245(a))

- § 20:4 Generally
- § 20:5 Admitted or paroled
- § 20:6 No unlawful employment
- § 20:7 No violations of status
- § 20:8 Employment-based immigrants in lawful nonimmigrant status
- § 20:9 Eligible for immigration
- § 20:10 Immigrant visa available or priority date current for filing

TABLE OF CONTENTS

§ 20:11 Admissibility and discretionary determinations

C. IMMIGRANTS ELIGIBLE FOR ADJUSTMENT UNDER SECTION 245(i)

§ 20:12 Generally

§ 20:13 Who is covered by the grandfather provision?

§ 20:14 What are the bars to adjustment waived under § 245(i)?

§ 20:15 What are the special procedures applicable to adjustment under § 245(i)?

III. PREPARATION OF THE PAPERS FOR ADJUSTMENT OF STATUS

§ 20:16 Generally

§ 20:17 Preparing the adjustment application form (Form I-485)

§ 20:18 Preparing Supplement A (in § 245(i) cases)

§ 20:19 Request for electronic notification of petition acceptance (Form G-1145)

§ 20:20 Preparing the photographs

§ 20:21 The required medical examination

§ 20:22 Evidence regarding public charge issue

§ 20:23 Preparing other supporting documentation

§ 20:24 Use of Supplement J in employment-based adjustment cases

IV. FILING THE PAPERS AND INITIAL PROCESSING

§ 20:25 Generally

§ 20:26 The correct USCIS office for filing the application

§ 20:27 The correct time to file the application

§ 20:28 Initial processing of the application

§ 20:29 Biometrics and background checks

§ 20:30 Preparation for adjustment interview

§ 20:31 The adjustment interview and waivers of the interview requirement

V. KEY ISSUES THAT ARISE WHILE THE APPLICATION IS PENDING

§ 20:32 Employment authorization for adjustment applicants

§ 20:33 Travel abroad while the application is pending

§ 20:34 Job changes under the portability provision

§ 20:35 Timeliness of the supporting documentation

§ 20:36 Changing underlying basis of adjustment application

§ 20:37 Switching to visa processing after the adjustment application is filed

§ 20:38 Age-out protection for children

§ 20:39 Survivor benefits

VI. FINAL PROCESSING AND THE DECISION ON THE ADJUSTMENT APPLICATION

§ 20:40 Final processing in interview cases

§ 20:41 Final processing in waiver cases

§ 20:42 Denial of the application

§ 20:43 Obtaining permanent resident card and temporary evidence of permanent residence

§ 20:44 Consular notification when immediate family members are applying for immigrant visas abroad

CHAPTER 21. PERMANENT RESIDENT APPLICATIONS OTHER THAN FOR NATURALIZATION OR CITIZENSHIP

I. BASIC INFORMATION ABOUT APPLICATIONS FILED BY PERMANENT RESIDENTS

- § 21:1 Generally
- § 21:2 Application process

II. REPLACING THE PERMANENT RESIDENT CARD (“GREEN CARD”)

- § 21:3 Generally
- § 21:4 When the card is never received
- § 21:5 When the card is lost, stolen, destroyed, or mutilated
- § 21:6 When information on the card must be changed
- § 21:7 When the permanent resident turns 14 years old
- § 21:8 When the LPR is in possession of an old edition of the card
- § 21:9 When the current card is expiring or has expired
- § 21:10 When commuter takes up U.S. residence or immigration status automatically converts to LPR status
- § 21:11 Second I-90 application when card not received or contains errors after initial I-90 filing

III. APPLICATION FOR A REENTRY PERMIT

- § 21:12 Generally
- § 21:13 Preparation of the application for a reentry permit
- § 21:14 Supporting documents
- § 21:15 Filing the application for a reentry permit
- § 21:16 Approval, denial, and use of the reentry permit
- § 21:17 Special situation: reentry permit is lost while LPR is overseas
- § 21:18 Maintaining lawful permanent resident status

IV. CHANGE OF ADDRESS REPORTS

- § 21:19 Generally

CHAPTER 22. NATURALIZATION AND CITIZENSHIP APPLICATIONS

I. BASIC INFORMATION ABOUT NATURALIZATION AND CITIZENSHIP APPLICATIONS

- § 22:1 Generally
- § 22:2 Application process

II. PRESERVING RESIDENCE FOR NATURALIZATION PURPOSES

- § 22:3 Generally
- § 22:4 Eligibility for extended absence benefits
- § 22:5 Preparation of the application to preserve continuity of residence for naturalization purposes
- § 22:6 Supporting documents
- § 22:7 Filing the application to preserve continuity of residence for naturalization purposes

III. NATURALIZATION OF PERMANENT RESIDENTS

A. INTRODUCTION

§ 22:8 Generally

B. REQUIREMENTS FOR NATURALIZATION

§ 22:9 Generally

§ 22:10 Lawful admission as a permanent resident

§ 22:11 Continuous residence in the U.S. for statutory minimum period

§ 22:12 State residence requirement

§ 22:13 Physical presence in the U.S. for statutory minimum period

§ 22:14 Ability to read, write, and speak ordinary English

§ 22:15 Knowledge of U.S. history and government

§ 22:16 Good moral character

§ 22:17 Other naturalization requirements

§ 22:18 Naturalization requirements applicable to special classes

§ 22:19 Persons ineligible for naturalization

C. NATURALIZATION PROCEDURES

§ 22:20 Papers required for naturalization (generally)

§ 22:21 Preparing the naturalization application

§ 22:22 Supporting documents

§ 22:23 Applying for disability-based waivers

§ 22:24 Filing the application

§ 22:25 Initial processing of naturalization application

§ 22:26 Naturalization examination

§ 22:27 Final processing and approval of naturalization application

§ 22:28 Denial and appeal

§ 22:29 Naturalization ceremony, and revocation proceedings

IV. SPECIAL PROCEDURES FOR CHILDREN OF U.S. CITIZENS

§ 22:30 Generally

§ 22:31 Automatic acquisition of citizenship for certain foreign-born children

§ 22:32 Expedited naturalization for children residing abroad

V. TABLES

§ 22:33 Table 22-1: Form M-477, Document Checklist

§ 22:34 Table 22-2: Vocabulary lists for reading/writing test

§ 22:35 Table 22-3: M-1778: Civics test, 2025 version (questions and answers)

§ 22:36 Table 22-4: 2008 naturalization test (questions and answers)

CHAPTER 23. LOCKBOX AND SERVICE CENTER FILING AND PROCESSING INFORMATION

I. BASIC INFORMATION ABOUT SERVICE CENTER PROCESSING

§ 23:1 Generally

II. INSTRUCTIONS ON PACKAGING PETITIONS AND APPLICATIONS

§ 23:2 Generally

§ 23:3 Lockbox facility packaging instructions

- § 23:4 Service center packaging instructions
- § 23:5 Payment of fees

III. FILING IMMIGRATION APPLICATIONS

- § 23:6 Immigration filings (generally), case transfers, and electronic filings
- § 23:7 Filings with lockbox facilities
- § 23:8 Filings with service centers

IV. CONSULAR NOTIFICATION AND EXPEDITE REQUESTS

- § 23:9 Consular notification
- § 23:10 Expedite requests

V. INTAKE PROCEDURES, RECEIPTING, PROCESSING TIMES, AND STATUS INQUIRIES

- § 23:11 Notification of package acceptance, filing receipts, and lockbox intake
- § 23:12 Processing times
- § 23:13 Status inquiries

VI. REQUESTS FOR EVIDENCE AND REFERRALS FOR INTERVIEWS, FINGERPRINTING, INVESTIGATIONS, AND BUSINESS VERIFICATION

- § 23:14 Requests for evidence
- § 23:15 Referrals for interviews/biometrics
- § 23:16 Investigations
- § 23:17 Business verifications

VII. ISSUANCE OF APPROVAL NOTICES AND ACTIONS ON APPROVED APPLICATIONS

- § 23:18 Approval notices and return of documents
- § 23:19 Nonreceipt or errors contained in approval notices
- § 23:20 Actions on approved application or petition: Use of Form I-824

APPENDICES

- Appendix 1. Directory of Local and Overseas USCIS Offices
- Appendix 2. Nonimmigrant Visa Reciprocity Chart
- Appendix 3. Form I-94 (Arrival-Departure Record)
- Appendix 4. Letters from the London Embassy on the E Visa Application Process
- Appendix 5. DOL-ETA Division of Foreign Labor Certification Office Directory
- Appendix 6. Visa Exempt Groups
- Appendix 7. Form ETA 9089
- Appendix 8. *[Reserved]*
- Appendix 9. *[Reserved]*
- Appendix 10. List of Visa-Issuing Consular Posts

Table of Laws and Rules

Index