

SUMMARY OF MAJOR NONIMMIGRANT EMPLOYMENT CLASSIFICATIONS

This summary is not legal advice nor should it substitute for specific legal advice in any situation.

Visa Category	Eligibility Criteria	Income from U.S. Source	Maximum Length of Stay	Procedure
E-1 Treaty Trader [Derivative E-1 visa classification is available for spouses* and unmarried minor children]	(1) A treaty must exist between the U.S. and Country X; (2) Majority ownership or control of the company must be held by nationals of Country X; (3) FN (employee or principal) must hold citizenship in Country X; (4) FN must oversee or work in an enterprise engaged in trade between the U.S. and Country X.	Employment permitted only with sponsoring U.S. employer.	2 years at entry, with no fixed limit on 2-year extensions.	Company must register with U.S. embassy in home country. Once company is approved, individual workers apply at embassy for visa. No prior petition approval by USCIS required. Premium processing is allowed for the USCIS petition.
E-2 Treaty Investor [Derivative E-2 visa classification is available for spouses* and unmarried minor children]	(1) A treaty must exist between the US and Country X; (2) Majority ownership or control of the company must be held by nationals of Country X; (3) FN (employee or principal) must hold citizenship in Country X; (4) FN must oversee or work in an enterprise that represents a major investment in the U.S.	Employment permitted only with sponsoring U.S. employer.	2 years at entry, with no fixed limit on 2-year extensions.	Company must register with U.S. embassy in home country. Once company is approved, individual workers apply at embassy for visa. No prior petition approval by USCIS required. Premium processing is allowed for the USCIS petition.
E-3 Australian Specialty Occupation [Derivative E-3 visa classification is available for spouses* and unmarried minor children]	Position must require at least Bachelor's Degree in relevant field Australian national must have relevant degree (or equivalent experience).	Employment permitted only with sponsoring U.S. employer.	2 years at entry, with no fixed limit on 2-year extensions.	File LCA with Department of Labor and then Australian nationals may apply for visa directly at U.S. Consulate. If already in U.S., must file USCIS petition.
H-1B Temporary Worker in Specialty Position [H-4 visa classification is available for spouses and unmarried minor children]	Position must require at least Bachelor's Degree in relevant field and employee must have relevant degree (or equivalent experience).	Employment permitted only with sponsoring U.S. employer.	3 years at entry, with extensions for a total stay of 6 years. Extensions beyond 6 years available in limited circumstances involving concurrent green card processing.	File LCA with Department of Labor and then USCIS petition. If abroad, must then apply for visa stamp at U.S. Consulate. Nationals of some countries are visa exempt. Premium processing is allowed for the USCIS petition.
L-1 Intra-Company Transferee [L-2 visa classification is available for spouses* and unmarried minor children]	Must have been employed abroad continuously for 1 year during last 3 years with parent, branch, affiliate, or subsidiary of U.S. employer. Position abroad and in U.S. must involve managerial or executive (L1A) or specialized knowledge (L1-B) capacity.	Employment permitted only with sponsoring U.S. employer.	3 years at entry with extensions in 2-year increments for a total of 7 years for managers and executives, or for a total of 5 years for specialized knowledge employees.	If Blanket L visa, may apply for visa directly at U.S. Consulate. If no Blanket L, must file USCIS petition. If abroad, must then apply for visa stamp at U.S. Consulate. Nationals of some countries are visa exempt. Premium processing is allowed for the USCIS petition.
O-1 Individual of Extraordinary Ability [O-3 visa classification is available for spouses and unmarried minor children.]	Must document a high level of achievement and recognition substantially above that ordinarily encountered. Requires evidence establishing at least 3 statutory criteria for demonstrating extraordinary ability.	Employment permitted only with sponsoring U.S. employer. May also be sponsored by agent or business manager.	3 years at entry, with no fixed limit on 1-year extensions.	File petition. If abroad, must then apply for visa stamp at U.S. Consulate overseas. Nationals of some countries are visa exempt. Premium processing is allowed for the USCIS petition.
TN NAFTA Occupations [TD visa classification is available for spouses and unmarried minor children.]	Occupation must be designated under NAFTA and employee must satisfy qualifications as required under NAFTA. Must demonstrate ties to home country and intent to return abroad.	Employment permitted only with sponsoring U.S. employer.	3 years at entry. No fixed limit on number of extensions. USCIS may limit entry where nonimmigrant intent is questioned.	Canadians may apply directly at major U.S./Canada border crossings, or at Pre-Flight Inspection at certain airports in Canada. Mexican citizens must make a visa application at a U.S. consulate. If in the U.S., extensions or change of employer may be filed with USCIS. Premium processing is allowed for the USCIS petition.

* Spouses are eligible for work authorization

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