

US VISA

Guide

Types of US VISAS

The different types of VISAS are denominated with letters, and subtypes with numbers, for example, H-1, A-2, EB-5, etc. And there are more than 10 different types, each with its own rights and obligations. The Visa will be a paper that will be stuck in your passport, with validity dates independent of the validity of the passport itself. It may happen that you have the Visa in an expired passport, you will have to keep it in any case. As a general idea, the longer and more rights a visa gives, the more difficult it is to obtain. Therefore, the first question to ask is how long do I want to stay and what do I want to do in the United States?

Next, we will refer the most common types of VISAs, ordered from least to most time of stay (and least to most activity in the country):

- **ESTA/Visa Waiver Program:** For stays of less than 3 months, entry is permitted without a visa and only an online application called ESTA needs to be completed. It is mainly

used for tourism, business trips, or short courses. Valid only for certain countries (about 40), including most of Europe and Chile. For the rest of the countries, it is usually necessary to conduct an interview at the American consulate and fill out a form (DS-160) . Depending on the country and the moment, getting an interview appointment can take weeks or months.

- **Visa B:** Maximum of 12 months (in two periods of 6). It is used for tourism in those countries that do not have access to the Visa Waiver Program. It is also used to attend small courses or to do business when the company is foreign and the worker comes for a certain period of time, for example, to prospect the market, attend a conference or supervise the engineering in the installation or construction of equipment, contracted from the country of origin.
- **Visa F:** It is known as the student visa. It is necessary when studying in the country for a long period of time (more than 6 months, otherwise a B visa is better). The visa is granted and renewed for the duration of the studies. Universities or educational centers are the ones who will send you the supporting documentation (Form I-20). In addition, it allows you to work once you have advanced in your studies under OPT (*Optional Practical Training*), so it is very interesting for immigrating to the country. As it is so

important, it will be discussed in more detail in the chapter of the book.

- **Visa M:** Just like the F visa, but for vocational studies or associate degrees that are different from "academic" ones. They can be compared, for example, to professional training. For practical purposes, it is the same as the F visa.
- **Visa J:** Intended for those who participate in a professional or academic exchange program, such as university professors, researchers, or doctors. It is also used for scholarship recipients, *au pairs*, and certain summer work programs for students. It is a very interesting visa because it allows for working in the country for one or several years. It requires that, once finished, one returns to the country of origin and stays there for two years, although this requirement can be avoided. It requires an American company or organization to act as a sponsor for the professional. Chambers of commerce usually manage, at a reasonable cost, all the requirements for these visas.
- **Visa H:** This visa, along with the O and L visas, is called a temporary work visa. They are meant for people who are going to work in the United States for a limited time, not considered permanent or indefinite. If that were the case, one would have to apply for permanent residency (*Green Card*), which is commonly sought but difficult to obtain. The H visa is ideal when an American company wants to hire

you. The problem is that only 85,000 are granted each year (20,000 of which are reserved for people with a Master's degree or higher) and the application incurs significant costs, as it usually requires the assistance of an immigration lawyer. In addition, to make matters worse, in every year of the last decade, more applications than these limits have been submitted (from 100,000 to 500,000 in some years), on the very first day of the application period, which means they have to be distributed by lottery. This means that many people, even those who have a company that wants to hire (or sponsor) them and have paid the fees and attorney's costs, are left without a visa, in limbo, in a somewhat compromised situation since they would not be authorized to work (or reside). One major drawback of this visa (but one that still occurs with student visas) used to be that it did not entitle the spouse to work (with an H4 visa), something to consider carefully for family sanity and sharing the high living costs. The legislation was changed in 2015 to finally allow it.

- **Visa O:** Similar to the previous one but for individuals with "exceptional ability or achievement" in arts, sciences, business, or sports. The advantage over the H visa is that there is no cap, but one must be able to demonstrate such extraordinary ability. It's commonly known as the "artist visa" since it's often easier to justify unique abilities for

people dedicated to any artistic discipline (film, television, music, etc.), where extraordinariness is more subjective. They also require an American sponsor or company to petition for the professional.

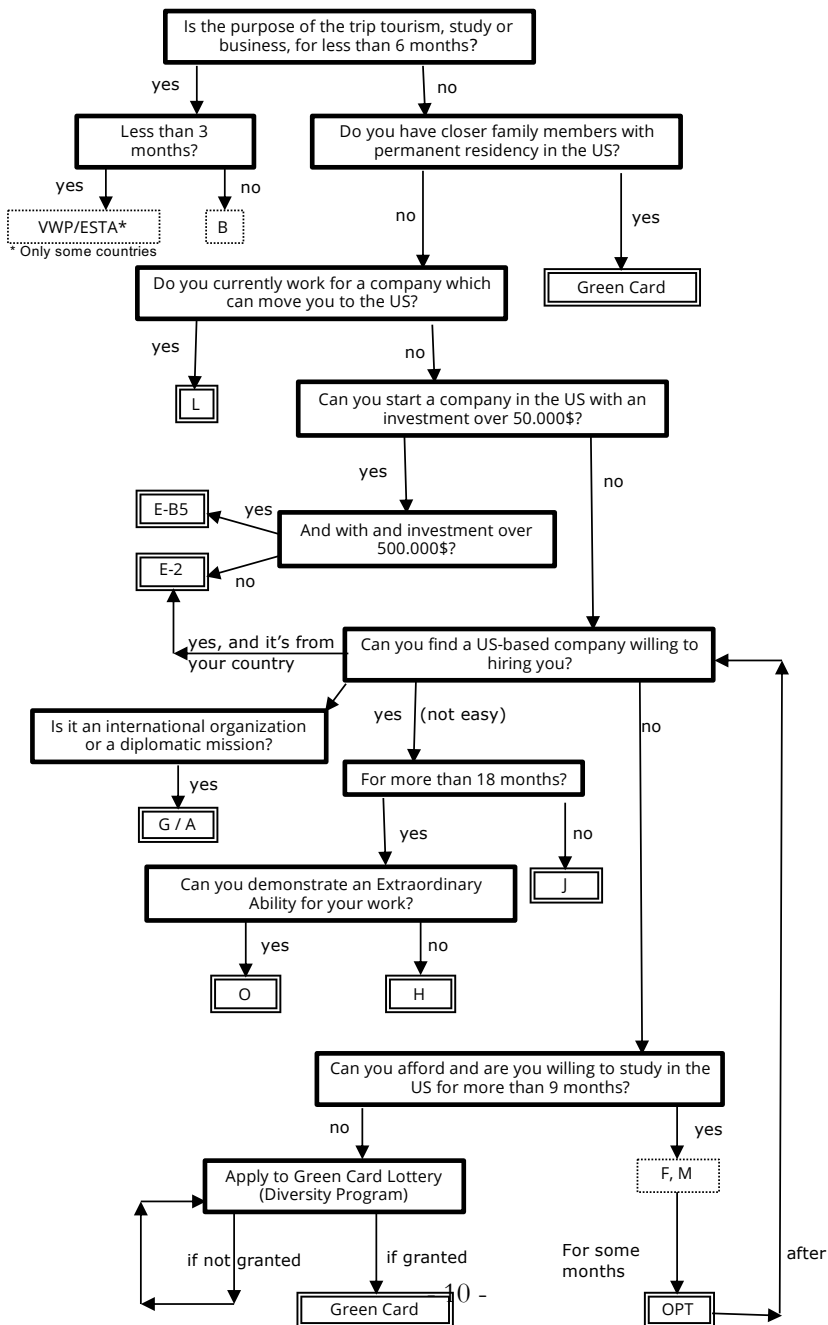
- **Visa L:** This is the visa used for transferring workers between companies within the same group or subsidiaries. Normally, the worker must hold a high position (an executive or an essential technician) and have worked for at least one year out of the past three in the company in their country of origin.
- **Visa E:** It is known as the "investor" visa (E-2), although it also applies to traders (E-1). It is used for foreign companies or investors who want to start a subsidiary or a new business in the country. For it to be granted, the investment has to be "substantial," that is, sufficient and relevant to the type of business that one wants to establish. Investments of 100,000USD are usually considered as a reference amount, although the minimum is estimated at 50,000USD. The key is the *business plan* that accompanies the application, the suitability of the business, and the benefits it will have for the United States (in terms of economic benefits for taxes and job creation; they do not want "marginal" businesses). The investment must be real, and funds must have been employed and put at risk (with invoices, rentals, etc.), for at least 20% of the total. Having all the money in a bank

account is not valid. All of these factors will be evaluated holistically in the embassy, along with the interview, to decide whether or not to grant the visa.

- **Green Card:** It is permanent residency, which allows living and working for any employer indefinitely. It can be obtained for three main reasons:
 - **Family:** For spouses/husbands, children (including adoptions), parents or siblings of American citizens.
 - **Labor:** An employer needs a highly specialized worker or the individual is extremely extraordinary. It's a complicated process. They are usually referred to as EB-1, EB-2 or EB-3 visas, depending on the level of excellence.
 - **Lottery:** The famous *Diversity Program*. 50,000 visas are randomly drawn each year from approximately 20 million applications received annually.
- **Citizenship.:** The last step in the immigration pyramid. Whether by birth or adoption, a legal immigrant (with a *Green Card*) can obtain citizenship. Under certain circumstances, the right to a *Green Card* can be lost, but citizenship is forever (unless you renounce it), in addition to allowing you to vote.

Apart from these, there are some more types for very specific situations, for example, the Visa A for diplomats, the Visa

P for athletes, the Visa I for journalists and correspondents, the Q for cultural exchanges, or the TN/TD for temporary workers from the NAFTA zone (Canada and Mexico).



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