

IMMIGRATION LAW HANDBOOK

2010 EDITION

IMMIGRATION LAW HANDBOOK

2010 EDITION

*(Includes enactments of the 111th Congress through
P.L. 111-125 and the Code of Federal Regulations
through 75 FR 7926, February 22, 2010.)*



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FOREWORD

The material presented herewith in convenient form is LexisNexis' *Immigration Law Handbook*, as currently amended to include changes to the United States Code through Public Law 111-138 with gaps of 111-128 through 111-135 and 111-137, and the Code of Federal Regulations through 75 FR 7148, February 22, 2010. All changes to these rules and laws have been incorporated into the text. History notes are included, and editorial comments, references to USCS and CFR sources, and suggested corrections to the source material are indicated in brackets for the convenience of the user. Also included are Legislative Highlights that summarize changes to the topics of immigration and human trafficking in updated United States Code sections.

We are committed to providing attorneys and law enforcement professionals with the most comprehensive, current and useful publications possible. If you have comments and suggestions please write to Immigration Law Handbook Editor, LexisNexis, 701 E. Water Street, Charlottesville, VA, 22902; call us toll-free at 1-800-833-9844; fax us toll-free at 1-800-643-1280; visit our website at <http://www.lexisnexis.com>; or E mail us at LEpublications@lexisnexis.com. By providing us with your informed comments, you will be assured of having available a working tool which increases in value each year.

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March 2010

TRANSITION TO DEPARTMENT OF HOMELAND SECURITY

On November 25, 2002, the President signed into law the Homeland Security Act of 2002, which created the new Department of Homeland Security (DHS). Pursuant to the provisions of the Act, DHS came into existence on January 24, 2003. As provided by the Act and by the Department of Homeland Security Reorganization Plan of November 25, 2002, the functions of the Immigration and Naturalization Service (INS), and all authorities with respect to those functions, transferred to DHS on March 1, 2003; the INS was abolished on that date. The transition and saving provisions of the Act provide that references relating to the INS in statutes, regulations, directives, or delegations of authority shall be deemed to refer to the appropriate official or component of the Department of Homeland Security.

2009 Legislative Changes to the IMMIGRATION LAW HANDBOOK

CODE OF FEDERAL REGULATIONS

CFR TITLE 8

Section	Change	FR Page	Date
1	Authority citation revised	09-55736	11/28/2009
1.1	(aa) added; interim	09-26935	7/6/2009
1.1	b), (f) (i), (k), and (m) revised	10-5225	2/2/2010
1.1	(bb) added;	09-55736	11/28/2009
100.1	Revised; interim	09-26936	7/6/2009
100.2	Removed; interim	09-26936	7/6/2009
100.3	Revised; interim	09-26936	7/6/2009
100.4	(c)(2) amended; interim	09-2833	
100.4	Introductory text, (a), (b), (c) heading, introductory text, (1), (4), (e) and (f) removed; (c)(2), (3) and (d) redesignated as new (a), (b) and (c); interim	09-26936	7/6/2009
100.5	Amended; interim	09-26936	7/6/2009
100.6	Removed; interim	09-26936	7/6/2009
100.7	Amended; interim	09-26936	7/6/2009
103.2	(a)(1) amended; (a)(6) revised; interim	09-26936	7/6/2009
103.7	(b)(1) amended; (c)(5)(i) revised; interim	09-55108	11/27/2009
204.1	(e) revised; interim	09-26936	7/6/2009
204.3	(g) revised; interim	09-26936	7/6/2009
204.4	(c) and (i) amended; interim	09-26936	7/6/2009
204.5	(b) amended; interim	09-26936	7/6/2009
204.6	(b) removed; interim	09-26937	7/6/2009
204.8	Removed; interim	09-26937	7/6/2009
204.9	(a)(3) revised; (c)(2) amended; interim	09-26937	7/6/2009
204.10	(c)(2) removed; interim	09-26937	7/6/2009
204.11	(b) revised; interim	09-26937	7/6/2009
204.13	(c) amended; interim	09-26937	7/6/2009
207.1	(a) amended; interim	09-26937	7/6/2009
208	Authority citation revised	09-55736	11/28/2009
208.1	(a) revised; interim	09-55736	11/28/2009
208.2	(c)(1)(iii) and (iv) revised; (c)(1)(v) and (vi) amended; (c)(1)(vii) and (viii) added; interim	09-55736	11/28/2009
208.4	(b) revised; interim	09-26937	7/6/2009
208.4	(a)(2)(ii) amended; interim	09-55737	11/28/2009
208.5	(b)(1)(ii) amended; interim	09-26937	7/6/2009
208.5	Heading and (a) revised; (b)(1)(iii) added; interim	09-55737	11/28/2009
208.11	Revised	09-15369	4/6/2009
208.30	(a) revised; (e)(2) amended; interim	09-55737	11/28/2009
209	Authority citation revised	09-55737	11/28/2009
209.2	(a)(1) introductory text revised; (a)(3) added; interim	09-55737	11/28/2009
211.1	(b)(3) revised; interim	09-26937	7/6/2009
211.2	(b) revised; interim	09-26937	7/6/2009
212	Authority citation revised	09-55738	10/28/2009
212.1	(e)(1) introductory text and (q)(1) introductory text amended; interim	09-25388	5/28/2009
212.1	(e)(4)(i) and (q)(4)(i) revised; interim	09-55738	10/28/2009
212.2	(d), (f) and (g)(2) revised; (e) amended; (g)(3) removed; interim	09-26937	7/6/2009
212.3	(a) and (f) introductory text revised; (d) amended; interim	09-26938	7/6/2009
212.7	(a)(1) revised; (b)(2) removed; interim	09-26938	7/6/2009
212.15	(j)(1) introductory text, (2)(i), (ii) and (3)(i) amended; interim	09-26938	7/6/2009
214	Authority citation revised	09-55109,	11/27/2009,
		09-55738	10/28/2009
214.1	(c)(3)(viii) added; interim	09-2835	1/16/2009
214.2	(h)(6)(i)(C) heading, (11)(i)(A) and (iii)(A)(2) correctly amended	09-2837	1/16/2009
214.2	(f)(10)(ii)(D) correctly amended; interim	09-26515	6/3/2009

2009 Legislative Changes to the IMMIGRATION LAW HANDBOOK (Continued)

CFR TITLE 8 (Continued)

Section	Change	FR Page	Date
214.2	(a)(6)(ii), (g)(6)(iii), (l)(2), (5)(ii)(F) and (7)(i)(C) revised; (e)(8)(iv)(B), (C), (v), (k)(1), (7), (l)(5)(ii)(C), (7)(i) introductory text, (8)(ii), (m)(11)(ii)(A), (B), (o)(2)(i), (iv)(A) through (D), (p)(2)(i), (iv)(A), (B), (H), (q)(5)(i) and (iv) amended; (h)(3)(i)(D) removed; interim	09-26938	7/6/2009
214.2	(w) added; interim	09-55109	11/27/2009
214.7	Heading, (a)(3) and (b) revised; (a)(4)(i) introductory text amended; interim	09-55738	10/28/2009
214.11	(a) and (g) introductory text amended; (b)(2) and (g)(1) revised; interim	09-55738	10/28/2009
214.14	(a)(11) revised; interim	09-55738	10/28/2009
215	Authority citation revised	09-2836	1/16/2009
215.1	(e), (g) and (j) revised; interim	09-2836	1/16/2009
215.1	(e), (g)(9) and (j) amended; interim	09-25388	5/28/2009
216.4	(a)(3) table; interim	09-26939	7/6/2009
216.5	(c) removed; interim	09-26939	7/6/2009
216.6	(a)(2) removed; interim	09-26939	7/6/2009
217.4	(a)(1) and (b)(1) amended; interim	09-55738	10/28/2009
233	Authority citation revised	09-2836	1/16/2009
235	Policy statement	09-25618	5/29/2009
235	Authority citation revised	09-55739	11/28/2009
235.5	(a) amended; interim	09-25388	5/28/2009
235.6	(a)(1)(ii) and (iii) revised; interim	09-55739	11/28/2009
236.14	(a) amended; interim	09-26939	7/6/2009
240.63	(c) amended; interim	09-26939	7/6/2009
244.7	(a) amended; interim	09-26940	7/6/2009
245	Authority citation revised	09-55739	11/28/2009
245.1	(b)(7) revised; interim	09-55739	11/28/2009
245.2	(b) and (c) amended; interim	09-26940	7/6/2009
245.7	(a) amended; interim	09-26940	7/6/2009
245.8	(a) amended; interim	09-26940	7/6/2009
245.12	(a)(1) amended; interim	09-26940	7/6/2009
248.3	(d) amended; interim	09-26940	7/6/2009
264.2	(a) amended; interim	09-26940	7/6/2009
264.5	(e)(2)(i) amended; interim	09-26940	7/6/2009
274a	Authority citation revised	09-55739	11/28/2009
274a.1	(l) revised	09-51452	11/6/2009
274a.1	(c) revised; interim	09-55739	11/28/2009
274a.2	Regulation at 73 FR 76511 eff. date delayed to 4-3-09	09-5899	1/30/2009
274a.2	(b)(1)(v)(A)(6) and (7) added	09-7995	2/23/2009
274a.2	(b)(1)(v)(A)(1) through (5) correctly revised; (b)(1)(v)(A)(6) correctly added and amended	09-10455	3/11/2009
274a.2	(b)(1)(v)(D) added; interim	09-55739	11/28/2009
274a.2	(a)(2) correctly amended; interim	09-62207	11/27/2009
274a.2	(b)(1)(v)(D)(1)(i) correctly amended; interim	09-62208	11/27/2009
274a.5	Revised; interim	09-55739	11/28/2009
274a.7	Heading, (a) and (b) introductory text revised; interim	09-55740	11/27/2009
274a.12	(d) redesignated as (e); new (d) added	09-7995	2/23/2009
274a.12	(b)(6)(v) correctly amended; (c)(3)(ii) and (iii) correctly added; interim	09-26515	6/3/2009
274a.12	(b)(23) added; interim	09-55111	11/27/2009
274a.12	(b)(20), (21) and (23) amended; (b)(24) added; interim	09-55740	11/27/2009
274a.13	(a)(1), (2) and (d) amended; interim	09-26940	7/6/2009
286	Authority citation revised	09-55740	11/27/2009
286.1	(i) and (k) revised; interim	09-55740	11/27/2009
292.1	(a) introductory text, (a)(2) introductory text, (a)(2)(iv), (a)(3)(iv), and (a)(6) revised	10-5225	02/02/2010
292.3	revised	10-5225	02/02/2010
292.4	(a), (b) revised	10-5225	02/02/2010
292.6	amended	10-5225	02/02/2010

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Section	Change	FR Page	Date
299.1	Table amended; interim	09-55111, 09-55740	11/27/2009
299.1	Table revised	09-67969	12/22/2009
299.5	Table corrected	09-67969	12/22/2009
299.5	Table amended (OMB numbers); interim	09-55112, 09-55740	11/27/2009
299.5	Table corrected	09-67969	12/22/2009
299.5	Table revised	09-67969	12/22/2009
301.1	(a)(1) amended; interim	09-26940	7/6/2009
316.3	Removed; interim	09-26940	7/6/2009
320.3	(a) amended; interim	09-26940	7/6/2009
322.3	(a) amended; interim	09-26940	7/6/2009
324.2	(b) amended; interim	09-26941	7/6/2009
324.3	(b)(1) and (2) amended; interim	09-26941	7/6/2009
324.4	Amended; interim	09-26941	7/6/2009
324.5	Amended; interim	09-26941	7/6/2009
327.2	(a) amended; interim	09-26941	7/6/2009
328	Part Heading revised	10-2785	2/18/2010
328.2	(b) revised	10-2785	2/18/2010
328.3	Removed; interim	09-26941	7/6/2009
329.3	Removed; interim	09-26941	7/6/2009
328.4	revised	10-2785	2/18/2010
329	Part Heading revised	10-2785	2/18/2010
329.2	(a) revised	10-2785	2/18/2010
329.4	(a) revised	10-2785	2/18/2010
329.5	(c) removed; interim	09-26941	7/6/2009
330.2	(a) amended; interim	09-26941	7/6/2009
334.1	Amended; interim	09-26941	7/6/2009
334.11	(a) amended; interim	09-26941	7/6/2009
392.3	(b)(1) amended; interim	09-26941	7/6/2009
1001	Authority citation revised	09-55741	11/28/2009
1001.1	(bb) added; interim	09-55741	11/28/2009
1208	Authority citation revised	09-55741	11/28/2009
1208.1	(a) revised; interim	09-55741	11/28/2009
1208.2	(c)(1)(iii) and (iv) revised; (c)(1)(v) and (vi) amended; (c)(1)(vii) and (viii) added; interim	09-55741	11/28/2009
1208.4	(a)(2)(ii) amended; interim	09-55741	11/28/2009
1208.5	Heading and (a) revised; (b)(1)(iii) added; interim	09-55741	11/28/2009
1208.30	(a) revised; interim	09-55742	11/28/2009
1209	Authority citation revised	09-55742	11/28/2009
1209.2	(a)(1) introductory text revised; (a)(3) added; interim	09-55742	11/28/2009
1212	Authority citation revised	09-55742	11/28/2009
1212.1	(e) revised; (q) added; interim	09-55742	11/28/2009
1212.1	(q)(1) introductory text correctly amended; interim	09-62208	11/27/2009
1235	Authority citation revised	09-55744	11/28/2009
1235.5	(a) revised; interim	09-55744	11/28/2009
1235.6	(a)(1)(ii) and (iii) revised; interim	09-55744	11/28/2009
1245	Authority citation revised	09-55744	11/28/2009
1245.1	(b)(7) revised; interim	09-55744	11/28/2009

UNITED STATES CODE

U.S. CODE TITLE 8

Section	Change	Public Law	Eff. Date
1254b	New	111-83 §549	10/28/2009

2009 Legislative Changes to the IMMIGRATION LAW HANDBOOK

(Continued)

U.S. CODE TITLE 18

Section	Change	Public Law	Eff. Date
1	Prec Amended	111-21 §2(b)(2)	5/20/2009
20	Amended	111-21 §2(a)	5/20/2009
27	New	111-21 §2(b)(1)	5/20/2009
241	Prec Amended	111-84 §4707(b)	11/3/2009
249	Amended	111-84 §4711	11/3/2009
249	New	111-84 §4707(a)	11/3/2009
983	Amended	111-16 §3(1)	12/1/2009
1014	Amended	111-21 §2(c)	5/20/2009
1031	Amended	111-21 §2(d)	5/20/2009
1091	Amended	111-122 §3(a)	12/22/2009
1341	Prec Amended	111-21 §2(e)(2)	5/20/2009
1348	Amended	111-21 §2(e)(1)	5/20/2009
1381	Prec Amended	111-84 §4712(b)	11/3/2009
1389	New	111-84 §4712(a)	11/3/2009
1514	Amended	111-16 §3(2), (3)	12/1/2009
1956	Amended	111-21 §2(f)(1)	5/20/2009
1957	Amended	111-21 §2(f)(2)	5/20/2009
1963	Amended	111-16 §3(4)	12/1/2009
2252A	Amended	111-16 §3(5)	12/1/2009
2339A	Amended	111-122 §3(d)	12/22/2009
2339B	Amended	111-16 §3(6)-(8)	12/1/2009
2703	Amended	111-79 §2(1)	10/19/2009
2711	Amended	111-79 §2(2)	10/19/2009
3060	Amended	111-16 §3(9)	12/1/2009
3127	Amended	111-79 §2(3)	10/19/2009
3287	Amended	111-84 §1073(c)(7)	11/3/2009
3432	Amended	111-16 §3(10)	12/1/2009
3481	Prec Amended	111-79 §2(5)	10/19/2009
3509	Amended	111-16 §3(11)	12/1/2009
3512	New	111-79 §2(4)	10/19/2009
3771	Amended	111-16 §3(12)	12/1/2009

U.S. CODE TITLE 21

Section	Change	Public Law	Eff. Date
853	Amended	111-16 §5	12/1/2009

FEDERAL RULES OF CRIMINAL PROCEDURE

Rule	Change	Eff. Date
5.1	Amended	12/01/09
7	Amended	12/01/09
12/1	Amended	12/01/09
12/3	Amended	12/01/09
29	Amended	12/01/09
32	Amended	12/01/09
32.2	Amended	12/01/09
33	Amended	12/01/09
34	Amended	12/01/09
35	Amended	12/01/09
41	Amended	12/01/09
45	Amended	12/01/09
47	Amended	12/01/09
58	Amended	12/01/09
59	Amended	12/01/09

**2009 Legislative Changes to the
IMMIGRATION LAW HANDBOOK**
(Continued)

IMMIGRATION AND NATURALIZATION ACT

<i>Section</i>	<i>Change</i>	<i>Public Law</i>	<i>Eff. Date</i>
101 (8 USCS §1101)	Amended	110-229 §702(j)(1)-(3)	6/1/2009
101 (8 USCS §1101)	Amended	110-391 §2(a)	11/21/2008
101 (8 USCS §1101)	Amended	110-457 §201(a)	6/21/2009
101 (8 USCS §1101)	Amended	110-457 §235(d)(1)	6/21/2009
101 (8 USCS §1101)	Amended	111-9 § 1	3/20/2009
101 (8 USCS §1101)	Amended	111-83 §568(a)(1)	10/28/2009
103 (8 USCS §1103)	Amended	111-122 §2(a)	12/22/2009
201 (8 USCS §1151)	Amended	111-83 §568(c)(1)	10/28/2009
204 (8 USCS §1154)	Amended	111-83 §568(d)(1)	10/28/2009
208 (8 USCS §1158)	Amended	110-229 §702(j)(4)	6/1/2009
208 (8 USCS §1158)	Amended	110-457 §235(d)(7)	6/21/2009
212 (8 USCS §1182)	Amended	110-229 §702(b)(2), (3)	6/1/2009
212 (8 USCS §1182)	Amended	110-229 §702(d)	6/1/2009
212 (8 USCS §1182)	Amended	110-293 §305	6/30/2008
212 (8 USCS §1182)	Amended	110-340 §2(b)	10/3/2008
212 (8 USCS §1182)	Amended	110-457 §222(f)(1)	6/21/2009
212 (8 USCS §1182)	Amended	110-457 §234	6/21/2009
214 (8 USCS §1184)	Amended	110-229 §702(b)(1)	6/1/2009
212 (8 USCS §1182)	Amended	111-122 §3(b)	12/22/2009
213A (8 USCS §1183a)	Amended	111-83 §568(e)	10/28/2009
214 (8 USCS §1184)	Amended	110-362 §2	10/8/2008
214 (8 USCS §1184)	Amended	110-457 §201(b), (c)	6/21/2009
235 (8 USCS §1225)	Amended	110-229 §702(j)(5)	6/1/2009
237 (8 USCS §1227)	Amended	110-340 §2(c)	10/3/2008
237 (8 USCS §1227)	Amended	110-457 §204	6/21/2009
237 (8 USCS §1227)	Amended	110-457 §222(f)(2)	6/21/2009
240A (8 USCS §1229b)	Amended	110-457 §205(b)	6/21/2009
245 (8 USCS §1255)	Amended	110-457 §201(d), (e)	6/21/2009
245 (8 USCS §1255)	Amended	110-457 §235(d)(3)	6/21/2009
245A (8 USCS §1255a)	Amended	110-234 §4002(b)(1)(B)	5/22/2008
245A (8 USCS §1255a)	Amended	110-234 §4002(b)(2)(J)	5/22/2008
245A (8 USCS §1255a)	Amended	110-246 §4(a)	6/18/2008
245A (8 USCS §1255a)	Amended	110-246 §4002(b)(1)(B)	6/18/2008
245A (8 USCS §1255a)	Amended	110-246 §4002(b)(2)(J)	6/18/2008
284 (8 USCS §1354)	Amended	110-181 §673	1/28/2008
286 (8 USCS §1356)	Amended	111-117 §524(a)	12/16/2009
319 (8 USCS §1430)	Amended	110-181 §674(a)	1/28/2008
322 (8 USCS §1433)	Amended	110-181 §674(b)	1/28/2008
328 (8 USCS §1439)	Amended	110-382 §3(a)	10/9/2008
328 (8 USCS §1439)	Amended	110-382 §4	10/9/2008

IMMIGRATION LAW HIGHLIGHTS
OF THE 2009 CONGRESSIONAL SESSION

8 U.S.C. §1254b

In addition to collection of registration fees described in 8 U.S.C. 1254a(c)(1)(B), fees for fingerprinting services, biometric services, and other necessary services may be collected when administering the program described in §1254a.

18 U.S.C. §1091

Any person who attempts or conspires to commit a genocide offense under this section shall be punished in the same manner as a person who completes the offense.

18 U.S.C. §2339A

It is unlawful to provides material support or resources or conceals or disguises the nature, location, source, or ownership of material support or resources, knowing or intending that they are to be used in preparation for, or in carrying out, a violation of §§1091 (Genocide), 2340A (Torture), or 2422 (Coercion and Enticement).

18 U.S.C. §3060

Unless an arrested person waives the preliminary examination or agrees to further delay, such examination must be held not later than the fourteenth day following the date of the initial appearance of the arrested person before such officer if the arrested person is held in custody without any provision for release, or is held in custody for failure to meet the conditions of release imposed, or is released from custody only during specified hours of the day.

21 U.S.C. §853

A temporary restraining order for property subject to forfeiture may last up to fourteen days.

IMMIGRATION LAW

CLASSIFICATIONS AND CHARTS

GLOSSARY OF ABBREVIATIONS USED IN THESE CHARTS

AmCon	American Consulate	IMMACT 90	Immigration Act of 1990
AmEmb	American Embassy	INA	Immigration and Nationality Act of 1952, as amended [8 U.S.C. 1101 et seq.]
BCC	Border Crossing Card/Laser Visa	IPPCTP	Irish Peace Process Cultural and Training Program
C.F.R.	Code of Federal Regulations	IV	Immigrant Visa
COS	Change of Status	LPR	Lawful Permanent Resident
D/C	Duration of Course	NAFTA	North American Free Trade Agreement
D/S	Duration of Status	NIV	Nonimmigrant Visa
DOD	Department of Defense	NTE	Not to Exceed
DOL	Department of Labor	OJT	On-the-Job Training
DOS	Department of State	OLP	Outlying Possessions
DSO	Designated School Official	PP	Passport
EOS	Extension of Stay	POE	Port-of-Entry
ETA-750	Labor Certification	USC	United States Citizen
EVP	Exchange Visitor Program	U.S.C.	United States Code
EVSL	Exchange Visitor Skills List	VWP	Visa Waiver Program
IAFIS	Integrated Automatic Fingerprint Identification System	WHTI	Western Hemisphere Travel Initiative

NONIMMIGRANT CLASSIFICATIONS

Note: No nonimmigrant visa shall be issued to any alien from a country that is a state sponsor of international terrorism unless the Secretary of State determines that such an alien does not pose a threat to the safety or national security of the US.

<i>Classification</i>	<i>Sym</i>	<i>Max Adm</i>	<i>Remarks</i>
Ambassador, Public Minister, Career Diplomat, Consular Officer, Immediate Family (See 22 C.F.R. 41.21 for definition of "immediate family"). Career courier must be regularly and professionally employed as a courier and must be a national of country represented.	A-1	D/S	Inadmissible for INA § 212(a)(3)(A), (B), (C) only.* No foreign residence requirement. Passport valid only to date of admission.
Other Foreign Govt. Official or Employee coming to the U.S. or Immediate Family. Includes technical and support staff of A-1, and courier NOT regularly employed as a courier BUT who has official position with gov't to which he owes allegiance	A-2	D/S	Inadmissible for INA § 212(a)(3)(A), (B), (C) only.* May include alien military personnel on temporary assignment in U.S. and not traveling on NATO orders. Passport valid only to date of admission. No foreign residence required.
<i>*Except those provisions relating to reasonable requirements of passports and visas as a means of identification and documentation necessary to establish these qualifications.</i>			
Attendant, Servant or Personal Employee of A-1 or A-2 or Immediate Family	A-3	3 years	Inadmissible on all grounds. Normal PP & NIV requirements apply. No foreign residence required.
Temporary Visitor for BUSINESS: Business as defined in INA 101(a)(15)(B) refers to conventions, conferences, consultations and other legitimate activities of a commercial or professional nature. It does not include labor for hire or local employment. Reference 8 C.F.R. 214.2(b) and 9 FAM 41.31	B-1	1 year	Must show that they have foreign residence they do not intend to abandon. Acting courier (need not be national or employed by gov't represented). Admitted for time necessary to complete business. Includes "deadheading crewmen."
Temporary Visitor for PLEASURE: The term pleasure as used in INA 101(a)(15)(B), refers to legitimate activities of a recreational character, including tourism, amusement, visits with friends or relatives, rest, medical treatment and activities of a fraternal, social or service nature.	B-2	1 year	Proof of an unrelinquished foreign residence. Prospective students. Minimum period of admission is 6 months UNLESS <ul style="list-style-type: none"> • Passport validity • Supervisor concurrence
Alien in Transit (direct and continuous travel through the United States).	C-1	29 days	No EOS or change of status. Normal PP and NIV requirements. Sufficient funds, ability to effect transit and enter foreign country. Includes "deadheading crew."
Alien in Transit to U.N. Headquarters District under Sec. 11. (3), (4) or (5) of the HQ Agreement.	C-2	D/S at United Nations	Inadmissible only under INA § 212(a)(3)(A), (B), (C) and INA § 212(a)(7)(B). Travel limited to a 25-mile radius of Columbus Circle, New York, NY. Passport only needs to be valid on day of application for admission.
Foreign Government Official, Immediate Family, Attendant, Servant or Personal Employee of official, In Transit through the U.S.	C-3	29 days	Inadmissible only under INA § 212(a)(3)(A), (B), (C) and § 212(a)(7)(B). No EOS. Passport valid for at least 30 days from date of admission.

<i>Classification</i>	<i>Sym</i>	<i>Max Adm</i>	<i>Remarks</i>
<p>The term "crewman" as defined in § 101(a) (15)(D)(i) means a person serving in any capacity on board a vessel or aircraft.</p> <p>Crewmen arriving on vessels must depart as crewmembers on the same vessel as arrival.</p> <p>Crewmen arriving on an aircraft must depart as crewmembers on the same transportation line.</p> <p>Longshore work CANNOT be performed EXCEPT when it involves:</p> <ol style="list-style-type: none"> 1) Safety; 2) Prevailing practices; 3) Reciprocity with other countries. <p>Crewmen departing on vessel other than one of arrival or other means of transportation.</p> <p>Crewmen departing on different airline than one of arrival or other means of transportation. No extension of stay or change of status for Ds.</p> <p><i>Interpretive notes regarding "D" classification may be found at 9 FAM 41.41.</i></p> <p>To qualify for "D" status, crewmen arriving aboard vessels from a foreign place must depart the U.S. within 29 days of initial arrival. In order to effect a departure in terms of the INA and State Department regulations, a vessel must sail from the U.S. and call upon a foreign port or place; travel to international waters or cruises to nowhere do not satisfy the foreign departure requirement. This provision does not apply to fishing vessels in Guam that sail to international waters. Pursuant to P.L. 99-505, such a vessel is considered to have departed the United States.</p>	D-1	29 days	<p>Issue I-95 (unless they have I-184). Not to be admitted when strike or lockout is in effect, EXCEPT where alien:</p> <ol style="list-style-type: none"> 1) Was employed w/employer at least 1 year; 2) Served at least one in each of the 3 previous 12 months; 3) Shall continue to serve. <p>When a strike or lockout rule is set aside, exception to rule must be stated on manifest; same must be done when alien will engage in longshore work. No EOS.</p>
<p>Treaty Trader, Spouse or Child(ren). Taiwan government employees issued E-1 visas endorsed "CCNAA" (Coordination Council for Northern American Affairs) and Visas endorsed "TECRO" as of 1995 are to be admitted for duration of status (D/S).** Taiwan PP valid only to date of admission. All E-1s require NIV.</p> <p><i>*[9 FAM 41.51, Exhibit 1.]</i> <i>**[9 FAM 41.22, PN.1, PN1.1, PN2]</i></p>	E-1	2 years	<p>Must be a national of a treaty* country. Involved in trade and services and/or trade and technology. Can't be manual, unskilled labor. Usually executive or manager. EOS in increments of not more than 2 years. Spouse and child status depends on principal alien (nationality is not material.) Spouse can work; needs employment authorized" endorsement or other work permit. Effective 1/1/04 citizens of Chile and Singapore eligible.</p>
<p>Treaty Investor, Spouse or Child(ren). To develop and direct the activities of a bona fide enterprise in which he has invested substantial amount of capital. All E-2s require NIV. Requires PP unless exempt.</p> <p><i>*[9 FAM 41.51, Exhibit 1.]</i></p>	E-2	2 years	<p>Must be a national of a treaty* country. Can't use the investment to immigrate, or as a marginal enterprise solely to earn a living. EOS in increments of not more than 2 years. Spouse can work; needs "employment authorized" endorsement or other work permit. Effective 1/1/04 citizens of Chile & Singapore eligible.</p>
<p>Unless otherwise provided for in this chapter, an alien shall not be admitted in E classification for a period of time extending more than 6 months beyond the expiration date of the alien's passport.</p>			<p>8 CFR 214.2(19)(iii)</p> <p><i>Applies to E-1, E-2, and E-3.</i></p>

Classification	Sym	Max Adm	Remarks
Nationals of Australia, who are professionals coming to the U.S. to perform services in a "specialty occupation."	E-3	2 years	All E-3's require a NIV. Normal PP requirements apply. Classification includes spouse and child (nationality is not material). Spouse may apply for work authorization.
Academic Student	F-1	D/S	1. Must be in possession of a SEVIS-generated Form I-20AB. 2. Must maintain a "full course of study." [8 C.F.R. 214.2(f)(6)]. 3. Proof of unrelinquished residence is required. 4. A student making initial entry may be admitted 30 days prior to start date listed on SEVIS I-20AB. There is no restriction on a returning student. 5. ALL initial entry foreign students issued a SEVIS-generated form on or after 9/1/04 are required to pay a SEVIS fee. 6. Requires passport and visa unless exempt. Passport must be valid for at least 6 months on date of entry.
NOTE: Prohibited from attending public elementary school (K-8), publicly funded adult education program, or public secondary school unless attending less than 12 months and reimbursing school full, unsubsidized per capita cost.			
Border Commuter Students (Citizen of Canada or Mexico)	F-1	Admitted for a fixed admission period for each semester, quarter, or term [8 C.F.R. 214.2(f)(18)(iii)]	1. Must be in possession of a new SEVIS-generated Form I-20AB for each new semester or term. 2. Must be enrolled in a full course of study, albeit on a part-time basis. [8 C.F.R. 214.2(f)(18)(ii)]. 3. Enrolled in an approved school within 75 miles of a U.S. land border. 4. Must maintain actual residence in country of nationality and seek admission to the U.S. at a land border port of entry. 5. Requires passport and visa unless exempt. Normal passport and visa requirements apply.
ALL initial entry foreign students issued a SEVIS-generated form on or after 9/1/04 are required to pay a SEVIS fee.			
Spouse or child of F-1 student.	F-2*	D/S	1. Must be in possession of a separate SEVIS Form I-20AB identified by "Dependent Copy." 2. Status derived from F-1 principal alien. 3. May engage in study that is avocational or recreational. 4. F-2 <i>spouse</i> may not engage in full-time study. 5. F-2 <i>child</i> may only engage in full-time study in elementary or secondary school (K-12). 6. Proof of an unrelinquished residence is required. 7. Employment is not authorized. 8. Requires passport and visa, unless exempt. Normal PP/NIV requirements apply.
*Dependents of F-1 Border Commuter Students are NOT eligible for F-2 status.			

Classification	Sym	Max	Adm	Remarks
Principal Resident Representative of Recognized Foreign Government to International Organization, Staff or Immediate Family	G-1	D/S		Inadmissible for INA § 212(a)(3)(A), (B), (C) only.* Foreign government recognized de jure by U.S. and member of international organization [8 C.F.R. 316.20(c)]. Passport valid only to date of application for admission. No proof of foreign residence. <i>*Except those provisions relating to reasonable requirements of passports and visas as a means of identification and documentation necessary to establish these qualifications.</i>
Other Representative of Recognized Foreign Member Government to International Organization, or Immediate Family	G-2	D/S		Same as above.
Representative of Nonrecognized Nonmember Foreign Government to International Organization, or Immediate Family	G-3	D/S		Same as above.
International Organization Officer or Employee, or Immediate Family	G-4	D/S		Same as above. Alien on the payroll of a designated international organization.
Attendant, Servant, or Personal Employee of G-1 through G-4 or Immediate Family.	G-5	3 years		All grounds of inadmissibility may apply. Status depends on principal. EOS in increments of not more than 2 years. Normal PP requirements. Has a foreign residence (s)he does not intend to abandon or compelling ties outside the U.S. [9 FAM 41.21, N6.1]
Alien in a Specialty Occupation (Professional)	H-1B	3 years		Approved I-129 petition required for all H-1Bs. Labor condition application (LCA) required for all except DOD workers. After FY 2003, cap 65,000 (excluding DOD); DOD limited to 100 per year. No foreign residence requirement. Validity of petition plus 10 days before and after validity period.
Department of Defense (DOD) workers. (DOD) projects employees	H-1B	DOD 5 years		
Fashion Model (Distinguished merit and ability)	H-1B	3 years		
Alien in a specialty occupation (Professional)	H-1B1	1 year		Must be a citizen of Chile or Singapore. No petition required. Numerical limits apply. Normal PP/NIV requirements apply.
Registered Nurse, licensed to perform services at facility providing health care services as defined at INA § 212(m)(6): (Health professional shortage area.) <i>Program reauthorized by Congress and extended until 12/20/2009. P.L. 109-423.</i>	H-1C	3 years		Approved I-129 required filed with Vermont Service Center regardless of place of employment. LCA required. Proof of unrelinquished residence not required.
Temporary Worker performing Agricultural Services unavailable in U.S. (petition filed on or after June 1, 1987).	H-2A	1 year		Foreign residence requirement. Validity of petition plus 10 days before and after validity period. Approved I-129 and Labor Certification required. No annual numerical limits.

Classification	Sym	Max Adm	Remarks
Nonagricultural Temporary Worker performing services unavailable in U.S. (petition filed on or after June 1, 1987).	H-2B	1 year	Requires approved I-129, Labor Certification. Annual numerical limits of 66,000. Foreign residence requirement. Validity of petition plus 10 days before and after validity period.
<i>H-2B Special Situation allows the filing of a Form I-129 Petition without a Labor Certification at a NY, ME or VT port of entry only for musicians working in the U.S. for no more than 30 days within 50 miles of the Canadian Border.</i>			
Returning H-2B Workers	H-2R	1 year	Applicant must have an approved I-129 Petition containing a certification from the employer that the applicant is a returning worker. Will not count against current FY annual limit.
Trainee receiving training in any field of endeavor such as: Agriculture, Commerce, Communication, Finance, Government, Transportation and the Professions.	H-3	Up to 2 years	Requires approved I-129. Proposed training not available in alien's country. Cannot displace U.S. workers. Training useful in pursuing career outside U.S. No labor certification, no numerical limits.
Special Education participants must be coming to participate in a program which provides for practical training & experience in the education of children w/ physical, mental or emotional disabilities.	H-3	Up to 18 months	Validity of petition plus 10 days before and after validity period. Not to exceed 50 per fiscal year. No labor certification.
Spouse or Child of Alien classified H-1B, H-1B1, H-1C, H2A/B, or H-3	H-4	Same as Principal	Must accompany or follow to join principal alien. Status depends on principal.
Foreign Media Representative	I	D/S	Camera crews producing films for commercial entertainment or advertising must qualify as Os or Ps. Principal cannot change employment w/o CIS approval. Dependents may attend school w/o change of status but may not work. No proof of unrelinquished foreign residence. Normal PP and NIV requirements, unless exempt.
Classification also includes spouse and child. Status depends on principal alien. Principal "T" status is reciprocity-based. Employees of independent production companies also qualify. [9 FAM 41.52 N2.2]			
Exchange Visitor	J-1	D/S	All Js must be in possession of an original SEVIS-generated Form DS-2019 endorsed by the program sponsor in BLUE ink. All initial entry foreign students issued a SEVIS-generated form on or after 9/1/04 are required to pay a SEVIS fee. New requirements go into effect on July 19, 2007. The trainee program in both the specialty and non-specialty categories have been replaced with a new intern category (22 CFR 62.22). Any Form DS-2019 issued on or after July 19, 2007 must include completing new form DS-7002 to potential trainees or interns. Exchange participants making an initial entry may be admitted up to 30 days prior to the report date or start date of the approved program listed on SEVIS-generated Form DS-2019. There are no restrictions on how early a returning exchange participant may enter the U.S. Requires proof of unrelinquished foreign residence. Normal PP and NIV requirements, unless exempt.
Educational, cultural, and scientific exchanges.			
Exchange visitors from the People's Republic of China and former Soviet bloc countries may have their J-1 visas noted "CHINEX" or "SILEX." This notation must be placed in block 26 on reverse of Form I-94.			
An exchange alien <i>may</i> (exceptions apply) be subject to the two year home-country physical presence requirement [INA § 212(e)]. The list of governmentally financed programs and the "Skills List" needed to make this determination are contained in Appendix 15-1 IFM.			
Exchange Visitors Skills List [9 FAM 41.62 Exhibit II]			

Classification	Sym	Max Adm	Remarks
Spouse or Child of J-1 Exchange Visitor	J-2	D/S	Spouse and minor children must individually present an original SEVIS-generated DS-2019. May apply to CIS for employment. Employment will not be authorized if needed to support the J-1 principal alien. Requires proof of unrelinquished foreign residence. Normal PP and NIV requirements, unless exempt. May study in the U.S. without being required to apply for a student (F-1) visa or change to F-1 status.
Fiancé or fiancée of USC (United States Citizen)	K-1	90 days	Must be eligible for IV w/ petition filed on I-129F, valid 4 months; pass medical exam, and marry USC within 90 days of entry. Employment authorized. No EOS. May adjust to LPR under INA § 245.
All Ks require NIV. Require PP unless exempt.			
Child of K-1 Fiancé(e) of USC	K-2	90 days	Must meet definition of "Child" and must be listed on I-129F. No EOS. Admissible up to 1 year after entry of K-1.
All Ks require NIV. Require PP unless exempt.			
Spouse of USC	K-3	2 years	Valid marriage w/ USC who filed I-130 that is pending. Employment may be authorized. (National Field Processing Center, Lee's Summit, Missouri adjudicates all I-129s for K-3 visas.)
Require PP unless exempt. All Ks require NIV.			
Child of K-3	K-4	Shorter of 2 years or until 21st birthday	Must be unmarried child (under 21) of K-3, accompanying or following to join K-3; does not require separate I-129F or I-130.
All Ks require NIV. Require PP unless exempt.			
Intracompany Transferee (Executive, Managerial)	L-1A	3 years*	Must have worked for the same, subsidiary, or affiliate company for at least 1 continuous year ("L-1 Reform Act of 2004" will require new L-1 blanket petition applicants to meet 1 year requirement) within the preceding 3 years in managerial capacity or involving specialized knowledge. Beneficiary of approved I-129. No foreign residence required. No numerical limits. Canadian citizens may apply at a class "A" port on Canadian/U.S. Border or preflight inspection in Canada under NAFTA.
or	L-1B	3 years*	
Bringing specialized knowledge about some aspect of the company's operation			
*One year if coming to open a new office.			
Spouse or child of Transferee L-1 Intracompany	L-2	Same as principal	Must accompany or follow to join principal alien. Status depends on principal. Spouse needs "employment authorized" endorsement or other work permit; may attend school without changing status. Minor children may not be employed.
Vocational or Other Nonacademic Student	M-1	D/C + 30 days NTE 1 year	Must be in possession of a SEVIS-generated Form I-20MN. Foreign students issued a SEVIS-generated Form on or after 9/1/04 are required to pay a SEVIS fee. May only work during practical training. Requires proof of foreign residence. Requires PP and NIV unless exempt.
Students making initial entry may be admitted up to 30 days before the report or start up date listed on SEVIS Form I-20MN. There are no restrictions on re-turning students.			