

OUR PRACTICE

Visitors and Students

Millions of people enter the United States as visitors and students every year – more than in any other classifications. Each of the four options below links to a separate page, but below we discuss them comparatively.

- [Tourists \(B-2\)](#)
- [Business Visitors \(B-1\)](#)
- [Academic students \(F1\) and vocational students \(M-1\)](#)
- [Exchange visitors \(J-1\)](#)

One thing all of these classifications share is the requirement that the alien be prepared to convince government officers that he intends to return to a home he is maintaining outside the U.S. (commonly called "nonimmigrant intent"). Lack of evidence of nonimmigrant intent is the most common basis for visa denial by Consular Officers (who check "Section 214(b)" as the ground for refusal) and is a frequent basis for immigration inspectors to refuse entry at the border or airport or to [deny change of status within the U.S.](#)

The following discussion may help you compare the visitor, student and exchange visitor classification, but note that all of the information below plus much more, is provided in more detail through the link above and at left for each classification.

Visitors for pleasure include those coming to tour the United States' many attractions and/or to visit family and friends in the United States. This is the B-2 classification, and its use for any other purpose can lead to later findings of having misrepresented one's self in the visa application or upon entry.

The B-1 classification is for business visitors. This includes most commonly engaging in business meetings that do not involve actual day-to-day work for hire, but it can include a surprisingly wide range of activities that have been recognized by the government as allowable, such as: professional work in lieu of H-1B status, gathering material or making presentations about work that will be performed outside the U.S., continued domestic service for nonimmigrant employers transferred from abroad, and interviewing for positions that would require a more substantive classification in order to perform it. The relative simplicity of the procedures to use this classification make it a sensible "first look" for any business trip.

Almost all aliens attending formal classes in the United States use F-1 (full-time academic student or language trainee), J-1 (exchange visitor), or M-1 (vocational students). In each case, the school involved must have made arrangements with the Department of Homeland Security or the State Department for authority to issue forms I-20 or DS-2019 to be used by the student when obtaining a visa, entry or change in status. Unlike all other classifications, F and J aliens receive entry/departure cards that normally do not specify a particular date for required departure and allow such aliens to extend or change their qualifying program in the United States without filing papers with USCIS. This has hugely [important consequences](#) if the alien remains in the U.S. too long.

Beyond students, the J classification covers a host of different types of programs, including trainees, professors and researchers, research scholars, medical graduate career trainees, camp counselors, au pairs, etc. Each type of program carries different rules for possible duration, but all are overseen by a "Responsible Officer" of a program that has been designated and is overseen by the State Department. The J classification has a special plus and a special minus. The plus: The spouse and children of J-1 exchange visitors can apply to the USCIS for work authorization. The minus: Some exchange visitors can become subject to the dreaded requirement that they return to their country of last foreign residence for 2 years before being able to take most meaningful steps toward working or immigrating to the United States.

All foreign nationals using F, J, or M status must operate under the "SEVIS" tracking program by which the U.S. Immigration and Customs Enforcement (ICE) tracks each student's and visitor's visa acquisition, entry, program participation, and departure.

How We Can Help

We assist institutions and employers to seek USCIS or State Department designations of students or exchange programs, to establish systems for compliance with complex government rules for such programs, to help students and exchange visitors, and their families, know and comply with the rules and obtain work authorization and other benefits that may be available, and to work through the complex individualized problems that inevitably arise. We assist business, institutions, family and friends in clarifying arrangements for visitors' activities and financial support in order to obtain visas and entry. We help individuals document and clarify their nonimmigrant intent, financial support, and planned activities in making visa applications, seeking entry, and applying for change of status.

We help students and exchange visitors and/or their family members to obtain work authorization where available. We provide advice about allowable activities and periods of stay, and we evaluate and pursue changes to other classifications and to permanent residence for those who wish to expand their range of activities and duration of stay.