

Immigration Statuses Chart

	Visa Waiver Program	B-1/B-2	J-1	H-1B	E-3	TN	O-1	Permanent Resident
Country	See list at https://esta.cbp.dhs.gov/ .	Any	Any	Any	Australia	Mexico or Canada	Any	Any
Immigrant Category	Nonimmigrant	Nonimmigrant	Nonimmigrant	Nonimmigrant	Nonimmigrant	Nonimmigrant	Nonimmigrant	Immigrant
Intent/Purpose of U.S. visit	Short term visit for business or tourism	Short-term visit for business or tourism	Cultural Exchange	Dual intent - Temporary or permanent employment	Temporary employment	Temporary employment	Temporary Employment	Permanent Employment
Duration Allowed	Up to 90 days	Usually 6 months	Generally: 5 yrs Short-term Scholar: 6 mo. or less	6 yrs (up to 3 yrs/each). May be renewable past 6 years if applying for perm residence.	Indefinite in 2 year increments	Indefinite in up to 3 year increments, as long as beneficiary can demonstrate continued nonimmigrant intent	Indefinite. Initially for 3 yrs; renewals generally for 1 yr	Indefinite
Paid Position Required?	No; work not permitted	No; work not permitted	No; can be paid or unpaid	Yes; subject to prevailing wage requirement	Yes; subject to prevailing wage requirement	Yes	Yes	Yes
Cost to Department to File Petition	None for department	None for department	Department is responsible for any costs incurred to send the DS-2019 to scholar; SEVIS fee may be paid by the scholar.	\$460 & \$500 for initial petition. Extra \$2805 if requesting premium processing. Subsequent petition fees vary.	\$460 only if filing a petition while employee is <u>inside</u> the US. Extra \$2805 if requesting premium processing.	\$460 only if filing a petition while employee is <u>inside</u> the US. Extra \$2805 if requesting premium processing.	\$460 Extra \$2805 if requesting premium processing. Subsequent petition fees vary.	Fees vary depending upon class of immigrant status sought, and whether the university is sponsoring or employee files on own behalf.
Cost to Employee (visa fees vary by country)	\$21 ESTA fee	Visa fees	\$220 SEVIS fee and visa fees	None if changing status inside the U.S. but visa fees will be incurred if traveling abroad	None if changing status inside the U.S. but visa fees will be incurred if traveling abroad	For Canadians, applying at a port of entry, fee is \$50 plus a \$6 I-94 fee. For Mexicans, visa fees. No fees if filing extension within US.	None if changing status inside the U.S. but visa fees will be incurred if traveling abroad	https://www.uscis.gov/feecalculator
Document that identifies the status	Form I-94	Form I-94	DS-2019 and Form I-94	Form I-94 plus passport; I-797 Notice of Action may contain a Form I-94	Form I-94 plus passport; I-797 Notice of Action may contain a Form I-94	Form I-94 plus passport; I-797 Notice of Action may contain a Form I-94	Form I-94 plus passport; I-797 Notice of Action may contain a Form I-94	Permanent Resident Card (In some cases an I-797 Notice of Action or Immigrant Visa may serve as temporary evidence of permanent residence (known as I-551 stamp)
Who issues the above document?	CBP	CBP	CWRU VISA Office (DS-2019); CBP (I-94)	USCIS (I-797); CBP (I-94)	USCIS (I-797); CBP (I-94)	USCIS (I-797); CBP (I-94)	USCIS (I-797); CBP (I-94)	USCIS
Dependent Status	Not applicable	Not applicable	J-2	H-4	E-3S (spouse), E-3D (children)	TD	O-3	Dependent spouse and children under 21 may apply for permanent residence with the principal
Dependent Work Authorization	No	No	Yes, with an approved EAD	Spouse: No, unless H-1B principal has an approved I-140 Children: No	Spouse: Yes Children: No	No	No	Yes, if also a permanent resident
Two Year Home Residence Requirement	Not applicable	Not applicable	Yes, but, not all J-1s are subject. Requirement must be fulfilled or a waiver obtained before changing to H-1B or PR	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable

	Visa Waiver Program	B-1/B-2	J-1	H-1B	E-3	TN	O-1	Permanent Resident
12 or 24 month bar on repeat participation	Not applicable	Not applicable	Yes, in some cases	Not applicable	No Not applicable	Not applicable	Not applicable	Not applicable
English Proficiency Requirement	No	No	Yes	No	No	No	No	No
Health Insurance Coverage Mandatory for Status?	No; travel insurance recommended	No; travel insurance recommended	Yes	No	No	No	No	No
Grace Period for Timely Filed Extensions	Not applicable; status cannot be extended	If an extension is timely filed, may remain while I-539 is pending, up to end date on I-539	Not applicable	May continue to live and work in the US pursuant to terms of petition for up to 240 days. H-1B workers porting to new employer may work as long as new petition is pending.	May continue to live and work in the US pursuant to terms of petition for up to 240 days.	May continue to live and work in the US pursuant to terms of petition for up to 240 days.	May continue to live and work in the US pursuant to terms of petition for up to 240 days.	Status does not expire, although card is renewable every 10 years
Grace Period When Status Expires	None	None	30 days	Depends. Consult IHRS.	None	None	None	Never expires
Valid Visa stamp needed to enter	No	Yes (except Canadians)	Yes (except Canadians)	Yes (except Canadians)	Yes	Canadians—No Mexicans—Yes	Yes (except Canadians)	No; must use PR Card to enter US
Ways to Extend	None	File I-539 with USCIS	Request extension with VISA Office	File I-129 with USCIS	Apply for new visa at a U.S. consulate or file I-129 with USCIS	Canadians—apply at US port of entry or file I-129 with USCIS; Mexicans—apply for new visa at US consulate or file I-129 with USCIS	File I-129 with USCIS	File Form I-90 with USCIS
Eligible CWRU Titles	None. Employment not authorized.	None. Employment not authorized.	Certain Staff Positions, Visiting Faculty, Postdocs and Interns/Trainees	Staff, Faculty, & Postdocs	Staff, Faculty, & Postdocs	Staff, Faculty, & Postdocs whose occupations fall within allowable occupations listed in US-Mexico-Canada Agreement	Staff, Faculty, & Postdocs	Any
Accept payments outside CWRU?	No salary or income allowed. Honorarium may be possible.	No salary or income allowed. Honorarium may be possible.	Prior approval needed from VISA Office before event occurring (or program sponsor if not IHRS)	Only in rare circumstances; consult VISA Office	Only in rare circumstances; consult VISA Office	Only in rare circumstances; consult VISA Office	Only if additional employment is enumerated in most recent O-1 petition	Yes
Allowable funding sources	Not applicable	Not applicable	Personal, CWRU or home institution (fellowships from outside CWRU are allowed)	CWRU only, unless most recent H-1B petition indicates employment will be at an affiliated institution	CWRU only	CWRU only	CWRU only	Any

Fees and requirements subject to change. List is not all-inclusive; consult VISA Office with questions about a specific situation.