

Temporary Worker Visas

Overview

Important Notice: New Visa Requirement for Certain Caribbean Nationals for Temporary Agricultural Worker (H-2A) Visas



Effective February 19, 2016, any person seeking to enter the United States to perform temporary agricultural work now must present a valid passport and a valid H-2A visa in order to be admitted to the United States. This includes British, French, and Netherlands nationals and nationals of Barbados, Grenada, Jamaica, or Trinidad and Tobago who were previously exempt from this requirement. This visa requirement also extends to any spouse or child who may wish to accompany or follow the H-2A agricultural worker to the United States.

Generally, a citizen of a foreign country who wishes to enter the United States must first obtain a visa, either a nonimmigrant visa for temporary stay, or an immigrant visa for permanent residence. Temporary worker visas are for persons who want to enter the United States for employment lasting a fixed period of time, and are not considered permanent or indefinite. Each of these visas requires the prospective employer to first file a petition with U.S. Citizenship and Immigration Services (USCIS). An approved petition is required to apply for a work visa.

Temporary worker visa categories

Visa category	General description – About an individual in this category:
	To work in a specialty occupation. Requires a higher education degree or its equivalent. Includes fashion models of

H-1B: Person in Specialty Occupation	distinguished merit and ability and government-to-government research and development, or co-production projects administered by the Department of Defense.
H-1B1: Free Trade Agreement (FTA) Professional - Chile , Singapore	To work in a specialty occupation. Requires a post-secondary degree involving at least four years of study in the field of specialization. (Note: This is not a petition-based visa. For application procedures, please refer to the website for the U.S. Embassy in Chile or the U.S. Embassy in Singapore .)
H-2A: Temporary Agricultural Worker	For temporary or seasonal agricultural work. Limited to citizens or nationals of designated countries, with limited exceptions, if determined to be in the United States interest.
H-2B: Temporary Non-agricultural Worker	For temporary or seasonal non-agricultural work. Limited to citizens or nationals of designated countries, with limited exceptions, if determined to be in the United States interest.
H-3: Trainee or Special Education visitor	To receive training, other than graduate medical or academic, that is not available in the trainee's home country or practical training programs in the education of children with mental, physical, or emotional disabilities.
L: Intracompany Transferee	To work at a branch, parent, affiliate, or subsidiary of the current employer in a managerial or executive capacity, or in a position requiring specialized knowledge. Individual must have been employed by the same employer abroad continuously for 1 year within the three preceding years.
O: Individual with	For persons with extraordinary ability or achievement in the sciences, arts, education, business, athletics, or extraordinary recognized achievements in the motion picture and television fields.

Extraordinary Ability or Achievement	the motion picture and television fields, demonstrated by sustained national or international acclaim, to work in their field of expertise. Includes persons providing essential services in support of the above individual.
P-1: Individual or Team Athlete, or Member of an Entertainment Group	To perform at a specific athletic competition as an athlete or as a member of an entertainment group. Requires an internationally recognized level of sustained performance. Includes persons providing essential services in support of the above individual.
P-2: Artist or Entertainer (Individual or Group)	For performance under a reciprocal exchange program between an organization in the United States and an organization in another country. Includes persons providing essential services in support of the above individual.
P-3: Artist or Entertainer (Individual or Group)	To perform, teach or coach under a program that is culturally unique or a traditional ethnic, folk, cultural, musical, theatrical, or artistic performance or presentation. Includes persons providing essential services in support of the above individual.
Q-1: Participant in an International Cultural Exchange Program	For practical training and employment and for sharing of the history, culture, and traditions of your home country through participation in an international cultural exchange program.

Labor Certification

Some temporary worker visa categories require your prospective employer to obtain a labor certification or other approval from the [Department of Labor](#) on your behalf before filing the Petition for a Nonimmigrant Worker, Form I-129, with USCIS. Your prospective employer should review the [Instructions for Form I-129](#) on the USCIS website to determine whether labor certification is required for you.

Petition Approval

Some temporary worker categories are limited in total number of petitions which can be approved on a yearly basis. Before you can apply for a temporary worker visa at a U.S. Embassy or Consulate, a [Petition for a Nonimmigrant Worker, Form I-129](#), must be filed on your behalf by a prospective employer and be approved by USCIS. For more information about the petition process, eligibility requirements by visa category, and numerical limits, if applicable, see [Working in the U.S.](#) and [Temporary \(Nonimmigrant\) Workers](#) on the USCIS website. Once the petition is approved, USCIS will send your prospective employer a Notice of Action, Form I-797.

Important Notice: Same-sex Marriage



Effective immediately, U.S. Embassies and Consulates will adjudicate visa applications that are based on a same-sex marriage in the same way that we adjudicate applications for opposite gender spouses. Please reference the specific guidance on the visa category for which you are applying for more details on documentation required for derivative spouses. For further information, please see our [FAQ's](#).

How to Apply

After USCIS approves the Petition for a Nonimmigrant Worker (Form I-129), you may apply for a visa. There are several steps in the visa application process. The order of these steps and how you complete them may vary at the U.S. Embassy or Consulate where you apply. Please consult the instructions available on the [embassy or consulate website](#) where you will apply.

Complete The Online Visa Application

- Online Nonimmigrant Visa Application, Form [DS-160](#)
 - [Learn more](#) about completing the [DS-160](#). You must: 1) complete the online visa application and 2)

print the application form confirmation page to bring to your interview.

- **Photo** –You will upload your photo while completing the online Form DS-160. Your photo must be in the format explained in the [Photograph Requirements](#).

Schedule an Interview

While interviews are generally not required for applicants of certain ages outlined below, consular officers have the discretion to require an interview of any applicant, regardless of age.

If you are age:	Then an interview is:
13 and younger	Generally not required
14 - 79	Required (some exceptions for renewals)
80 and older	Generally not required

You must schedule an appointment for your visa interview, generally, at the [U.S. Embassy or Consulate](#) in the country where you live. You may schedule your interview at any U.S. Embassy or Consulate, but be aware that it may be difficult to qualify for a visa outside of your place of permanent residence.

Wait times for interview appointments vary by location, season, and visa category, so you should apply for your visa early. Review the interview wait time for the location where you will apply:

Appointment Wait Time

Check the estimated wait time for a nonimmigrant visa interview appointment as a U.S. Embassy or Consulate.

Note: Please check the individual Embassy or Consulate website to determine if your case is eligible for a waiver of the in person interview.

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Applicants scheduling visa appointments in a location different from their place of residence should check post websites for nonresident wait times.

Select a U.S. Embassy or Consulate:

Wait Times for Embassy/Consulate

Enter a City

Nonimmigrant Visa Type	Appointment Wait Time
Interview Required	
Students/Exchange Visitors (F, M, J)	-- days
Interview Required Petition-Based Temporary Workers (H, L, O, P, Q)	-- days
Interview Required Crew and Transit (C, D, C1/D)	-- days
Interview Required Visitors (B1/B2)	-- days
Interview Waiver	
Students/Exchange Visitors (F, M, J)	-- days
Interview Waiver Petition-Based Temporary Workers (H, L, O, P, Q)	-- days
Interview Waiver Crew and Transit (C, D, C1/D)	-- days
Interview Waiver Visitors (B1/B2)	-- days

[See details on appointment availability and processing times](#)

You will need to provide the receipt number that is printed on your approved Petition for a Nonimmigrant Worker, Form I-129, or Notice of Action, Form I-797, to schedule an interview.

Prepare for your interview

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- **Fees - Pay the non-refundable visa application fee**, if you are required to pay it before your interview. When your visa is approved, you may also pay a visa issuance fee, if applicable to your nationality. Fee information is provided below:

Select your nationality to see \$190 Issuance Fee

Enter a country/authority or area 

[All Fees](#)

- Review the instructions available on the website of the [embassy or consulate](#) where you will apply to learn more about fee payment.
- **L visa applicants included in a L blanket petition:** You must also pay the Fraud Prevention and Detection fee and may need to pay the Border Security Act fee. Select [All Fees](#) to learn more.

Gather Required Documentation

Gather and prepare the following required documents before your visa interview:

- **Passport** valid for travel to the United States - Your passport must be valid for at least six months beyond your period of stay in the United States (unless exempt by [country-specific agreements](#)[↗]). If more than one person is included in your passport, each person who needs a visa must submit a separate application.
- **Nonimmigrant Visa Application, [Form DS-160](#) confirmation page.**
- **Application fee payment receipt**, if you are required to pay before your interview.
- **Photo** – You will upload your photo while completing the online Form DS-160. If the [photo upload fails](#), you must bring one printed photo in the format explained in the [Photograph Requirements](#).

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- **Receipt Number** for your approved petition as it appears on your Petition for a Nonimmigrant Worker, Form I-129, or Notice of Action, Form I-797, from USCIS.
- **L Visa Applicants** – If you are included in an L blanket petition, you must bring Form I-129S, Nonimmigrant Petition Based on Blanket L Petition, to your interview.

Legal Rights and Protections

H-1B, H-2A, and H-2B visa applicants should read the [Legal Rights and Protections](#) pamphlet to learn about your rights in the United States and protection available to you. Review this important pamphlet before applying for your visa.

Additional Documentation May Be Required

Review the instructions on how to apply for a visa on the website of the [embassy or consulate](#) where you will apply. Additional documents may be requested to establish if you are qualified.

All visa applicants, except H-1B and L, will generally need to show proof of compelling ties to your home country to demonstrate your intent to return after your temporary stay in the United States. Examples of compelling ties include:

- A residence abroad which you do not intend to abandon
- Your family relationships
- Your economic situation
- Your long term plans

Attend your Visa Interview

During your visa interview, a consular officer will determine whether you are qualified to receive a visa, and if so, which visa category is appropriate based on your purpose of travel. You will need to establish that you meet the requirements under U.S. law to receive the category of visa for which you are applying.

Ink-free, digital fingerprint scans will be taken as part of your application process. They are usually taken during your interview, but this varies based on location.

After your visa interview, your application may require further [administrative processing](#). You will be informed by the consular officer if further processing is necessary for your application.

When the visa is approved, you may pay a visa issuance fee if applicable to your nationality, and will be informed how your passport with visa will be returned to you. Review the [visa processing time](#), to learn how soon your passport with visa will generally be ready for pick-up or delivery by the courier.

Entering the United States

A visa allows a foreign citizen to travel to a U.S. port-of-entry (generally an airport) and request permission to enter the United States. A visa does not guarantee entry into the United States. The Department of Homeland Security (DHS), U.S. Customs and Border Protection (CBP) officials at the port-of-entry have authority to permit or deny admission to the United States. If you are allowed to enter the United States, the CBP official will provide an admission stamp or paper Form I-94, Arrival/Departure Record. Learn more about admissions and entry requirements, restrictions about bringing food, agricultural products, and other restricted/prohibited goods, and more by reviewing the [CBP website](#).

Extending Your Stay

See [Extend Your Stay](#) on the U.S. Citizenship and Immigration Services (USCIS) website to learn about requesting to extend your stay beyond the date indicated on your admission stamp or paper Form I-94.

You must depart the United States on or before the date indicated on your admission stamp or paper Form I-94, unless your request to extend your stay is approved by USCIS.

Failure to depart the United States on time will result in you being [out of status](#). Under U.S. law, visas of travelers who are out of status are automatically voided ([Section 222\(g\) of the Immigration and Nationality Act](#)). If you had a multiple-entry visa and it was voided due to you being out of status, it will not be valid for future entries into the United

status, it will not be valid for future entries into the United States.

Failure to depart the United States on time may also result in you being ineligible for visas you may apply for in the future. Review [Visa Denials](#) and [Ineligibilities and Waivers: Laws](#) to learn more.

Change of Status

While in the United States, you may be able to request that U.S. Citizenship and Immigration Services (USCIS) change your nonimmigrant status to another nonimmigrant category. See [Change My Nonimmigrant Status](#) on the USCIS website to learn more.

Requesting a change of status from USCIS while you are in the United States and before your authorized stay expires does not require that you apply for a new visa. However, if you cannot remain in the United States while USCIS processes your change of status request, you must apply for a visa at a U.S. Embassy or Consulate.

Additional Information

- The approval of a petition does not guarantee that you will be issued a visa. Do not make final travel plans or buy tickets until you have a visa.
- Spouse and Children –
 - With the exception of Cultural Exchange Visitor Q-1 visa applicants, your spouse and unmarried, minor children may also apply for the same visa category as you to accompany or join you. You must be able to show that you will be able to financially support your family in the United States.
 - For information about employment and study, review [Temporary Workers](#) information and [Employment Authorization](#) on the USCIS website.
- Unless canceled or revoked, a visa is valid until its expiration date. Therefore, a valid U.S. visa in an expired passport is still valid. If you have a valid visa in your expired passport, do not remove it from your expired passport. You may use your valid visa in your expired passport along with a new valid passport for travel and admission to the United States

Visa Denial and Ineligibility



Review [Visa Denials](#) for detailed information about visa ineligibilities, denials and waivers.

Visa Renewal



Whether you are applying for the first time or renewing your visa, you will use the same application process (please review [How to Apply](#), above). Some applicants seeking to renew their visas in certain visa classes may be eligible for the Interview Waiver Program (IWP) which allows qualified individuals to apply for visa renewals without being interviewed in person by a U.S. consular officer. Review the instructions on the website of the [U.S. Embassy or Consulate](#) where you will apply to determine if the IWP is available and if you qualify.

I was refused a visa under section 214(b). May I reapply?



Yes, if you feel circumstances have changed regarding your application. Review [Visa Denials](#) to learn more.

Misrepresentation or Fraud



Misrepresentation or Fraud

Attempting to obtain a visa by the willful misrepresentation of a material fact, or fraud, may result in the permanent refusal of a visa or denial of entry into the United States.

Review [Ineligibilities and Waivers: Laws](#).

Citizen of Canada and Bermuda

Citizens of Canada and Bermuda do not require visas to enter the United States as temporary workers; however, a temporary worker petition approved by USCIS is required. For more information see the [U.S. Embassy Ottawa website](#), the [U.S. Consulate Hamilton website](#) and the [CBP website](#).

Additional resources for Canadian temporary workers to the United States can be found on the [U.S. Embassy Ottawa website](#) in Canada.

Further Questions

- **Case-Specific Questions** - Contact the U.S. Embassy or Consulate handling your visa application for status information. Select [U.S. Embassy or Consulate](#) for contact information.
- **General Questions** - review [Contact Us](#).