Immigration Statuses & Processes

The U.S. immigration system allows for many different immigration statuses. Each status carries with it its own set of regulations. As a result, something that is typically allowed or even required in one status may be prohibited in another. An individual in the U.S. can only be in one immigration status. Even if someone has multiple U.S. visas in her or her passport, that person can only be in the U.S. in one status. For more information on the difference between a visa and status, please refer to Visa vs Status [1]. In general, immigration statuses can be classified as follows:

Non-immigrant statuses: the vast majority of immigration statuses are, in fact, non-immigrant statuses. Individuals who come to the U.S. in a non-immigrant status should have the intent, and may be required to document, that they intend to leave the U.S. once they have completed their activity in the U.S. This group of statuses includes, for example, B, F, J & TN status.

Immigrant statuses: people coming to the U.S. in an immigrant status, on the other hand, have to document that they have the intent to reside in the U.S. permanently. Generally, immigrants to the US have a green card.

Dual Intent statuses: there are some hybrid forms of these categories. H-1B status, for example, is technically a non-immigrant status. However, individuals in H-status are not penalized for having the intent to remain in the US. In fact, individuals in H-status might be eligible for certain immigration benefits if they are also the beneficiary of a pending green card application. Having the intent to remain in the U.S. while in H-1B status will not prevent an individual from renewing his or her H-1B stamp.

For more information on common immigration statuses that permit certain employment and/or academic activities, please refer to the following sections;

- E-3 [2]
- F-1 OPT & J-1 AT [3]
- H-1B [4]
- O-1 [5]
- TN [6]
- Tourist Status (B-1, B-2, VWP (ESTA)) [7]
- Green Card [8]

[1] https://internationalcenter.umich.edu/fsis/visa-vs-status
[2] https://internationalcenter.umich.edu/fsis/e3-australian
[3] https://internationalcenter.umich.edu/fsis/f1-j1
[4] https://internationalcenter.umich.edu/fsis/h1b
[5] https://internationalcenter.umich.edu/fsis/o1
[6] https://internationalcenter.umich.edu/fsis/tn-canadian-mexican
[7] https://internationalcenter.umich.edu/fsis/tourist-status-b1-b2
[8] https://internationalcenter.umich.edu/fsis/pr