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News & Types: Immigration Update

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VALIDITY OF VISITOR AND STUDENT VISAS FOR CHINESE NATIONALS EXTENDED

As of November 12th, Chinese nationals will be able to receive nonimmigrant visas for the maximum allowable period of time, 10 years for business and tourists and five years (or the length of the program) for students and exchange visitors. These new reciprocity rules came as a result of President Obama's recent visit to China where both countries mutually agreed to modify the validity of each country's visas relative to each other. The new rules will affect the B-1/B-2 Temporary Visitor for Business or Pleasure Visa and students and exchange visitors in the F-1, J-1 and M-1 classifications and their dependents. These visas alone represent 97% of the visas that are processed in China and will have a major impact in speeding up the processing of other visas categories handled by the U.S. Embassy and Consulates in China.

Previously, Chinese nationals in these classifications were only eligible for a one-year visa. This placed a heavy burden for individuals in these classifications as nonimmigrants had to apply for a new visa every year in order to maintain their eligibility to travel internationally. Visa applications can only be made at a U.S. Embassy or Consulate abroad and cannot be processed in the United States. Including travel expenses and visa fees, the visa application process can be expensive and time-consuming. Although the validity of these visas was extended, other nonimmigrant classifications, particularly the work visas such as the H-1B Specialty Occupation, L-1 Intracompany Transferee, and O-1 Extraordinary Ability were unaffected. The validity for these visas remains one year, two years and three months, respectively.

These rules do not mean that an individual will automatically receive these maximum visa validities, as the U.S. Embassy and Consulates that process visa applications have discretion to limit the validity of any visa. These new rules will affect new visa applications and not visas that have already been issued. Additionally, these rules do not extend the period of time that a nonimmigrant is allowed to remain in the United States, but extends the validity of the nonimmigrant visa that is issued to them. The visa is the document that permits the nonimmigrant to request entry into the United States.

U.S. EMBASSY IN JAMAICA NO LONGER ACCEPTING/PROCESSING CERTAIN THIRD COUNTRY NATIONAL VISA APPLICATIONS

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Effective October 31, 2014, the U.S. Embassy in Jamaica in Kingston will no longer accept visa applications for certain foreign nationals who are not residents of Jamaica. This includes visa applicants who:

1. Processed for a change of status in the United States and are applying for a nonimmigrant visa in that new category;
2. Were previously present in the United States in a different nonimmigrant category and are now applying for a nonimmigrant visa in a new category;
3. While in the United States were out of status, failed to maintain their status or overstayed the validity of their Form I-94;
4. Secured their current visa in a country that is not their current country of residence;
5. Received an approval of a petition in the United States but have not previously applied for a nonimmigrant visa in that category;
6. Are not residents of Jamaica and are applying for a B-1/B-2 Temporary Visitor for Business or Pleasure Visa.

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