



THE UNIVERSITY OF CHICAGO
OFFICE OF INTERNATIONAL AFFAIRS

Visa versus **Status**: One can expire, the other may not!

In casual conversation, the term *visa* is often used to mean both a person's visa and his or her status. For example, you will hear someone say: "He is here on a visa." Or: "She is applying for a work visa." While this gives the listener a general idea within the context of the conversation, it is inadequate for the understanding of what visa really means (and doesn't). Nor does it help foreigners present in the U.S. in a non-immigrant category understand their rights and responsibilities in conjunction with their immigration status. It is a very important distinction to understand, so please read this document carefully.

When someone wishes to come to the U.S. temporarily (whether for a number of weeks as in the case of a tourist or a number of years as in the case of an H-1B worker), he or she must obtain a visa to enter the U.S. When admitted into the country -at an air, land or sea port, also referred to as port of entry- the individual obtains a status. That status is typically reflected in the visa, but visa and status are two vastly different things.

A foreigner who wishes to enter the U.S. must contact a U.S. consulate or embassy abroad and apply for a visa. Such an application requires a number of support documents. In the case of an international student, these documents would include a valid passport, a Form I-20 or DS-2019, financial support documents, and the application Form I-156. In the case of an H-1B worker planning to come to the U.S. the documents would include the passport and application form, a copy of the H-1B petition, as well as an Approval Notice indicating that the H-1B petition filed in conjunction with hiring the worker has been approved by the U.S. Citizenship and Immigration Service.

If the visa application is approved and the individual receives the visa, an adhesive label covering one entire page of the passport is placed in the passport. It looks like the sample below and is often referred to as the "visa stamp."



The visa shows the Visa Type/Class, in this case F1, as well as the issue and expiration dates of the visa. However, **the only act to which the visa entitles the visa holder is to travel to a U.S. port of entry and ask to be admitted to the U.S.** The inspector at the port of entry, upon examining the other documents of the visa holder as well, will decide whether or not the visa holder may enter the U.S. If the inspector does admit the individual into the U.S., this **admission confers status** to the visa holder. At the same time, the visa becomes insignificant.

At the time of admission, the individual is issued a Departure Record, also referred to as an I-94 or I-94 card. It is a white card which travelers receive en route to their U.S. destination, usually during the flight if they travel by air. This card is then endorsed by the inspector at the port of entry, who also retains part of it. It is one of the most important immigration-related documents in the individual's possession.

The I-94 also shows the status in which the individual was admitted and the expiration of that status. The card is usually stapled into the passport and looks like this:

Departure Number
722055896 06

U.S. IMMIGRATION
NEW YORK, NY 2468

Immigration and
Naturalization Service

I-94
Departure Record

ADMITTED F-1
UNTIL D/S (CLASS)

Family Name

First (Given) Name

Birth Date (Day/Mo/Yr)

Country of Citizenship

See Other Side

STAPLE HERE

Status is F-1

Status is valid for D/S - Duration of Status, i.e. until I-20 or DS-2019 expires

Please note the endorsement in the upper right portion of the card. It shows where and when the individual entered the U.S., in which status, and when that status expires. In most cases, the expiration will be given as a specific date. In the case of an F-1 or J-1 student, the expiration will be shown as D/S, which stands for Duration of Status. The duration of status is based on the form I-20 or DS-2019. On the date that document expires, the person's status ends.

The status does not end, however, when the visa expires. The length of time for which a visa is valid is based on reciprocity agreements between the U.S. and other countries. Each country has a different agreement with the U.S. and visas vary in validity from two months to several years and may allow the visa holder just one or two entries into the U.S. or multiple entries, allowing him or her to travel back and forth an unlimited number of times while the visa is valid.

In other words, the validity of the visa is completely independent of the validity of the person's status. That also means that it is perfectly acceptable for the visa to expire. While one is in the U.S., no visa is needed. Only when departing from the U.S. and then wishing to re-enter does the traveler need a valid visa. If the visa in the passport has expired, then that means he/she must apply for a new one.

Status, on the other hand, refers to the set of rights of responsibilities an individual has toward the government. Statuses include citizen, permanent resident, F-1 student, H-1B specialty worker, and many more. Non-immigrant statuses are controlled by certain documentation. For example, the Approval Notice for an H-1B application will show until when the H-1B is valid. The specialty worker will be in status until that time, assuming that he/she obeys the regulations pertaining to that status. If the worker violates the regulations that govern his/her status, then the person is out of status, which means that he/she no longer has a lawful basis for being in the U.S. and a variety of consequences may ensue. The same is true of a student, who is considered to be in lawful status until the expiration date on his/her I-20 or DS-2019, assuming that the person obeys the pertinent regulations. If the student violates the regulations pertaining to student status, then that person is out of status, even though the expiration date on the I-20 or DS-2019 may not have been reached.

If this all seems very complex, think of it this way:

Let's say you own a house. You also have the key to the house. You require the key to enter the house. Once you are in the house, there is no further need for the key until you decide to leave and eventually wish to re-enter. The key is like the visa.

Your status, however, is not "holder of the key" but "owner of the house." If you were to lose your key, you would nevertheless continue to own the house. You would merely have to obtain a new key to enter.

If, however, you somehow lost ownership of the house, then you would no longer have the status of owner. Even if you still had a key, the house is no longer your house. Ownership of the house, of course, compares to non-immigrant status.

To summarize:

Your visa entitles you to arrive at a port of entry and ask to be admitted into the U.S. Once you have been admitted, it is okay for the visa to expire. You have no need for a valid visa until you have left the U.S. and wish to re-enter.

Upon your admission into the U.S., a status is conferred upon you. You must maintain that status at all times, meaning your documents governing that status must be valid at all times, and you must obey the regulations pertaining to that status.

And finally: Something that has expired **cannot** be extended. Only while you are in valid status can you extend that status or change to another status. Always contact our

office at least one month before the expiration of an I-20 or DS-2019 and six months before the expiration of H-1B status.

If you have questions regarding your status, please contact our office at international-affairs@uchicago.edu or at 2-7752.