



www.llmlaw.com

immigration@llmlaw.com

Q-1 Visa

Overall

The Q-1 visa is a non-immigrant visa available for foreign nationals to come to the U.S. to participate in international cultural exchange programs for the purpose of practical training, employment, and sharing the culture, customs, and history of the alien's home country.

Qualifying criteria

- **Employer**
 1. Demonstrate that it provides goods or service on a regular, consistent and systematic basis: the employer is actively doing business in the U.S. and maintains an established international cultural exchange program.
 2. Illustrate projected interaction with the American public: the sharing must take place in a school, museum, business or other establishments where the general public has access to it.
 3. Evidence cultural objectives of the business.
 4. Illustrate Work component: may not be independent of the cultural component, but must serve as the vehicle to achieve the objectives of the cultural component.
 5. Submit job description for the intended beneficiary.
 6. Submit organization's most recent annual report, business income tax return or other form of certified accountant's report.
- **Foreign nationals**
 1. Beneficiary must have foreign residence. The Q-1 visa is strictly non-immigrant.
 2. Beneficiary is at least 18 years of age.
 3. Beneficiary is qualified to perform the service or labor or receive the type of training stated in the petition.
 4. Beneficiary has the ability to communicate effectively about the cultural attributes of his or her country of nationality to the American public.

Filing Procedure

Form I-129 is used for both employer program approval and employee petition. The petition is to be filed at the regional service center where the employer's headquarters are located or where the beneficiary will do the work. Documentation requirements include a certification of the wage and that the wages and working conditions are comparable to that of local U.S. workers. However, Labor Certification is not required. Such application should be filed 6 months before the proposed employment begins. The period of stay granted under Q-1 visa is 15 months. If the foreign national has been present previously in Q-1 classification, the beneficiary must have resided outside the U.S. for the immediate prior year. If the beneficiary is already in the U.S. and is changing from one nonimmigrant status to another, a visa is not required. However, a visa may be required if the beneficiary subsequently leaves the U.S. and wishes to re-enter.

Filing fees

For the filing fee for an I-129 under Q-1 classification please refer to the current government filing fees applicable. The premium processing service is also available for this filing. An additional fee is required for the premium processing service fee (*see current government filing fees*).

Time Frame

The time frame for the application to be adjudicated by the Service Center is about 3-4 months, depending on each Service where the application is to be filed.