

Getting Started

An Entrepreneur's Introduction to the Immigration Process

Where do I begin?

If you are a foreign entrepreneur and you want to start or run a business in the United States, you must first obtain authorization from USCIS through the immigrant or nonimmigrant visa process to live and work here. It is important to determine upfront which visa classification works best for you, and the **Entrepreneur Pathways page** will help in this process. Not every classification that USCIS administers will allow you to work in the United States. Most nonimmigrant visa petitions are issued for a specific type of activity with a specific employer. When considering which option may apply best to your situation and your desired activities in the United States, it is important to plan ahead and keep in mind that there may be a variety of options available to you.

On the Entrepreneur Pathways page, USCIS has highlighted several nonimmigrant visa categories that may allow foreign entrepreneurs to explore or start a new business in the United States.

Learn more about the key requirements for these visas in our Visa Guide for Entrepreneurs. An inclusive list of all of the different types of nonimmigrant visa classifications that USCIS administers can be found on [the Temporary \(Nonimmigrant\) Workers page](#).



Nonimmigrant vs. Immigrant

A nonimmigrant is a person temporarily admitted to the United States for reasons other than permanent residence. An immigrant is a person entering the United States to reside permanently. All people arriving in the United States are considered immigrants until they have demonstrated nonimmigrant intent (demonstrated that you will return to your home country) and have received approval by an inspecting officer to enter the country under one of the nonimmigrant visa classifications. All of the categories highlighted in this resource are nonimmigrant visas. To learn more about immigrant visas, which will be included in this resource in the future, [see the Permanent Workers page](#).

How do I file?

Once you have identified a nonimmigrant visa classification to apply for, it is time to prepare and submit your petition to USCIS. Most nonimmigrant visa classifications require that a petition be filed on your behalf. In many cases, the nonimmigrant petition is filed using the [Form I-129, Petition for a Nonimmigrant Worker](#). The petition, usually filed by your employer, establishes that the person or entity filing the form (known as the petitioner) is eligible to file the petition and that the person named on the form (known as the beneficiary) is eligible for the classification sought. While you cannot file a Form I-129 on your own behalf, in some cases the business entity you run or create may file for you as your employer.

When submitting a petition to USCIS, the petitioner must provide evidence that demonstrates how the beneficiary meets the eligibility criteria for the requested nonimmigrant visa classification. USCIS reviews the petition and the supporting evidence and will either approve the petition, deny the petition, or ask for more evidence. For more information on preparing your petition, please see our **Visa Guide for Entrepreneurs**.



In all cases, it is important for the petitioner to clearly explain how the submitted evidence establishes eligibility for the requested immigration benefit. The more clearly the petitioner explains the evidence submitted, and how it establishes eligibility, the more efficiently USCIS can review the petition and make an informed decision on the petition.

Forms and Fees

To determine what forms and fees you will need to submit for your visa category, please click [here](#).

I've been approved by USCIS. What's next?

If your nonimmigrant visa petition is approved, the petition approval notice will be marked with a petition validity period.

- If you are outside of the United States when your nonimmigrant visa petition is approved, you may need to obtain a [visa](#) from the [U.S. Department of State \(DOS\)](#) in order to enter the United States in your nonimmigrant status. The visa is a physical notation in your passport, usually in the form of a stamp, signifying that you are eligible to travel to the United States and apply for admission at a Port of Entry. Citizens of some countries are [visa exempt](#) for certain activities (i.e. the person does not need a visa in order to request admission to the United States in certain nonimmigrant status). Most people are not visa exempt and require a visa from the DOS in order to travel to the United States and request admission.
- If you are in the United States when your petition is approved and the petition requested a change of status, or extension of an existing status, the petition approval may also contain an approval of the change or extension of status. If the requested change or extension of status was approved, the dates on the petition approval would also represent the period of your authorized nonimmigrant status in the United States.



What happens when I arrive at a port of entry?

Upon arrival at a port of entry (usually an airport), you will undergo a process called inspection, where an officer from [U.S. Customs and Border Protection](#) will ask you questions about your planned activities in the United States and make the final determination as to whether you can be admitted in the requested classification. If you are admitted, generally you will be given a document called [Form I-94, Arrival-Departure Record](#), which specifies the time period you are allowed to remain in the United States.

My Form I-94 is set to expire, what are my options?

Prior to the expiration date set on your Form I-94, you must either leave the United States, file for an extension of your nonimmigrant status from USCIS, or change to another nonimmigrant visa classification. To extend or change your nonimmigrant employment-based status, generally your employer must file [Form I-129, Petition for a Nonimmigrant Worker](#). If your extension or change of status is approved, you will be issued a new Form I-94 reflecting the new expiration date, and you will be able to continue your stay in the United States and engage in the activities as stated in the approved petition.



Other ways to change status

There may be circumstances where the Form I-129 is not appropriate. For example, if you are in the United States in a valid nonimmigrant status and seek to change status to a nonimmigrant dependent status or if you seek status as a business visitor or tourist (B-1 or B-2), you must file [Form I-539, Application to Extend/Change Nonimmigrant Status](#). Also, if you seek to change to F-1 student status from another valid nonimmigrant status, your institution of study must be certified by SEVIS and authorized to issue a Form I-20 to you. You must then file Form I-539, with the Form I-20 and other appropriate documentation, with USCIS.

How do I maintain my status?

It is important to maintain your status while in the United States. Failure to maintain your status can affect your ability to remain in the United States as well as your eligibility for future immigration benefits such as lawful permanent residency. Your nonimmigrant visa status may be employer-specific, which means that it does not authorize you to perform work for other employers, unless you first obtain authorization from USCIS to do so. It also means that you must continue working for the specified employer noted on your nonimmigrant visa status.

What if my employment changes?

If there are changes in your employment in the United States that might affect your status, it is important to let USCIS know.

Sometimes this is done by filing another petition with the new information (e.g. an amended petition), and other times a petition for new employment may be required. If your employment ends, you may

need to depart the United States, extend your status based on new employment or seek to change your status to another nonimmigrant classification.



Can I pursue lawful permanent residence?

In some instances, you may also be able to apply for and pursue lawful permanent residence while in a nonimmigrant status. While most nonimmigrant classifications do not allow for the individual to have immigrant intent (i.e. the intent to remain permanently in the United States), some classifications do allow the individual to have both a nonimmigrant and immigrant intent at the same time. This is called dual intent. In these classifications, you may be able to come to the United States to start your business while in a nonimmigrant status, and apply for lawful permanent residence status while maintaining your nonimmigrant status.