



McCandlish Holton
A PROFESSIONAL CORPORATION

Trainee Visa Options For Up To 24 Months

U.S. and foreign companies often wish to provide training on new or existing technologies to foreign workers. Several visas exist which allow for *the training of foreign employees who do not have college degrees or specialized knowledge* or cannot otherwise enter under H-1B, L-1B or E visas:

- § A J-1 trainee visa can be obtained through an international exchange program authorized by the Department of State. This category allows the trainee to work for a U.S. firm and engage in productive employment as part of her training for up to 18 months. Unlike many of the other visa options, the *spouse of the J-1 trainee can be granted work authorization.*
- § *An H-3 training visa* requires a detailed training curriculum set up by the employer. This visa allows the trainee to engage in productive employment only if it is incidental to the training. *The H-3 is valid with extensions for up to two years.* Specialized immigration law advice is usually needed to establish and obtain approval for an H-3 training program. Spouse and children (under 21) can enter with an H-4 but cannot work.
- § *A B-1 visa* can be used for short term training of less than one year. The trainee must be an employee of a foreign company. The employee must be compensated (except for expenses) by the foreign firm. *Spouses and children* of B-1 trainees can accompany the trainee but cannot work in the United States.
- § *F-1 student visa* allows for Curricular Practical Training (CPT) if the training part of the student's degree program. Optional Practical Training (OPT) is available for up to 12 months during an academic program or 12 months post-graduation. Use of CPT for 12 months or more will void eligibility for OPT.