Visa and Immigration Status

What is an Immigration Status?

Immigration status is your legal permission to remain in the U.S. under specific conditions as defined by a visa document. For example, an F-1 student would have a Form I-20 as a visa document. A J-1 scholar would have a Form DS-2019. An H-1B professor would have an Approval Notice (Form I-797.) In most cases the visa document will be (or will be extended to be) for a longer period than the visa stamp discussed below. For most international travel both the visa document and the visa stamp must be valid.

How is Your Immigration Status Different from Your Visa?

The visa issued by the U.S. embassy as a seal in your passport indicates that you are eligible to apply for entry to the U.S. in a specific immigration category such as F-1 Student or J-1 Research Scholar. This visa stamp must be accompanied by a visa document such as a Form I-20 (F-1 student) or Form DS-2019 (J-1 Research Scholar). Upon entering the U.S., a Customs and Border Protection official will review these documents and authorize your status in the I-94 system and finally put an ink entry stamp in the passport.

Students and scholars should always print this I-94 record so that you have evidence of your immigration status, which includes the length of time you may remain inside the U.S.

F-1 and J-1 visa holders will see the notation “D/S” in their I-94 data. D/S stands for “duration of status” and refers back to the expiration date on your immigration document (Form I-20 or DS-2019). When your status is D/S you can stay in the U.S. as long as your visa document (Form I-20 or DS-2019) is accurate and unexpired. Scholars with other visa status (such as H-1B or TN) will have I-94 data with actual expiration dates by which time you are expected to leave the United States or apply for an extension of status.

What If My Visa Expires While I Am in the U.S.?
A visa in your passport issued by from a U.S. consulate does not determine how long you can remain in the United States. Therefore, **you may stay in the U. S. beyond the expiration date of a visa** as long as the visa document (Form I-20, Form DS-2019, or Form I-797) remains valid. Once the visa expires it will be necessary to apply for a **new visa stamp** [3], through the same process as your initial visa application, at a U.S. embassy or consulate when traveling outside the United States.

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