



Visa options for the United States

The United States has always been an attractive destination for business and investment, as well as for those seeking a cosmopolitan lifestyle and excellent educational opportunities.

In addition to advising on the full spectrum of [UK immigration law](#), we advise clients on all categories of US immigration and nationality law and regularly travel to the US, coordinating and working closely with our clients' US advisors, bankers and family offices. We are uniquely positioned to provide comprehensive transatlantic advice for companies, individuals and their families.

We also work together with colleagues around the firm, including in our [international offices](#), and have a team of specialist UK and US tax lawyers advising on US tax and trust concepts, enabling us to provide integrated solutions from a combined [UK and US perspective](#).

We often help US citizens who are dual nationals and wanting to renounce their US citizenship and advise on the implications of this, including in relation to an individual's tax and immigration status.

We have significant expertise assisting with applications of a complex or exceptional nature.

There are a variety of reasons for moving to the US, and our US immigration team can assist with this move. Below is a high-level summary of some of the most popular options.

Marriage

Green card

This allows a US citizen or lawful permanent resident to sponsor their foreign spouse to obtain a Green Card, granting them permanent residency in the US. We can assist with navigating the complex application process both from within and outside the US, ensuring all legal requirements are met and required supporting documentation is correctly submitted.

K-1 and K-2 visa

This visa allows the foreign fiancé of a US citizen to travel to the US to marry their US partner within 90 days of arrival. The K-2 visa allows children under the age of 21 to accompany a parent holding a K-1 visa to the US.

K-3 and K-4 visas

The K-3 visa enables individuals awaiting approval of an immigrant visa petition, such as a Green Card, to enter the US while the petition is being processed. The K-4 visa is for children under the age of 21 with no claim to US citizenship and allows them to enter the US with their parent.

Work

L-1 visa

This visa facilitates the transfer of employees from a foreign company to a US branch, subsidiary, or affiliated company, allowing for intra-company transfers of managers, executives, or staff with specialised knowledge. We can assist companies and employees with the L-1 petition process and subsequent visa application.

H-1B visa

This lottery-based visa allows US employers to employ foreign workers in occupations that require specialised expertise. We assist with the preparation and filing of H-1B petitions, as well as providing guidance on cap exemptions and the annual lottery process.

B-1 visa in lieu of H-1B visa

This visa is a temporary visa for individuals who would qualify for an H-1B visa but are employed abroad and will remain on a foreign payroll while working in the US for a period of up to six months. We can help determine eligibility, prepare the necessary supporting documents, and ensure the relevant legal requirements are met.

E-B1, E-B2, E-B3, and E-B4 visas

These are work based visas for multinational managers, individuals with extraordinary ability and outstanding researchers and professors, as well as skilled professionals, academics and other workers. Each category has specific requirements, and we can provide strategic advice regarding eligibility as well as supporting individuals through the application process.

For more detailed and specific advice, please contact:



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Regulated by the Solicitors
Regulation Authority and the State
Bar of California

Investment

E visas (E-1, E-2)

E visas are for investors and businesspeople from countries with which the US maintains treaties of commerce and navigation, and who want to come to the US to trade goods or services, or to establish and invest in a US company. We can assist with the application process, including the preparation of necessary supporting documentation and have extensive experience advising clients on the consular interview process.

E-B5 visa

This visa provides a method for eligible investors to become permanent residents in the US by investing in a business in the US that will facilitate at least 10 permanent full-time jobs for US workers. We can guide investors through the application process and help with the preparation of the necessary documentation.

Talent

O visas

O visas are for individuals with extraordinary ability in sciences, arts, education, business, or athletics, or who have a demonstrated record of extraordinary achievement in the motion picture or television industry. We can assist with assessing eligibility for this visa category, preparing the required documentation and advising on the application process to demonstrate the extraordinary ability of the applicant.

Visit

ESTA

This is an automated system that determines the eligibility of visitors to travel to the US for 90 days or less under the Visa Waiver Program. We can assist with applying via the ESTA system and can also assist where individuals have been denied an ESTA in the past.

B-1, B-2 and B-1/2 visas

These are visas for individuals who want to enter the US temporarily for limited business and/or tourism activities. We can assist with the application process, advise on the documentation required to demonstrate the purpose of the visit and address any potential issues that may arise.

Study

F-1 and M-1 visas

F-1 and M-1 visas allow foreign students to enter the US to attend a course of study at accredited educational institutions, with F-1 visas being for academic or language students, and M-1 visas for vocational or non-academic students. We can assist students with the visa application process and advise on the necessary documentation required to demonstrate compliance with the requirements.

Citizenship and renunciation

First US passport applications and passport renewals

First-time US passport applications are for individuals who have obtained US citizenship through birth or naturalization and require a passport to travel internationally. We can provide guidance on the applications both from within the US and overseas, the required documentation, and how to expedite the process if necessary.

Consular Report of Birth Abroad (CRBA)

A CRBA is used to document the birth of a US citizen child in a foreign country, demonstrating the child's claim to US citizenship. We can assist with the CRBA application process, ensuring that the child's right to US citizenship is appropriately documented.

Renunciation

US citizens aged 18 or over can choose to renounce their US citizenship, provided that they meet the qualifying criteria. These include that they have capacity (meaning broadly that they have the mental ability to make the decision to renounce their citizenship), hold an alternative citizenship, and follow the necessary processes and procedures set out by the US authorities. We can assist with all aspects of the immigration process, including preparation for exit interviews, the oath, and assistance with all necessary documentation. Our tax colleagues are also able to assist clients to navigate the tax implications of renouncing US citizenship.

Additional services

We offer a range of additional services to support our clients' complex immigration needs, including:

Re-entry Permits

We can assist with applications for re-entry permits to prevent abandonment of status for Green Card holders who plan to stay outside the US for an extended period.

Waivers of Inadmissibility

We can assist individuals who are deemed ineligible to be admitted to the US to apply for waivers of inadmissibility, advising on issues such as prior removals or issues at the US border, criminal convictions, adverse press and allegations of immigration fraud.

Refusals

We can provide advice on the reasons for refusal, potential remedies, and the best course of action to take.

Global Entry and TSA Pre-Check

This is a program that provides fast-track clearance for pre-approved travellers on arrival in the US. We assist throughout the application process, including the preparation of the necessary forms, documentation and advising in relation to the interview process.

Further assistance

This is a basic summary of a complex area and is for general information purposes only. It is not to be relied upon or taken as legal advice, nor can it be relied upon as either up to date or complete. The requirements you need to meet will ultimately depend on your individual attributes and circumstances. Before acting in relation to your immigration position, you should always take specialist advice.

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