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Proving Nonimmigrant Intent

Anyone seeking to enter the U.S. in F-1 or J-1 status must establish his or her “nonimmigrant intent.” F-1 and J-1 visas are predicated on the assumption that you will be returning to your home country after you have completed your course of study. In other words, you must establish to the satisfaction of the U.S. consular officer that your ties to your home country are stronger than your ties to the U.S.

You may not be asked to provide any particular documentation to establish that you intend to return home. It may be sufficient for you to say, if asked, that you plan to return to your country to work, to continue your studies, or to do whatever you plan to do when you return home. However, many people applying for F or J visas are asked to establish their ties to their home country and their intention to return there.

Below are some questions to help you decide if you should make a special effort to prove your “nonimmigrant intent.” The more questions to which you respond with the answer “yes,” the more important it will likely be for you to make a special effort to prove your intent to return home after your activities in the U.S.

- Is it difficult to obtain either tourist visas or F-1 or J-1 visas in your home - country?
- Are a significant percentage of F or J visa applications denied by the U.S. consulate in your country?
- Are one or more members of your immediate family (mother, father, brother, sister, spouse, or child) living in the U.S.?
- Are your spouse and children accompanying you to the U.S.?
- Are one or more of your immediate relatives legal permanent residents of the United States?
- Is this your first trip to the United States?
- If no, have you recently returned from the U.S. after completing a degree or another teaching or research assignment?
- Have you ever been denied a visa to come to the U.S.?

If, based upon your answers to these questions, you believe you should make a special effort to prove that you intend to return home; the following factors may be taken into consideration:

Your Visa and Immigration History

If you have visited other countries and returned to your country after those visits, you have demonstrated a pattern of behavior that may lead the U.S. Consular Officer to believe that you will return home after your time in the U.S. The more trips you have made, the better your situation.

Documents to submit

Current and/or previous passports containing entry and exit stamps from your country to other countries, other official documents indicating departure and return.

Family Ties

If all members of your immediate family live in your country, the U.S. Consular officer may understand that you have strong family ties to that country. If you are your parents' oldest child or only child, the Consular officer may believe that you are more likely to return home because of that fact. If one or both of your parents are not in good health, this is another reason you might be expected to return home.

Documents to Submit

Copies of official document proving family relationships and residence of each family member, letters from physicians explaining important medical conditions of one or both parents.

Employment Ties

If you will be employed full-time upon your return, this indicates strong employment ties to your country. The "higher" your job in terms of prestige, importance, and salary, the stronger are your employment ties.

Documents to Submit

A letter from your current employer stating that you will resume your work with them after your time in the U.S., a letter from a prospective employer stating that a position will be offered to you upon your return. Note: The best letter is one that guarantees a job upon your return *and* states how important your U.S. activities will be for the type of work the employer wants you to do upon your return.

Financial Ties

If you own property or have financial investments in your country, documenting them may help prove you have strong financial ties. To prove this, you may not use any assets that will be needed to pay for your F-1 or J-1 activities. You will need to prove the availability of that financial support separately in order to meet the minimum requirements for the visa.

Documents to Submit

Official papers proving property ownership, copies of investment statements or certificates, a letter or financial statement from your bank or accountant.