

OFFICE OF BUSINESS LIAISON

U.S. DEPARTMENT OF HOMELAND SECURITY
U.S. CITIZENSHIP AND IMMIGRATION SERVICES

Employer Information Bulletin 17 Q-1 International Cultural Exchange Visitors Q-2 Irish Peace Process Cultural and Training Program Visitors (“Walsh Visa Program”) January 28, 2004	EBISS: (800) 357-2099 NCSC: (800) 375-5283 Fax: (202) 305-2523 Website: www.uscis.gov Order Forms: (800) 870-3676
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The following is not intended to be legal advice pertaining to your situation and should not be construed as such. The information provided is intended merely as a general overview with regard to the subject matter.

Purpose of Q-1 Program

The International cultural exchange programs under Q-1 classification are intended to provide practical training or employment, in the United States (US) to aliens who will, during the course of their programs, share with the US public the history, culture, and traditions of their home countries.

Q-1 Program Requirements

- Cultural exchange must take place in a school, museum, business, or other establishment where the American public, or segment of the public sharing a common cultural interest, is exposed to aspects of a foreign culture in a structured program.
- Program must have a cultural component that is an essential and integral part of the international cultural exchange visitor’s employment or training. The cultural component of the program must be designed to exhibit or explain the attitude, customs, history, heritage, philosophy, or traditions of the international cultural exchange visitor’s country of nationality; and
- The employment and/or training component of the program may not be independent of the cultural component of the program and must be the vehicle used to achieve the objectives of the cultural component of the program.

Eligibility of Employers/Petitioners for Q-1 Programs

- Employer must be actively conducting business in the US.
- Employer must maintain an established international cultural exchange program.
- Employer will offer Q-1 alien(s) wages and working conditions comparable to those accorded local domestic workers similarly employed as well as demonstrate that it has the financial ability to remunerate the program participants; and¹
- Employer must designate a qualified employee as a representative who will be responsible for administering the international cultural exchange program and who will serve as liaison with the **Department of Homeland Security, U.S. Citizenship and Immigration Services**.

Eligibility of Alien Participants for Q-1 Programs

Aliens must:

- be at least 18 years old at the time the petition is filed and intend to leave the US upon conclusion of their participation.
- Be qualified for the employment or training stated in the petition; and
- be capable of communicating effectively about the culture of their country of nationality to the US public.
- Have resided and been physically present outside of the United States for the immediate prior year, if they were previously admitted as an international cultural exchange visitor.
- Q-1 aliens maintain lawful status in the US *only* while engaged in the approved training and/or employment.

¹ There is not need to file an attestation with the Department of Labor (DOL).

Procedures for Obtaining Q-1 Classification

- Employer/petitioner must file a Petition for a Nonimmigrant Worker on Form I-129 and Q supplement with the applicable fee of \$130 which is submitted to the Service Center either having jurisdiction over the employer's headquarters or having jurisdiction over the location of the employment or training area.
- Initial submission requires complete documentation of program, including evidence that a management official has been designated to administer program. Subsequent submissions, relating to an already approved program, will determine an alien beneficiary's eligibility for Q-1 classification. Multiple beneficiaries may be included on the same petition².
- Employer/petitioner who desires to have the processing of a Form I-129 for a Q-1 petition expedited, must file Form I-907 "Request for Premium Processing Service" with the appropriate fee of \$1,000 (request Employer Information Bulletin 20).³

Duration of Q-1 Petition

A Q-1 petition is approved for duration of the approved program or 15 months, whichever is shorter. The total period of time that a Q-1 alien may stay in the United States may not be extended beyond 15 months, although a previous Q-1 beneficiary may participate in another international cultural exchange program if he/she has resided and been physically present outside the US for at least one-year (exclusive of any brief US visits).

Q-1 Employment Eligibility and Authorization

Since Q-1 status is program-specific, Q-1 aliens may work only for one or more employers whose Q-1 petitions filed on the aliens' behalf have been approved by the **Department of Homeland Security, U.S. Citizenship and Immigration Services**. Documentation of work authorization is an unexpired Form I-94 Arrival-Departure Record, endorsed Q-1, which may be accepted only by an employer that has an approved Q-1 petition for the alien.

Dependents

Q-1 classification does *not* include a derivative status for dependents. However, dependents of Q-1 principal aliens may accompany them to the US under any other nonimmigrant classification for which they are eligible, including B-2 *visitor for pleasure status*. Dependents, who enter on a B-2 visa, may not work.

Purpose of Q-2 ("Walsh Visa") Program⁴

Until the program sunsets on October 1, 2006, the Irish Peace Process Cultural and Training Program Act of 1998, as amended, permits certain residents of Northern Ireland or the border counties of Louth, Monaghan, Cavan, Leitrim, Sligo, and Donegal in the Republic of Ireland to participate in US employment and training programs that will provide participants with job and conflict resolution skills in a diverse, cooperative, peaceful, and prosperous environment.

Q-2 Program Administrator

The **Department of State (DOS)** has selected Northrop Grumman IT.⁵ as the Q-2 Program Administrator. The DOS Program Administrator is responsible for verifying conformance of employers and program hubs with program requirements as well as tracking (usually via notice from approved employers) the withdrawal or termination of program participants.

Q-2 Program Requirements

Employment opportunities are preferred in hospitality and tourism, customer service, information and communications technology, pharmaceuticals, engineering, sales, marketing and promotion, agriculture/horticulture diversification, food processing, and furniture⁶.

² Replacement or substitution may be possible for aliens not listed in a previously approved petition, but only for the remainder of the period approved for the beneficiary being replaced on the new Form I-129.

³ The processing time for the I-907 is within 15 calendar days. Processing period begins when the Form I-907 is received by the appropriate office of the **Department of Homeland Security, U.S. Citizenship and Immigration Services**. **If the application is not processed** within 15 calendar days, the fee paid for premium processing services will be refunded.

⁴ This program is sometimes referred to as the "Walsh Visa" Program because Rep. Walsh of NY sponsored its enabling Legislation.

⁵ Northrup Grumman IT is located at 12005 Sun Rise Valley Drive, Mail Stop: C202, Reston, VA 20191, website www.walshvisa.net, E-mail walshvisa@ngc.com. Telephone number is (877) 925-7484.

⁶ Other employment may be considered on a case-by-case basis.

Eligibility of Employers for Q-2 Programs

- Availability of employment or a training opportunity, preferably in one or more of the above target employment sectors.
- Agreement not to “sponsor” Q-2 aliens for any other classification upon conclusion of the program.
- Provision of health insurance to program participants.
- Provision of written work records to program participants.
- Notifying Q-2 Program Administrator of any participant’s withdrawal or termination.

Eligibility of Alien Participants for Q-2 Programs

- Age between 18 and 35 (refers to age upon initial admission to US)
- Physically resident in Northern Ireland or one of the designated border counties in the Republic of Ireland for at least 5 months prior to issuance of the certification letter and have no intention of abandoning this residence.
- Job offer certified by the Q-2 program administrator.
- Unemployment of at least 3 months duration, participation in a publicly funded training/employment program sponsored by Northern Ireland or Ireland, or current employment for at least 90 days with, and nomination by, an employer in Ireland or Northern Ireland for the purpose of obtaining new skills to enhance that employment.

The total number of participants, including eligible dependents, that may be admitted to the US per program (i.e. fiscal) year may not exceed 4,000.⁷

Procedures for Q-2 Classification

- Program administrator provides Q-2 program candidate with certification letter to support application for Q-2 visa and admission to the US.
- Prospective Q-2 alien applies at US Embassy in Dublin or US Consulate, Belfast for visa, which is typically valid for the 36-month maximum duration of a Q-2 program.

Duration of Q-2 Program

Q-2 training and/or employment programs may last no longer than 36 months. Change of status from another nonimmigrant classification to Q-2⁸ is *not* possible. Extension of stay is only available to those Q-2 aliens and dependents who were not initially admitted for 36 months.

Q-2 Employment Eligibility and Authorization

Since Q-2 status is employer-specific, Q-2 aliens may work only for the employer named in the Program Administrator’s certification letter. Documentation of work authorization is an unexpired Form I-94 Arrival-Departure Record⁹, endorsed Q-2, which may be accepted only by the approved Q-2 employer.

Dependents

Dependent spouses and minor, unmarried children are eligible for Q-3 classification. ***Both principal aliens and dependents are charged against the 4,000 annual Walsh Program quotas!*** Q-3 classification does not permit employment in the US.

⁷ This applies to fiscal years 2000, 2001, 2002, and 2003.

⁸ Exception possible for aliens admitted as Q-3 dependents, who may change status to Q-2 on a case-by-case basis.

⁹ Although 8 CFR 274a.1(c)(23) states that Q-2 aliens require employment authorization documents from the **Department of Homeland Security, U.S. Citizenship and Immigration Services**, this is an error. Such aliens are authorized for employment with a specific employer incident to status.