

## Appendix V

LAW OFFICES OF  
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December 8th, 1994

Immigration & Naturalization Service  
425 I Street  
Washington D.C. 20536  
Attn: Jacquelyn A. Bednarz  
Chief, Non-Immigrant Branch  
Adjudications.Re: Maintenance of Lawful H-1B Visa status while attending College,  
Nursing or Physical Therapy School fulltime

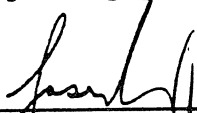
Dear Ms. Bednarz:

The inquiry has been made whether an H-1B Visa Holder in Lawful H-1B Status can attend school full time (or part time as specialty worker's schedule may permit) as above indicated while maintaining lawful H-1 Status. The H-1B specialty worker would, of course continue to work for the same employer as was approved in the petition and would continue to work full time and with the LCA salary. All factors are the same. The alien wants to attend school to learn another occupation. Can he do it.

The regulations do not seem to prohibit this.

Please be so kind as to advise as to the Service position.

Very truly yours,

  
\_\_\_\_\_  
Jose I. Perez, ESQ.

Mailed via certified mail # z 401 916 887

## Appendix V, continued



U.S. Department of Justice  
Immigration and Naturalization Service

CO 214h-C

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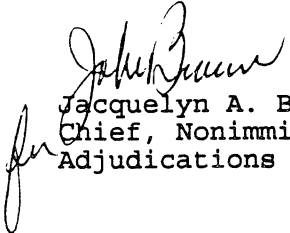
Dear Mr. Perez:

This refers to your letter of December 8 in which you question whether an H-1B nonimmigrant alien can attend school full-time.

As you correctly note in your correspondence, there is nothing in the statute or regulation which precludes an H-1B nonimmigrant alien from attending classes. The classes, of course, must be incidental to the alien's employment as an H-1B nonimmigrant and not the alien's primary purpose in remaining in the United States.

I trust this response satisfactorily addresses your concerns.

Sincerely,

  
Jacquelyn A. Bednarz  
Chief, Nonimmigrant Branch  
Adjudications