

Typical Non-Immigrant Visa Classifications

Visa Class	Description	Employment	Study
A-1	Foreign Diplomatic Personnel: Individuals in the U.S. as employees of a foreign government, e.g. ambassador, minister, diplomat, or consular officer.	Principal A-1/A-2 visa holder may be employed only by foreign government country.	May engage in full- or part-time study.
A-2	Dependent of A-1/A-2 Visa Holder: Immediate family members of a foreign government official. (Dependents also carry A-1/A-2 status)	A-1/A-2 dependents may be employed (on or off-campus) only if they apply and receive an EAD from USCIS, subject to any restrictions stated on the EAD.	May engage in full- or part-time study.
B-2	Visitor for Tourism: Individuals in the U.S. for travel, tourism, or recreation.	No employment is allowed.	No study is allowed.
B-2	Prospective Student or Prospective Scholar: Individuals who enter U.S. indicating a clear intent to study here or to change to J-1 Exchange Visitor Status. Consulate notation on visa page indicates "Prospective" status. <i>Individual must apply for a change of status before the expiration date on the I-94.</i>	May not work including the time in which the application for a change of status is pending.	No study is allowed.
WB, WT	Visa Waiver for business and Tourism	See B-1/B-2 visa.	Laws regarding study and employment for visitors in WB or WT status are identical to their B-1/B-2 visa counterparts. Individuals entering the United States under the Visa Waiver Program are not permitted to extend the length of stay or change status from within the United States.
C-1, C-2, C-3, C-4	Aliens in Transit Individuals in transit from one country to another "stopping over" in the United States. C-2 and C-3 are foreign government officials in transit. C-4 are individuals in transit without a visa.	No study allowed.	Not permitted to be employed in the United States. C-2 and C-3 foreign government officials in transit may be employed on by the foreign government entity.
D-1, D-2	Alien Crewmen Crew members employed on a vessel or aircraft who are in the United States on "stopovers."	No study allowed.	Permitted to be employed in the United States only by the vessel or aircraft.
E-1	Treaty Trader: Individual in the U.S. to conduct trade under a treaty between their country and the U.S., and key employees of companies trading under such treaty.	Principal E-1 can be employed only by the trade-qualifying company through which obtained status. EAD is not required. Dependent spouse may apply to USCIS for employment authorization. EAD is required. E-1 dependent children are not authorized for employment.	Principal E-1 can study with authorization from company through which obtained status: incident to employment. E-1 dependents may engage in part- or full-time study.

Typical Non-Immigrant Visa Classifications

<p>E-2</p>	<p>Treaty Investor: Individuals in the U.S. to develop or direct the operations of an enterprise in which they have invested substantial investments. Must be based on a treaty between visa holder's country and the U.S.</p>	<p>Principal E-2 can be employed only by the trade-qualifying company that enabled E-2 status. EAD not required. 240 day rule.</p> <p>Dependent spouse may apply to USCIS for employment authorization. EAD is required. E-1 dependent children are not authorized for employment.</p>	<p>Principal E-2 can study with authorization from company through which obtained status; incident to employment.</p> <p>E-2 dependents may engage in part- or full-time study.</p>
<p>G-1 G-2 G-3 G-4</p>	<p>Representative of International Organization: Individuals in the U.S. as representatives of an international organization (e.g., the United Nations) and their dependents.</p>	<p>Principal G can only work for the qualifying foreign government or international organization sponsoring her/his status. All work (on- or off-campus) for dependents must be first approved by the U.S. Department of State. An EAD card from the USCIS is required, subject to restrictions on EAD. See ISSSO for a list of Immigration attorneys.</p>	<p>Principal G can study as incident to her/his employment. Dependents may engage in part- or full-time study.</p>
<p>G-5</p>	<p>Personal Employee of G-1, G-2, G-3, or G-4 Nonimmigrant: Individuals in the United States as personal employees of a representative of an international organization.</p>	<p>May engage in incidental study while maintaining G-5 status.</p>	<p>G-5 may be employed only by the official or representative of the international organization.</p>
<p>H-1B</p>	<p>Temporary Worker in a Specialty Occupation: Individuals in the U.S. to perform professional services in a specific position for a fixed period of time.</p>	<p>Employment authorization is granted for an initial period of up to 3 years. Extensions for an additional 3 years are possible. Employer petitions CIS on behalf of alien. Employment is incident to status with specific employer. EAD not required.</p>	<p>May engage in part-time study while maintaining H visa status.</p>
<p>H-1C, H-2A,B, H-3</p>	<p>Other H Principals: May engage in incidental study while maintaining H status.</p>	<p>H-1B1: Professionals under the Singapore and Chile Free Trade Agreements. H-1C: Registered nurses working in health professional shortage areas. H-2A and H-2B: Performing temporary agricultural work (H-2A) or seasonal or temporary work for which a shortage of U.S. workers exists (H-2B). H-3: Individuals participating in a training program provided by a specific employer.</p>	<p>May be employed only by the petitioning employer for a specific period of time, as designated by USCIS. Employer-specific employment is authorized "incident to status," so EAD is not required.</p>
<p>H-4</p>	<p>Dependent of H Visa Holder:</p>	<p>No employment allowed.</p>	<p>May engage in full- or part-time study.</p>
<p>I</p>	<p>Representative of Foreign Information Media: Individuals in the United States as journalists or representatives of international media, and their dependents.</p>	<p>Principal I nonimmigrant may engage in incidental study while maintaining valid I status. Dependents are permitted to engage in part- or full-time study.</p>	<p>Not permitted to work in the United States.</p>

Typical Non-Immigrant Visa Classifications

L-1	Intracompany Transferee: Individuals in the U.S. who have been transferred from a subsidiary, affiliate, or branch office overseas to the U.S. to work in an executive, managerial, or specialist capacity.	May be employed only by the company that obtained the L-1 status on their behalf, for the period of time indicated by CIS. EAD not required. 240 day rule applies.	May engage in part-time study as incident to employment.
L-2	Dependent of L-1 Visa Holder:	L-2 spouse may apply to USCIS for employment authorization. EAD is required. L-2 children are not allowed to work.	May engage in part- or full-time study.
M-1	Vocational Student: Individuals in the U.S. enrolled in a vocational school or program in the U.S.	May be employed for practical training in field related to major following completion of studies for a maximum of 6 months. DSO recommendation in SEVIS and EAD card from CIS required.	Must study full-time unless authorized by Designated School Official (DSO).
M-2	Dependent of M-1 Visa Holder:	No employment is allowed.	May engage in full- or part-time study.
NATO 1-7	NATO Personnel: Individuals in the United States as members of the armed services of the nations of the North Atlantic Treaty Organization (NATO), staff members, attendants, servants, and personal employees of NATO personnel.	May engage in full or part-time study.	Payment limited to funds provided through NATO. Dependents are eligible to apply to USCIS for work authorization. EAD is required.
O-1	Person of Extraordinary Ability: Individuals of extraordinary ability in the sciences, arts, education, business, or athletics who are in the United States to work for a sponsoring employer or organization.	May engage in incidental study while maintaining O status.	May be employed “incident to status” only by the petitioning employer or agency through whom the status was obtained. EAD is not required.
O-2	O-1 Accompanying Personnel: Personnel accompanying O-1 visa holders.	May engage in incidental study while maintain O status.	May be employed “incident to status” only by the petitioning employer or agency through whom the status was obtained. EAD is required.
O-3	Dependent of O-1 or O-2 Visa Holder: Individuals in the United States O-1 or O-2 visa holders.	May engage in part- or full-time study.	Not permitted to be employed in the United States.

Typical Non-Immigrant Visa Classifications

P-1	<p>Internationally Recognized Athlete or Entertainment Group, or Essential Support: Individuals in the United States as internationally recognized athletes competing individually or as part of a team, or individuals performing as part of an entertainment group that has been internationally recognized, and their essential support personnel.</p>	<p>May engage in incidental study while maintaining P status.</p>	<p>May be employed “incident to status” only by the petitioning employer or agency through whom the status was obtained. If the petition was submitted by an agent on behalf of several employers, each entity must have been included on the itinerary at the time of USCIS’s approval of the application. If visa holder is a member of a group, he or she may not perform services separate from that group. EAD is not required.</p>
P-2	<p>Artist or Entertainer Under a Reciprocal Exchange Program: Individuals in the United States as internationally recognized athletes competing individually or as part of a team, or individuals performing as part of an entertainment group that has been internationally recognized, and their essential support personnel.</p>	<p>May engage in incidental study while maintaining P status.</p>	<p>May be employed “incident to status” only by the petitioning employer or agency through whom the status was obtained. If the petition was sponsored by an agent on behalf of several employers, each entity must have been included on the itinerary at the time of USCIS’s approval of the application. EAD is not required.</p>
P-3	<p>Artist or Entertainer in a Culturally Unique Program: Individuals in the United States as artists or entertainers, operating individually or as a group, who are recognized for excellence in developing, interpreting, representing, coaching, or teaching a unique traditional ethnic, folk, cultural, musical, theatrical, or artistic performance or presentation.</p>	<p>May engage in incidental study while maintaining P status.</p>	<p>May be employed “incident to status” only by the petitioning employer or agency through whom the status was obtained. If the petition was sponsored by an agent on behalf of several employers, each entity must have been included on the itinerary at the time of USCIS’s approval of the application. EAD is not required.</p>
P-4	<p>Dependent of P-1, P-2, or P-3 Nonimmigrant</p>	<p>May engage in part- or full-time study.</p>	<p>Not permitted to be employed in the United States.</p>
Q-1, Q-2, Q-3	<p>International Cultural Exchange Program Participants</p>	<p>Principal Q visa holders may engage in incidental study. Dependents may engage in full- or part-time study.</p>	<p>Employment restricted to the petitioning employer or agency through whom the status was obtained. EAD is not required. Dependents not permitted to be employed.</p>

Typical Non-Immigrant Visa Classifications

R-1	Religious Worker: Individuals in the US as members of a bona fide religious denomination carrying out the activities of a religious worker.	May engage in incidental study while maintaining R status.	May be employed “incident to status” only by the religious organization through which the status was obtained. EAD not required.
R-2	Dependent of R-1 Religious Worker	May engage in part-or full-time study.	Not permitted to be employed in the United States.
TN	Professionals under NAFTA (for Citizens of Canada and Mexico): Individuals in the US to perform professional services for a sponsoring employer in a specific position for a fixed period of time, pursuant to the provisions of the North American Free Trade (NAFTA).	May engage in incidental study while maintaining TN status.	May be employed “incident to status” only by the sponsoring employer through whom the status obtained in an activity in accordance with the provisions of the treaty. EAD is not required.
TD	Dependent of TN Nonimmigrant	May engage in part- or full-time study.	Not permitted to be employed in the United States

Typical Non-Immigrant Visa Classifications

<p>F-1</p>	<p>Student: Individuals in the U.S. engaging in a full course of academic study in an accredited educational program that has been designated by DHS. (Students enrolled in vocational training are given M-1 visas.)</p>	<p>Must maintain full-time enrollment as defined by academic institution; part-time study only with approval of Designated School Official (DSO) in accordance with regulations.</p>	<p>While maintaining valid F-1 status, may be employed on the campus of the school they are authorized to attend for a maximum of 20 hours per week while classes are in session. Part-time, on-campus employment is incident to status [prior approval of United States Citizenship and Immigration Services (USCIS) or Designated School Official (DSO) is not needed]. During school vacations, F-1s may work on campus full-time.</p> <p>While enrolled, F-1 students experiencing unforeseen “economic hardship” may apply to USCIS for part-time work authorization, if recommended by DSO. EAD issued by USCIS is required.</p> <p>May participate in employment directly related to field of study by obtaining practical training authorization. There are two kinds of practical training: Curricular Practical Training (CPT) & Optional Practical Training (OPT). CPT-Employment that is an integral part of an established curriculum. Requires approval of DSO in Student & Exchange Visitor Information System (SEVIS); no EAD required. Employment authorization is employer-specific.</p> <p>OPT-Employment during or after completion of studies. The total period of employment may not exceed 12 months. Requires recommendation of DSO and approval by USCIS. EAD required.</p>
-------------------	--	--	--

Typical Non-Immigrant Visa Classifications

<p>F-2</p>	<p>Dependent of F-1 Visa Holder: Spouse and/or children of an F-1 student</p>	<p>F-2 spouses may not engage in full-time study; F-2 children may only engage in full-time study at the K-12 level. Part-time study that is avocational or recreational in nature is permitted. F-2 may not begin a course of study until a change to F-1, M-1, or J-1 status is approved.</p>	<p>Not permitted to work in the United States.</p>
-------------------	---	---	--

Typical Non-Immigrant Visa Classifications

<p>J-1</p>	<p>Exchange Visitor (Student): Individuals in the U.S. as exchange visitors for the primary purpose of studying at an academic institution under the auspices of the United States Department of State and a Designated Program Sponsor.</p>	<p>Must maintain full-time enrollment. May reduce course load below full time only if authorized in advance and in writing by Responsible Officer (RO) or Alternate Responsible Officer (ARO) or designated program sponsor, in accordance with DOS regulations.</p>	<p>May be employed on the campus of the school in which they are enrolled to a maximum of 20 hours per week while school is in session (full-time during official school breaks), only with prior written authorization from the RO or ARO of their designated program. May work off campus under limited circumstances provided they have obtained prior written authorization from the RO or ARO. Employment does not require additional permission from USCIS or EAD. Eligible for up to 18 months of academic training (up to 36 months for postdoctoral training).</p>
	<p>Exchange Visitor (Short-term Scholar, Professor, Researcher, or Specialist): Individuals in the U.S. as visiting researchers or professors under the auspices of the United States Department of State and a Designated Program Sponsor.</p>	<p>May engage in incidental study while maintaining valid J status.</p>	<p>May be employed “incident to status” only by the designated program sponsor or appropriate designee, and within the guidelines of the program approved by the DOS, for the period of validity as stated on the DS-2019. Under limited circumstances, professors, researchers, and short-term scholars may receive compensation from other institutions with prior written authorization from the RO or ARO of their designated program.</p>
	<p>Exchange Visitor Au Pair: Individuals in the United States under the sponsorship of an exchange visitor program designated by the Department of State (to serve as a live-in child-care provider for a host family).</p>	<p>May enroll in “postsecondary institutions” while maintaining J-1 status as an au pair, as required by J au pair regulations.</p>	<p>Eligible to receive payment only from the host family or the designated program sponsor for child-care services not to exceed 45 hours per week.</p>

Typical Non-Immigrant Visa Classifications

J-2	Dependent of J-1 Visa Holder	May engage in incidental study while maintaining valid J status.	Eligible to apply to USCIS for work authorization. With EAD issued by USCIS, may work for any employer.
------------	-------------------------------------	--	---

Foreign Nationals Who May Work and Study in the United States Without Restriction on Location Or Type of Employment

CLASSIFICATION	DESCRIPTION	DOCUMENTATION
T-1, T-2, T-3, T-4	Alien victims of severe forms of trafficking in persons and their spouse, minor children, and derivative dependents	USCIS will issue T-1 principals and EAD incident to that status. T-2, T-3, or T-4
U-1, U-2, U-3, U-4	Victims of certain crimes, spouses, minor children, and derivative dependents; victims of crimes such as rape, torture, incest, trafficking, domestic violence, and the like. (See INA §101(a)(15)(U))	U nonimmigrants are employment authorized "incident to status." USCIS will automatically issue an initial EAD to U-1 principals to evidence employment authorization. U-2 through U-5 family members may apply for an EAD to evidence of their employment authorization. May engage in full- or part-time study.
V-1, V-2, V-3	Spouses, minor children, and derivative dependents of lawful permanent residents: beneficiaries of family-based, second-preference (2A) immigrant visa petitions filled on or before December 21, 2000 who have been waiting for immigrant status for 3 or more years.	Eligible to apply to USCIS for unrestricted employment authorization. EAD required. May engage in full- or par-time study.
Lawful Permanent Residents	Individuals who have permission to reside in the United States on a permanent basis (i.e., holders of "green cards").	Form I-551, Resident Alien card (or I-551 stamp in passport). Although Resident Alien cards issued to Lawful Permanent Residents have a 10-year validity, only the card must be reissued every 10 years; the individual's status does not expire.
Conditional Permanent Residents	Individuals who obtain lawful permanent residence as the spouse of a U.S. citizen or permanent resident, whose marriage was of less than two years duration at the time permanent resident status is granted, as well as individuals who obtain lawful permanent residence as employment creation investors. Conditional permanent residence is granted for a period of two years. 90	Form I-551, Resident Alien card. Resident Alien cards issued to Conditional Permanent Residents are valid for two years. The expiration date is on the front of the card.

Typical Non-Immigrant Visa Classifications

	<p>days before the end of this period, the individual(s) are required to petition USCIS for removal of the conditional status. If approved, the individual is converted to regular lawful permanent residence.</p>	
Temporary Residents	<p>A category limited to those who qualify for legalization under INA § 245A or §210. Dependents of Temporary Residents may be eligible for stay of deportation and EAD under the Family Unity Program.</p>	<p>Form I-688, Temporary Resident Card. Valid until the expiration date stated on the face of the card or on the sticker(s) placed on the back of the card.</p>
Refugees and Asylees	<p>Individuals who have proven a well-founded fear of persecution in their home country. If outside the U.S. at the time of application, granted refugee status and admitted to the United States; if inside the U.S. at the time of application, granted asylum. Refugees and asylees are granted that status for one year, after which time they may apply to become a lawful permanent resident.</p>	<p>Authorized employment “incident to status.” May also have an admissions stamp in a passport, a United Nations refugee travel document, a U.S. refugee travel document, or an I-94 card notated with refugee status and containing an employment authorization endorsement. No EAD required, but can facilitate I-9 documentation.</p>
Temporary Protected Status (TPS)	<p>Special temporary protection from deportation is available to qualified nationals of countries designated by the Attorney General.</p>	<p>EAD issued by USCIS.</p>
Parolees (Advanced or Regular Parole)	<p>Individuals who have been “paroled” into the United States on various bases. Applicants for adjustment of status are required (other than adjustment applicants who continue to maintain H-1B status) to obtain advanced parole in order to travel while their adjustment of status application is pending.</p>	<p>EAD issued by USCIS.</p>
K-1, K-2, K-3, K-4	<p>Fiancé(e) of a U.S. citizen (K-1), derivative children of K-1 fiancé(e) (K-2), spouse of a United States citizen for whom a spousal immediate relative petition has been filed in the United States (K-3) and derivative children of a K-3 spouse (K-4).</p>	<p>Authorized employment “incident to status,” but must apply for EAD from USCIS to evidence work authorization.</p>
N-8 and N-9	<p>Individuals who are holders of N-8 or N-9 visas. Eligible to apply for permanent residency. Parents and dependent children of those formerly employed by certain international organizations.</p>	<p>Authorized employment “incident to status,” but must apply for EAD from USCIS to evidence work authorization.</p>

Typical Non-Immigrant Visa Classifications

S-5, S-6, S-7 Alien Witnesses, Informants, and Dependents	Federal witnesses, informants, and accompanying spouse, parents, or children.	EAD issued by USCIS.
Citizens of The Federated States of Micronesia, the Marshall Islands, and Palau	Most citizens of the Federated States of Micronesia, the Marshall Islands, and Palau may enter the United States and live, work, or study, without the need for a visa.	Citizens of Micronesia and The Marshall Islands are no longer required to obtain an EAD. Citizens of Palau are still required to apply for EAD for USCIS to evidence work authorization.
Individuals Granted Withholding, Cancellation, or Suspension of Removal or Deportation	Individuals granted discretionary relief from deportation or removal because of the equities or circumstances of the case.	EAD issued by USCIS.
Individuals Granted Voluntary Departure	Individuals who are given permission by DHS or immigration judge to voluntarily depart the United States within a certain period.	Can apply to USCIS for EAD. If granted “extended voluntary departure,” work authorized “incident to status,” but must apply for EAD.
Applicants for Certain Immigration Benefits	Applicants for the following benefits may request an EAD to authorize employment while their application is pending: asylum applicants, adjustment of status applicants, legalization applicants, suspension of deportation or cancellation of removal applicants, aliens granted deferred action, applicants for creation of record of lawful admission for permanent residence.	EAD must be issued by USCIS. Employment authorization ceases if underlying application is denied.

¹ Based on the Chart Version NAFSA: Association of International Educators by Gail Rawson.