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## 16.22 Nonimmigrant categories and employment eligibility

Category	Description	Employment eligibility
A-1 A-2	Foreign Diplomatic Personnel. Individuals in the United States 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 entity.
	Dependents of A-1/A-2 Visa Holder. Immediate family members of foreign government officials. (Dependents also carry A-1/A-2 status.)	A-1/A-2 dependents may be employed only if they apply for and receive an EAD from USCIS, subject to any restrictions stated on the EAD.
A-3	Employee of Foreign Government Official. Attendants, servants, or other personal employees of foreign government officials.	A-3 principal may be employed only by the foreign government official. 240-day rule applies. A-3 dependents may not be employed at all.
B-1	Visitor for Business. Individuals in the United States for a short time to engage in business activities such as negotiating contracts for overseas employees, consulting with business associates, attending professional conferences, or conducting independent	B-1 nonimmigrants are not permitted to be employed in the United States. They can be reimbursed for reasonable expenses incident to their business purpose in the U.S. In addition the ACWIA honorarium provision (effective 10/21/98) permits B (B-1 and B-2) nonimmigrants to receive reimbursements and honorarium payments for a usual academic activity lasting no longer than 9 days at a single academic institution, if the alien has not accepted such payments from

	research. May not engage in any employment in the United States.	more than 5 institutions or organizations in the previous six-month period.
<b>B-2</b>	Visitor for Tourism. Individuals in the United States for travel, tourism, or recreation. May not engage in any employment in the United States.	B-2 nonimmigrants are not permitted to be employed in the United States, nor can they receive even reimbursements for expenses. The only exception to this rule is the ACWIA honorarium provision (effective 10/21/98), which permits B (B-1 and B-2) nonimmigrants to receive reimbursements and honorarium payments for a usual academic activity lasting no longer than 9 days at a single academic institution, if the alien has not accepted such payments from more than 5 institutions or organizations in the previous six-month period.
<b>B-2</b>	Prospective Student or Prospective Scholar. Individuals who enter the United States indicating a clear intent to study here or to change to J-1 Exchange Visitor Status. Consulate notation on visa page indicates "Prospective" status. Individual must apply for a change of status before the expiration date on the I-94.	Not eligible to be employed at the academic institution until USCIS approves the change to F-1 or J-1 student status. Employment restrictions for the B-2 prospective student or scholar are the same as the B-2 visitor for tourism, above.
<b>WB</b> <b>WT</b>	Visa Waiver for Business (WB) and Tourism (WT). Individuals permitted to enter the United States without a visa for a stay limited to 90 days. Available only to citizens of countries designated by the Attorney General in consultation with the Secretary of State.	Laws regarding study and employment for holders of WB or WT visa waivers for business and tourism are identical to their B-1/B-2 visa counterparts. Foreign nationals 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.
<b>C-1</b>	Aliens in Transit. Individuals in transit from	Not permitted to receive payment from any

C-2 C-3	one country to another "stopping over" in the United States. C-2 and C-3 are foreign government officials in transit.	U.S. source. C-2 and C-3 aliens in transit may be employed only by the foreign government entity.
D-1 D-2	Alien Crewman. Crew members employed on a vessel or aircraft who are in the United States on "stopovers."	Permitted to be employed in the United States only by the vessel or aircraft.
E-1	Treaty Trader. Individuals in the United States to conduct trade under a treaty between their country and the United States, and key employees of companies trading under such a treaty.	Principal E-1 nonimmigrants may be employed only by the trade-qualifying company through which they obtained their E-1 status. EAD is not required. 240-day rule applies. Dependents may apply to USCIS for employment authorization. EAD is required.
E-2	Treaty Investor. Individuals in the United States to develop and direct the operations of an enterprise in which they have invested substantial capital, and employees of companies making such investments. Must be based on a treaty between visa holder's country and the United States.	Principal E-2 visa holders may be employed only by the trade-qualifying company through which they obtained the E-2 status. EAD is not required. 240 day rule applies. Dependents may apply to USCIS for employment authorization. EAD is required.
	Student. Individuals in the United States engaging in a full course of academic study in an accredited	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, and prior approval of USCIS or the DSO is not needed. During school vacations, F-1 students may work on campus full time if otherwise eligible and intending to enroll for the next term. F-1 students experiencing unforeseen "economic hardship" may apply for an EAD from USCIS. Employment on an

F-1	<p>educational program. May include elementary school, academic high school, college/university, conservatory, or language training. (Students enrolled in vocational training are given M-1 visas.)</p>	<p>EAD based on economic hardship can be on or off-campus, and is also subject to the same hour per week restrictions as for on-campus employment. F-1 students may participate in employment directly related to field of study by obtaining practical training authorization. There are two kinds of practical training: i) Curricular Practical Training (CPT) during the course of study requires approval of DSO in SEVIS; no EAD is required. CPT employment authorization is employer-specific; ii) Up to 12 months of Optional Practical Training (OPT) can be done during or after completion of studies. OPT requires recommendation of DSO in SEVIS, and an EAD approved by USCIS.</p>
F-2	<p>Dependent of F-1 Visa Holder. Individuals in the United States as dependents of an F-1 visa holder.</p>	<p>Not permitted to work in the United States under any circumstances.</p>
G-1 G-2	<p>Representative of an International Organization.</p>	<p>Principal G visa holders may be employed only by the international organization or foreign government they represent. G-1, G-3 or G-4 dependents may be employed only if they apply for and receive an EAD from USCIS, subject to any restrictions stated on the EAD. G-2 dependents are not eligible for employment.</p>
G-3		
G-4		
G-5	<p>Personal employee of G-1, G-2, G-3, or G-4 Visa Holder. Individuals in the United States as personal employees of a representative of an international organization.</p>	<p>G-5 principal may be employed only by the official or representative of the international organization. 240 day rule applies. G-5 dependents are not eligible for employment.</p>
	<p>Temporary Worker in a Specialty Occupation. Individuals in the United States to perform professional services for a sponsoring employer in a</p>	<p>Employment permitted only with employers who have had an H-1B petition approved by USCIS on the alien's behalf. It is possible to have multiple concurrent H-1B petitioner</p>

<b>H-1B</b>	<p>specific position for a fixed period of time. Employment authorization is granted for an initial period of up to three years. Extensions for an additional three years are possible, for a maximum stay of six years.</p>	<p>employers, as long as each employer has had an H-1B petition (filed on Form I-129) approved on behalf of the alien. Employment is incident to H-1B status with a specific employer, and no EAD is required. 240-day rule applies.</p>
<b>H-1C</b>	<p>Registered Nurses in health professional shortage areas (HPSAs)</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. 240-day rule applies.</p>
<b>H-2A</b>	<p>Agricultural Worker. Individuals in the United States to perform agricultural work on a temporary basis.</p>	<p>Employer restrictions similar to H-1B. May be employed only by the petitioning employer for a specific period of time, as designated by USCIS. EAD is not required. 240-day rule applies (see Legend).</p>
<b>H-2B</b>	<p>Skilled or Unskilled Worker. Individuals in the United States in a temporary position for which a shortage of United States workers exists, working for a specific employer for a fixed period of time.</p>	<p>Employer restrictions similar to H-1B. May be employed only by the petitioning employer for a specific period of time, as designated by USCIS. EAD is not required. 240-day rule applies.</p>
<b>H-3</b>	<p>Trainee. Individuals in the United States for a temporary period to participate in a training program provided by a specific employer.</p>	<p>May work only for the H-3 petitioning employer for a specified period of time, as designated by USCIS. EAD is not required. 240-day rule applies.</p>
<b>H-4</b>	<p>Dependent of principal H nonimmigrant. Individuals in the United States as dependents of an H nonimmigrant.</p>	<p>Not permitted to be employed or receive compensation from any U.S. source.</p>

I	<p>Representative of Foreign Information Media. Individuals in the United States as journalists or representatives of international media, and their dependents.</p>	<p>Permitted to be employed only by the sponsoring foreign news agency or bureau. 240-day rule applies. Dependents are not permitted to be employed.</p>
	<p>Exchange Visitor (Student). Individuals in the United States as exchange visitors for the primary purpose of studying at an academic institution under the sponsorship of a designated program sponsor.</p>	<p>May be employed on the campus of the school in which they are enrolled to a maximum of 20 hours per week with prior written authorization from the Responsible Officer (RO) of their designated program (and full time during official school breaks). May work off campus under limited circumstances provided they have obtained prior written authorization from the RO. Employment does not require additional permission from USCIS or an EAD. Also eligible for up to 18 months of academic training (36 months for postdoctoral training) with written approval from RO.</p>
J-1	<p>J-1 Exchange Visitor (Short-term Scholar, Professor, Researcher, or Specialist). Individuals in the United States as visiting researchers, professors, short-term scholars, or specialists under the sponsorship of a designated program sponsor.</p>	<p>May be employed only by the designated program sponsor or appropriate designee as stated on Form DS-2019, and within the guidelines of the program approved by DOS for the period of validity stated on Form DS-2019. Under limited circumstances, may receive compensation from other institutions with prior written authorization from the Responsible Officer of their designated program. EAD is not required.</p>
	<p>J-1 Au Pair. Individuals in the United States under the auspices of the United States Information Agency and a designated program sponsor to serve as a live-in child-care provider for a host family.</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>

Dependent of J-1 Visa

J-2	Holder. Individuals in the United States as dependents (spouse or unmarried child under the age of 21) of a J-1 student or scholar.	Eligible to apply to USCIS for work authorization. With EAD issued by USCIS, may work for any employer. Employer must reverify employment authorization by the expiration date on the EAD.
K-1, K-2, K-3, K-4	Fiance(e) of a U.S. citizen (K-1), derivative children of K-1 fiance(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).	Eligible to apply to USCIS for work authorization (EAD).
L-1	Intracompany Transferee. Individuals in the United States who have been transferred from a subsidiary, affiliate, or branch office overseas to the United States to work in an executive, managerial, or specialist capacity.	May be employed only by company that obtained the L-1 status on their behalf, for the period of time indicated by USCIS. EAD is not required. 240 day rule applies (see Legend).
L-2	Dependent of L-1 Visa Holder. Individuals in the United States as dependents of an L-1 visa holder.	L-2 Dependents may apply to USCIS for employment authorization. EAD is required.
M-1	Vocational Student. Individuals enrolled in a vocational school or program in the United States.	May be employed for practical training following completion of studies for a maximum of six months. Must apply to USCIS for EAD. Employment must be related to field of study and recommended by DSO in SEVIS.
M-2	Dependent of M-1 Visa Holder. Individuals in the United States as dependents of an M-1	Not permitted to be employed or receive compensation from any U.S. source.

student.

<b>NATO 1-6</b>	<p>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.</p>	<p>Principals can receive compensation only through NATO. NATO dependents must apply to USCIS for an EAD to work.</p>
<b>O-1</b>	<p>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.</p>	<p>May be employed and compensated only by the O-1 petitioning employer or agency through whom the status was obtained. EAD card is not required. 240-day rule applies.</p>
<b>O-2</b>	<p>O-1 Accompanying Personnel. Personnel accompanying O-1 visa holders.</p>	<p>May be employed and compensated only by the O petitioning employer or agency through whom the status was obtained. EAD card is not required. 240-day rule applies.</p>
<b>O-3</b>	<p>Dependent of O-1 or O-2 Visa Holder. Individuals in the United States as dependents of O-1 or O-2 visa holders.</p>	<p>Not permitted to be employed or receive compensation from any U.S. source.</p>
<b>P-1</b>	<p>Internationally Recognized Athlete or Entertainment Group, or Essential Support Personnel. 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</p>	<p>May be employed and compensated only by the P-1 petitioning employer or agency through whom the P-1 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 approval of the petition. If visa holder is a member of a group, he or she may not perform services separate from that group. EAD card is not required. 240-day</p>

internationally recognized, rule applies.  
and their essential support  
personnel.

<b>P-2</b>	<p>Artist or Entertainer Under a Reciprocal Exchange Program. Individuals in the United States as artists or entertainers, operating individually or as a group, who will be performing under a reciprocal exchange program between an organization in the United States and one in a foreign state.</p>	<p>May be employed and compensated only by the P-2 petitioning employer or agency through whom the P-2 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 approval of the petition. If visa holder is a member of a group, he or she may not perform services separate from that group. EAD card is not required. 240-day rule applies.</p>
<b>P-3</b>	<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 or traditional ethnic, folk, cultural, musical, theatrical, or artistic performance or presentation.</p>	<p>May be employed and compensated only by the P-3 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 approval of the application. EAD is not required. 240-day rule applies.</p>
<b>P-4</b>	<p>Dependent of P-1, P-2, or P-3 Visa Holder. Individuals in the United States as dependents of P-1, P-2, or P-3 visa holders.</p>	<p>Not permitted to be employed or receive compensation from any U.S. source.</p>
<b>Q</b>	<p>Participant in an International Cultural Exchange Program or Participants in an Irish Peace &amp; Training Program, and their dependents</p>	<p>May be employed and compensated only by the Q petitioning employer or agency through whom the status was obtained. EAD is not required. 240-day rule applies. Dependents may not be employed.</p>

<b>R-1</b>	<p>Religious Worker. Individuals in the United States as members of a bona fide religious denomination carrying out the activities of a religious worker.</p>	<p>May be employed and compensated only by the religious organization through which the status was obtained. EAD is not required. 240-day rule applies.</p>
<b>R-2</b>	<p>Dependent of R-1 Visa Holder. Individuals in the United States as dependents of an R-1 visa holder.</p>	<p>Not permitted to be employed or receive compensation from any U.S. source.</p>
<b>S-5</b> <b>S-6</b>	<p>Alien Assisting in Law Enforcement. Individuals in the United States to provide critical information to federal or state authorities essential to the success of a criminal investigation. Or, individuals in the United States to supply critical information who might be in danger as a result of supplying this information and who are eligible for a reward under U.S. State Department legislation.</p>	<p>Eligible to apply to USCIS for work authorization. EAD is required.</p>
<b>S-7</b>	<p>Dependent of S-5 or S-6 Visa Holder. Individuals in the United States as dependents of S-5 or S-6 visa holders.</p>	<p>Eligible to apply to USCIS for work authorization. EAD is required.</p>
<b>TN</b>	<p>Trade NAFTA (for citizens of Canada and Mexico). Individuals in the United States to perform professional services for a sponsoring employer in a specific position for a</p>	<p>May be employed and compensated only by the employer through whom the TN status was obtained in an activity in accordance with the provisions of NAFTA. Mexican TNs need to apply for a TN visa to enter U.S. in TN status. Canadians are exempt from visa requirement. EAD is not required. May be employed by more than one employer</p>

	fixed period of time	simultaneously, but must obtain TN status for each employer.
<b>TD</b>	Dependent of TN Visa Holder. Individuals in the United States as dependents of a TN principal.	Not permitted to be employed or receive compensation from any U.S. source.
<b>U-1, U-2, U-3 &amp; U-4</b>	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 Section 101 (a)(15)(U)	U principals should be issued an EAD for unrestricted employment when they acquire U status, and U dependents can apply for an EAD.
<b>V-1, V-2, V-3</b>	Spouses, minor children, and derivative dependents of lawful permanent residents who are beneficiaries of a family-based 2nd preference (2A only) immigrant visa petition filed on or before December 21, 2000 and have been waiting for immigrant status for 3 years or more.	Eligible to apply to USCIS for unrestricted employment authorization. EAD required.

Adapted from the NAFSA wall chart [Immigration Classifications and Legal Employment of Foreign Nationals in the United States](#) [1] .

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**Links:**

[1]

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