

Many immigration categories allow a person to be employed or compensated by a U.S. employer. In almost every case, however, employment and compensation are restricted to a specific, sponsoring employer or organization for a fixed period of time and for a specific activity.

*Please note: This chart is to be used only as a quick-reference guide. It does not constitute legal advice.* The categories most frequently sponsored by institutions of higher education are discussed in greater detail in the NAFSA Adviser's Manual ([www.nafsa.org/manual](http://www.nafsa.org/manual)). For definitive information regarding visas and immigration status, compensation, employment, and enrollment, please contact your institution's office of international student and scholar services or an immigration attorney.

## Foreign Nationals in Nonimmigrant Visa Classifications Who May Be Lawfully Employed and/or Study in the United States (With Certain Restrictions)

TYPE OF VISA	DESCRIPTION	STUDY RESTRICTIONS	EMPLOYMENT RESTRICTIONS
<b>A-1, A-2</b>	<b>Foreign Diplomatic Personnel</b> Individuals in the United States as employees of a foreign government (e.g., ambassador, minister, diplomat, or consular officer).	May engage in incidental study while maintaining valid A status.	Principal A-1 or A-2 nonimmigrant may be employed only by the foreign government entity.
	<b>Dependent of A-1/A-2 Nonimmigrant</b> Immediate family members of foreign government officials. (Dependents also hold A-1/A-2 status.)	May engage in part- or full-time study.	Spouses and certain dependent children of a foreign government official may apply to USCIS for employment authorization. EAD required. To apply for an EAD, they must first have Form I-566 endorsed by both their diplomatic mission and the U.S. State Department.
<b>A-3</b>	<b>Employee of Foreign Government Official</b> Attendants, servants, or other personal employees of foreign government officials. (Dependents also hold A-3 status.)	May engage in incidental study while maintaining valid A status.	May be employed only by the foreign government official. 240 day rule applies (see Legend).
<b>B-1</b>	<b>Visitor for Business</b> 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 research. May not engage in employment in the United States.	Same study restrictions as regular B-2 for Tourism.	B-1 visitors for business are not permitted to be employed in the United States, but may generally accept reimbursements for expenses. Institutions of higher education and nonprofit or governmental research organizations may also pay B-1 visitors' an honorarium payment and associated incidental expenses for a usual academic activity or activities (lasting not longer than 9 days at any single institution), as defined by the Attorney General in consultation with the Secretary of Education, if such payment is offered by an institution or organization described in subsection (g) (1) (i) of the INA and is made for services conducted for the benefit of that institution or entity and if the alien has not accepted such payment or expenses from more than 5 institutions or organizations in the previous 6-month period." [Interpreted directly from INA § 212(g); DHS has not published regulations.]
	<b>B-1 Domestic or Personal Servant</b> An individual may obtain B-1 status to be employed as a personal or domestic servant by a nonimmigrant in B, F, H, I, J, L, M, O, P, R, or TN status, or by a U.S. citizen who resides permanently abroad and is visiting temporarily in the United States.	Same study restrictions as regular B-2 for Tourism.	Regulations require B-1 domestic or personal servants to obtain an EAD from USCIS. Employment is limited to the specific employer through whom the individual obtained B-1 status.
<b>B-2</b>	<b>Visitor for Tourism</b> Individuals in the United States for travel, tourism, or recreation. May not engage in employment in the United States.	May not begin any "course of study" (neither full time nor part time) unless USCIS approves change of status to F, M, or J student. Casual, short-term classes that are not the primary purpose of the alien's presence in the United States, such as a single English language or crafts class, would not constitute a "course of study."	B-2 visitors for tourism are not permitted to be employed in the United States, and generally cannot receive even reimbursements for expenses. However, B-2 visitors are eligible to receive "academic honorarium" payments just as are B-1 visitors. (See employment restrictions under "B-1 visitors for business" for details.) [Academic honorarium provision is interpreted directly from INA § 212(g); DHS has not published regulations.]
	<b>B-2 Prospective Student or Prospective Exchange Visitor</b> Under certain circumstances, a consulate can issue a B-2 visa with a "prospective student" or "prospective exchange visitor" notation, which facilitates a change to F or J status in the United States.	Same study restrictions as regular B-2 for Tourism.	Not eligible to be employed at the academic institution until USCIS approves the change to F-1 or J-1 status. Employment restrictions for the B-2 prospective student or scholar are the same as the B-2 visitor for Tourism, above.
<b>WB, WT</b>	<b>Visa Waiver for Business (WB) and Tourism (WT)</b> 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 U.S. State Department to participate in the Visa Waiver Program.	See B-1/B-2 visa.	Laws regarding study and employment for visitors in WB or WT status are identical to the 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.
<b>C-1, C-2, C-3, C-4</b>	<b>Aliens in Transit</b> 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 only by the foreign government entity.
<b>D-1, D-2</b>	<b>Alien Crewman</b> 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.
<b>E-1, E-2, E-3</b>	<b>Treaty Trader, Treaty Investor, and Treaty Specialty Worker</b> Treaty Traders (E-1) conduct trade and Treaty Investors (E-2) develop and direct operations in which they have invested a substantial amount of capital. E-1 and E-2 activities must be done pursuant to a treaty between the U.S. and the E country. Certain employees of these companies are also given E-1 or E-2 status. Treaty Specialty Workers (E-3) is currently only for citizens of Australia.	Principal E-1 or E-2 may engage in incidental study while maintaining E status. Dependents of E nonimmigrants may engage in part- or full-time study.	Principal E visa holders may be employed "incident to status" (no EAD required) only by the employer through which they obtained E status. 240 day rule (see Legend) applies to E-1 and E-2 principals. When this chart was updated, DHS had published a proposed rule that would apply the 240 day rule to E-3 workers, once the rule is finalized.
<b>F-1</b>	<b>Student</b> Individuals in the United States 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.)	Must maintain full course of study; part-time study only with approval of Designated School Official (DSO) in accordance with regulations.	1. 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 authorized "incident to status," and separate USCIS or school approval is not needed. During official school breaks, students may work on campus full-time if otherwise eligible and intending to enroll for the next term. (Not available to part-time border commuter students.) 2. After being enrolled for at least one full academic year, F-1 students experiencing severe, unforeseen "economic hardship" may apply to USCIS for part-time employment authorization, if recommended by DSO. EAD issued by USCIS is required. (Not available to part-time border commuter students.) 3. May participate in employment directly related to field of study by obtaining practical training authorization. There are two kinds of practical training: • <b>Curricular Practical Training:</b> Employment that is an integral part of an established curriculum. Requires approval of DSO in SEVIS and on Form I-20. EAD not required. Employment authorization is employer specific. • <b>Optional Practical Training:</b> Employment during or after completion of studies. The total period of employment may not exceed 12 months. Additional extension of 17 months available to STEM graduates working for an e-Verify employer. Requires recommendation of DSO and approval by USCIS. EAD required.
	<b>F-3 Part-Time Border Commuter Student</b> Mexican or Canadian F-3 student enrolled part-time in a full course of study in an approved school located within 75 miles of a United States land border, who commutes to the United States on a daily basis from Canada or Mexico. Because F-3 regulations have not yet been written, F-3 border commuter students are often admitted in F-1 status.		
<b>F-2</b>	<b>Dependent of F-1 Student</b> Individuals in the United States as dependents of an F-1 student.	F-2 dependents may enroll in "less than a full course of study" at a SEVP-certified school, even if the course of study done part time leads to or counts toward a degree. Study that is "avocational or recreational in nature" is also permitted "up to and including on a full-time basis." F-2 children may engage in full-time study at the K-12 level. To engage in study not covered by these exceptions, the F-2 must apply for and receive a change of status that allows such study (e.g., F-1, M-1, J-1, or another category that does not restrict study).	Not permitted to be employed in the United States.
<b>G-1, G-2, G-3, G-4</b>	<b>Representative of International Organization</b> Individuals in the United States as representatives of an international organization—e.g., the United Nations—and their dependents.	Principal G nonimmigrant may engage in incidental study while maintaining G status. G dependents may engage in part- or full-time study.	Principal G nonimmigrants may be employed only by the international organization or foreign government they represent. G-1 through G-4 dependents may apply to USCIS for an EAD, but they must first have Form I-566 endorsed by both their international organization and the U.S. State Department, and include the endorsed I-566 with the application to USCIS.
<b>G-5</b>	<b>Personal Employee of G-1, G-2, G-3, or G-4 Nonimmigrant</b> Individuals in the United States as personal employees of a representative of an international organization.	May engage in incidental study while maintaining G-5 status.	G-5 may be employed only by the official or representative of the international organization. 240 day rule applies (see Legend).
<b>H-1B</b>	<b>Temporary Worker in a Specialty Occupation</b> Individuals in the United States to perform professional services for a sponsoring employer in a specific position for a fixed period of time. H-1B status can be granted for an initial period of up to three years. Extensions for an additional three years are possible, for a maximum cumulative stay of six years.	May engage in incidental study while maintaining H-1B status.	Employment permitted "incident to status" only with an employer that has had an H-1B petition approved with the alien as beneficiary. Multiple concurrent H-1B petitions are permitted. H-1B portability provisions may allow individuals granted H-1B status in the past to begin employment as soon as employer files the petition; discuss applicability of portability with International Services Office or an immigration attorney. EAD not required. 240 day rule applies (see Legend).
<b>H-1C, H-2A, B, H-3</b>	<b>Other H Principals</b> May engage in incidental study while maintaining H status.	<b>H-1B:</b> Professionals under the Singapore and Chile Free Trade Agreements. <b>H-1C:</b> Registered nurses working in health professional shortage areas. <b>H-2A and H-2B:</b> Performing temporary agricultural work (H-2A) or seasonal or temporary work for which a shortage of U.S. workers exists (H-2B). <b>H-3:</b> Participants in a training program provided by a specific employer.	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 (see Legend) applies to H-1C, H-2A, and H-2B. When this chart was updated, DHS had published a proposed rule that would apply the 240 day rule (see Legend) and H-1B nonimmigrants, once the rule is finalized.
<b>H-4</b>	<b>Dependent of H Nonimmigrant</b> Individuals in the United States as dependents of an H visa holder.	May engage in full- or part-time study.	H-4 dependent spouses of H-1B nonimmigrants may apply to USCIS for an EAD if their H-1B spouse: 1) is the principal beneficiary of an approved Form I-140, Immigrant Petition for Alien Worker; or 2) has been granted H-1B status beyond six years under sections 106(a) and (b) of the American Competitiveness in the Twenty-first Century Act of 2002. All other H-4 dependents are ineligible for employment authorization.
<b>I</b>	<b>Representative of Foreign Information Media</b> Individuals in the United States as journalists or representatives of international media, and their dependents.	Principal I nonimmigrant may engage in incidental study while maintaining valid I status. Dependents are permitted to engage in part- or full-time study.	Permitted to be employed "incident to status" only by the sponsoring foreign news agency or bureau. 240 day rule applies (see Legend). Dependents are not permitted to be employed.
<b>J-1</b>	<b>Exchange Visitor: College/University Student</b> Individuals in the United States for the primary purpose of studying at an institution of higher education under the sponsorship of an exchange visitor program designated by the Department of State.	Must maintain full-time enrollment. May reduce course load below full time only if authorized in advance in SEVIS by Responsible Officer (RO) or Alternate Responsible Officer (ARO) of designated program sponsor, in accordance with DOS regulations.	May be authorized in SEVIS by the RO or ARO for employment or Academic Training. Employment authorization is limited to 20 hours per week while school is in session (full-time during official school breaks) under the following circumstances: 1) on the campus of the school in which they are enrolled, or 2) off-campus due to unforeseen economic necessity. The RO or ARO may also authorize in SEVIS Academic Training related to student's course of study either before or after completing the course of study. Academic Training is limited to a maximum of 18 months or the duration of the student's program of study, whichever is less. Doctoral and post-doctoral students are eligible for an additional 18 months.
	<b>Exchange Visitor: Student Intern</b> Programs designated in the College and University Student category can also sponsor in the Student Intern category. Available only to foreign students currently enrolled and pursuing a degree at a postsecondary academic institution outside the United States, whose U.S. internship will "fulfill the educational objectives for his or her current degree program at his or her home institution."	May engage in incidental study.	May only be employed pursuant to the terms of the internship described on their Form DS-7002.
<b>J-1</b>	<b>Exchange Visitor: Professor, Researcher, Specialist, Trainee, Physician, Intern</b> Individuals in the United States as visiting researchers, professors, short-term scholars, specialists, trainees, interns, or alien physicians under the sponsorship of an exchange visitor program that has been designated by the Department of State.	May engage in incidental study while maintaining valid J status.	May be employed "incident to status" only by the designated program sponsor or appropriate designee, and within the guidelines of the program approved by 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 authorization in SEVIS from the RO or ARO of their designated program.
<b>J-1</b>	<b>Exchange Visitor: Au Pair</b> 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).	May enroll in "postsecondary institutions" while maintaining J-1 status as an au pair, as required by J au pair regulations.	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.
<b>J-2</b>	<b>Dependent of J-1 Exchange Visitor</b> Individuals in the United States as dependents (spouse or unmarried child under the age of 21) of a J-1 exchange visitor.	May engage in full- or part-time study.	Eligible to apply to USCIS for employment authorization. With EAD issued by USCIS, may work for any employer.
<b>L-1</b>	<b>Intracompany Transferee</b> 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.	L-1 may engage in incidental study while maintaining valid L-1 status.	May be employed "incident to status" only by company that obtained visa status on their behalf, for the period of time indicated by USCIS. EAD is not required. 240 day rule applies (see Legend).
<b>L-2</b>	<b>Dependent of L-1 Intracompany Transferee</b> Individuals in the United States as dependents of an L-1 intracompany transferee.	L-2 may engage in full- or part-time study.	L-2 spouses eligible to apply to USCIS for unrestricted employment authorization. EAD required. Other L-2 dependents not eligible for employment authorization.
<b>M-1</b>	<b>Vocational Student</b> Individuals enrolled in a vocational school or program in the United States.	Must maintain full course of study; part-time study only if authorized by Designated School Official (DSO).	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 through endorsement of I-20.
<b>M-2</b>	<b>Dependent of M-1 Student</b> Individuals in the United States as dependents of an M-1 student.	M-2 dependents may enroll in "less than a full course of study" at a SEVP-certified school, even if the course of study done part time leads to or counts toward a degree. Study that is "avocational or recreational in nature" is also permitted "up to and including on a full-time basis." M-2 children may engage in full-time study at the K-12 level. To engage in study not covered by these exceptions, the M-2 must apply for and receive a change of status that allows such study (e.g., F-1, M-1, J-1, or another category that does not restrict study).	Not permitted to be employed in the United States.
<b>NATO 1-7</b>	<b>NATO Personnel</b> 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, or 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 employment authorization. EAD is required.
<b>O-1</b>	<b>Person of Extraordinary Ability</b> 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. 240 day rule applies (see Legend).
<b>O-2</b>	<b>O-1 Accompanying Personnel</b> Personnel accompanying O-1 visa holders.	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. 240 day rule applies (see Legend).
<b>O-3</b>	<b>Dependent of O-1 or O-2 Visa Holder</b> Individuals in the United States as dependents of O-1 or O-2 visa holders.	May engage in part- or full-time study.	Not permitted to be employed in the United States.
<b>P-1</b>	<b>Internationally Recognized Athlete or Entertainment Group, or Essential Support Personnel</b> 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.	May engage in incidental study while maintaining P status.	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. 240 day rule applies (see Legend).
<b>P-2</b>	<b>Artist or Entertainer Under a Reciprocal Exchange Program</b> 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.	May engage in incidental study while maintaining P status.	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. 240 day rule applies (see Legend).
<b>P-3</b>	<b>Artist or Entertainer in a Culturally Unique Program</b> 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.	May engage in incidental study while maintaining P status.	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. 240 day rule applies (see Legend).
<b>P-4</b>	<b>Dependent of P-1, P-2, or P-3 Nonimmigrant</b> Individuals in the United States as dependents of P-1, P-2, or P-3 nonimmigrants.	May engage in part- or full-time study.	Not permitted to be employed in the United States.
<b>Q-1, Q-2, Q-3</b>	<b>International Cultural Exchange Program Participants</b> Includes participants in an international Cultural Exchange program and participants in an Irish Peace and Training Program, and their dependents.	Principal Q visa holders may engage in incidental study. Dependents may engage in full- or part-time study.	Employment restricted to the petitioning employer or agency through whom the status was obtained. EAD is not required. Dependents not permitted to be employed.
<b>R-1</b>	<b>Religious Worker</b> Individuals in the United States 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. 240 day rule applies (see Legend).
<b>R-2</b>	<b>Dependent of R-1 Religious Worker</b> Individuals in the United States as dependents of an R-1 religious worker.	May engage in part- or full-time study.	Not permitted to be employed in the United States.
<b>TN</b>	<b>Professionals under NAFTA (for Citizens of Canada and Mexico)</b> Individuals in the United States 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 Agreement (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 was obtained in an activity in accordance with the provisions of the treaty. EAD is not required. 240 day rule applies (see Legend). May be employed by more than one employer simultaneously, but must obtain TN status for each employer.
<b>TD</b>	<b>Dependent of TN Nonimmigrant</b> Individuals in the United States as dependents of a TN nonimmigrant.	May engage in part- or full-time study.	Not permitted to be employed in the United States.

## LEGEND

**USCIS** U.S. Citizenship and Immigration Services.  
**DHS** Department of Homeland Security.  
**DSO** United States Department of State.  
**DSO A** "designated school official" is a school employee answerable to the DHS for the administration of the school's F or M student program. PDSO is Principal DSO.  
**EAD** An "employment authorization document" (Form I-766) authorizes the bearer to work in the United States. It is not evidence of citizenship or permanent residence.  
**INA** Immigration and Nationality Act.  
**RO** A responsible officer is an individual answerable to the Department of State for the administration of a designated exchange visitor program. May or may not be an employee of the institution at which the exchange visitor studies, teaches, or performs research. ARO is Alternate Responsible Officer.  
**240 day rule** 8 CFR 274a.12(b)(2)(i). If an employer of a nonimmigrant in A-3, E-1, E-2, E-3, G-5, H-1, H-2A, H-2B, H-3, J-1, J-1, L, O, P, R, or TN status files a timely extension of stay application, the employee may continue to work for a period not to exceed 240 days during the time the application is pending, beginning on the date of expiration of the authorized period of stay. If USCIS denies the application for extension of stay, employment authorization automatically expires on the date of USCIS notification of denial. At the time this chart was updated, DHS had published a proposed rule that would also apply the 240 day rule to H-1B1, E-3, and CW-1 nonimmigrants, if the rule is finalized.  
**Designated program sponsor** Organizations wishing to administer (or sponsor) an exchange visitor (J visa) program must apply to DOS for "designation." The institution at which an exchange visitor studies may or may not be the exchange visitor's "designated program sponsor."  
**Employment "incident to status"** refers to employment authorization that is inherent (even though it may be restricted) in a particular immigration category itself. It is distinguished from employment authorization that must be separately granted by USCIS. Employment authorized "incident to status" usually does not require the individual to obtain an EAD card from USCIS, although there are some "incident to status" categories that do require the individual to obtain an EAD as documentation that employment "incident to status" is authorized.  
 Incidental study refers to study done by a nonimmigrant that is in a status designed for a principal purpose other than study. Study done by these individuals cannot be or become the principal purpose in being in the United States, nor should it interfere with the principal purpose of the immigration status that they hold. Also see SEVP's chart, "Who Can Study," available on the NAFSA website at [www.nafsa.org/WhoCanStudy](http://www.nafsa.org/WhoCanStudy).

## Foreign Nationals Who May Work and Study in the United States (Without Restriction on Location or Type of Employment)

CLASSIFICATION	DESCRIPTION	EMPLOYMENT DOCUMENTATION
<b>K-1, K-2, K-3, K-4 Nonimmigrants</b>	France(e) of a U.S. citizen (K-1), derivative children of K-1 fiance(e) (K-2), spouse of a U.S. 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).	Authorized employment "incident to status," but must apply for EAD from USCIS to evidence employment authorization.
<b>N-8 and N-9 Nonimmigrants</b>	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.	Authorized employment "incident to status," but must apply for EAD from USCIS to evidence employment authorization.
<b>S-5, S-6, S-7 Alien Witnesses, Informants, and Dependents</b>	Federal witnesses, informants, and accompanying spouse, parents, or children.	EAD issued by USCIS.
<b>T-1, T-2, T-3, T-4 Nonimmigrants</b>	Alien victims of severe forms of trafficking in persons and their spouse, minor children, and derivative dependents.	USCIS will issue T-1 principals an EAD incident to that status. T-2, T-3, or T-4 family members must be granted an EAD to receive employment authorization. May engage in full- or part-time study.
<b>U-1, U-2, U-3, U-4 Nonimmigrants</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 § 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.
<b>V-1, V-2, V-3 Nonimmigrants</b>	Spouses, minor children, and derivative dependents of lawful permanent residents; beneficiaries of family-based, second-preference (2A) immigrant visa petitions filed on or before December 21, 2000 who have been waiting for immigrant status for three or more years.	Eligible to apply to USCIS for unrestricted employment authorization. EAD required. May engage in full- or part-time study.
<b>Lawful Permanent Residents</b>	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.
<b>Conditional Permanent Residents</b>	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 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.	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.
<b>Temporary Residents</b>	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.	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.
<b>Refugees and Asylees</b>	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.	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 related with refugee status and containing an employment authorization endorsement. No EAD required, but can facilitate I-9 documentation.
<b>Temporary Protected Status (TPS)</b>	Special temporary protection from deportation is available to qualified nationals of countries designated by the Attorney General.	EAD issued by USCIS.
<b>Parolees (Advanced or Regular Parole)</b>	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.	EAD issued by USCIS.
<b>Citizens of The Federated States of Micronesia, the Marshall Islands, and Palau</b>	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.	Authorized employment "incident to status." Not required to present an EAD, but must still present documentation for I-9 employment authorization verification; an EAD can facilitate this.
<b>Individuals Granted Withholding, Cancellation, or Suspension of Removal or Deportation</b>	Individuals granted discretionary relief from deportation or removal because of the equities or circumstances of the case.	EAD issued by USCIS.
<b>Individuals Granted Voluntary Departure</b>	Individuals who are given permission by DHS or an immigration judge to voluntarily depart the United States within a certain period.	Can apply to USCIS for EAD. If granted "extended voluntary departure," employment authorized "incident to status," but must apply for EAD.
<b>Applicants for Certain Immigration Benefits</b>	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.
<b>CW-1 and CW-2</b>	"Transitional Worker nonimmigrant visa classification (CW) for foreign workers only in the Commonwealth of the Northern Mariana Islands, and Employers of nonimmigrant workers who are ineligible for other employment-based nonimmigrant visa classifications under the Immigration and Nationality Act (INA) can apply for temporary permission to employ workers in the CNMI under the CW classification. The CW program is scheduled to end on Dec. 31, 2019." CW-1 is for the principal worker and CW-2 is for dependents of the CW-1 worker.	Employment Documentation: CW-1 may be employed "incident to status" only in the Commonwealth of the Northern Mariana Islands, and only by the petitioner through whom the status was obtained, for the duration of the petition validity period. CW-2 may not be employed.

## Chart Version 2015

This version of Immigration Classifications and Legal Employment of Foreign Nationals in the United States was revised August 2015.

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