

University of California
Payroll Coordination and Tax Services
Visa Classifications Chart¹

Visa	Definition of Visa	Employment Restrictions
A-1	Ambassador, public minister, diplomatic or consular officer and immediate family members	May be employed by a foreign government entity. Clearance for any work beyond diplomatic work must be given in advance by the Protocol Division of the Department of State.
A-2	Other foreign embassies and immediate family	A spouse or unmarried dependent of a foreign government official must have prior clearance to work. Employment authorization must be obtained from the Protocol Division of the Department of State. Any restrictions will be cited on the EAD. ²
A-3	Employee of foreign government official and immediate family members	May only be employed by a foreign government entity.
B-1	Visitor for business	Foreign visitors present in the U.S. on a B-1 visa may be paid honorarium and reimbursement for incidental expenses. ³
B-2	Visitor for pleasure	Foreign visitors present in the U.S. on a B-1 visa may be paid honorarium and reimbursement for incidental expenses. See footnote # 3.
B-2 Prospective Student or Prospective Scholar	Visitor with clear intent to study in the U.S.; will change status to F-1 or J-1	Foreign visitors present in the U.S. on a B-1 visa may be paid honorarium and reimbursement for incidental expenses. See footnote # 3.
C-1	Alien in transit	Not permitted to receive a payment from any U.S. source.
C-2	Alien in transit to United Nations headquarters under an agreement with the U.N.	Not permitted to receive a payment from any U.S. source.
C-3	Foreign government official, members of immediate family, attendant, servant or personal employee, in transit	Not permitted to receive a payment from any U.S. source.
D-1/D-2	Foreign crewman	Employment restricted to the vessel or aircraft of arrival. Not permitted to receive a payment from any U.S. source.

¹ Based on information contained in the "[Code of Federal Regulations](#)", [Aliens and Nationality](#), chapter 8 and the NAFSA- Association of International Educators handbook.

² EAD = Employment Authorization Document.

³ The American Competitiveness and Workforce Improvement Act of 1998 contains a provision that allows payment of honoraria and associated incidental expenses to B-1 and B-2 visa holders for "*usual academic activity*," provided that the services do not exceed nine days at a single institution. The payment must be offered by an institution of higher education, a nonprofit organization affiliated with an institution of higher education, or a nonprofit or a governmental research organization. These visa holders also cannot accept honoraria and/or incidental expenses from more than five such institutions or organizations in the previous six-month period. This new provision is effective for activities occurring on or after October 21, 1998

Visa	Definition of Visa	Employment Restrictions
E-1	Treaty traders, spouse, and children	May be paid for business and investing work used as justification for issuance of visa; no other work is permitted. May be reimbursed for incidental activity i.e., honorarium or travel reimbursements. Dependents of E-1 visa holders may work with an EAD.
E-2	Treaty investor, spouse, and children	May be paid for business and investing work used for justification for issuance of visa; no other work is permitted. May be reimbursed for incidental activity i.e., honorarium or travel reimbursements. Dependents of E-2 visa holders may work with an EAD.
F-1	International student	<u>On-campus work</u> permitted; <u>off-campus work</u> possible in cases of special financial need. Information regarding employment restrictions is available from your campus Office of Students and International Scholars Services.
F-2	Dependents of international students	May not receive a payment or accept employment in the U.S.
G-1, G-2 G-3, G-4	Representative of an international organization, spouse, and children	May be paid by the organization for which they receive their G-designation; no other work is permitted. G-4 spouses and dependents may apply to the Department of State for special work permission.
G-5	Personal employee of G-1, G-2, G-3, or G-4 visa holder. Individuals in the U.S. as personal employees of a representative of an international organization	May be employed only by the official or representative of the international organization.
H-1B	Temporary Professional Worker	Must be paid the salary specified by the employer that filed and received approval of the H-1B petition.
H-2A	Temporary Agricultural Workers	Must be paid the salary specified by the employer that filed and received approval of the H-2A petition. A temporary labor certification is required.
H-2B	Temporary workers whose skills are needed in the U.S.	Must be paid the salary specified by the employer that filed and received approval of the H-2B petition. A temporary labor certification required.
H-3	Trainees or participants in a special education exchange program	Must be paid the salary specified by the employer that filed and received approval of H-3 petition.
H-4	Dependents of H-1, H-2, H-3 employees	Not permitted to be employed or to receive compensation from any U.S. source.
I	Representatives of foreign information media, and their dependents	Employment is restricted to the media organization that obtained the visa classification. Dependents are not permitted to be employed.
J-1 Student	Students in the U.S. under Exchange Visitor Program	May work on or off campus if the program sponsor grants permission.
J-1 Scholar	Researcher/Professor under Exchange Visitor Program	Employment is restricted to the University or organization that issued the IAP-66 ⁴ . Program sponsor may grant limited permission for other work.

⁴ IAP-66 Form = Exchange Visitor Program Services, GOV - Certificate of Eligibility for Exchange Visitor (J-1) Status.

Visa	Definition of Visa	Employment Restrictions
J-1 Au Pair	Individuals in the U.S. under the auspices of the U.S. Information Agency and the Designated Program Sponsor	Eligible to receive payment from the host family or the Designated Program Sponsor for child-care services not to exceed 45 hours per week.
J-2	Dependents of J-1 visa holder	Dependents may accept employment with authorization from the Immigration and Naturalization Service (INS). Dependents must state that money is needed for his/her expenses; work authorization is shown on the I-94 ID card ⁵ .
K-1	Fiancé (e) of American citizens	May request work authorization upon entry to U.S.; work authorization is shown on the I-94 ID card. Must marry an American citizen within 90 days and apply for permanent residence.
K-2	Child of Fiancé (e)	May request work authorization upon entry to the U.S.; work authorization is shown on the I-94 ID card.
L-1	Intra-company transfers, i.e., managers or executives who have worked abroad for branch of U.S. firm	May only work for the company that obtained visa classification on their behalf; no other work permitted.
L-2	Dependents of L-1 visa holder	Dependents may not accept employment unless they have been granted employment authorization.
M-1	Students at vocational schools	M-1 students may not accept employment. May receive permission to work for six months after completion of studies; work authorization is shown on I-20 ID card.
M-2	Dependents of M-1 visa holder	Dependents may not accept employment.
N-8	Parent of alien classified SK-3 "Special Immigrant"	A nonimmigrant admitted in or granted "N" status is authorized employment incident to "N" status.
N-9	Child of N-8, SK-1, SK-2, or SK-4 "Special Immigrant"	A nonimmigrant admitted in or granted "N" status is authorized employment incident to "N" status.
NATO 1-6	NATO Personnel - Individuals in the U.S. as members of the armed services of the nations of the North Atlantic Treaty Organization, staff members	Payment limited to funds provided through a NATO award. Dependents are eligible to apply for work authorization. An EAD is required. Employers must re-verify employment authorization after expiration date on EAD.
NATO-7	Attendants, servants, and personal employees of NATO personnel	Must have EAD from the INS ⁶ .
O-1	Alien with extraordinary ability in Sciences, Arts, Education, Business, or Athletics	Must be paid salary specified by the employer that filed and received approval of the O-1 petition, for period covered by petition.
O-2	Accompanying alien	Must be paid salary specified by employer that filed and received approval of the O-2 petition. The O-2 visa holder cannot work separately from the O-1 visa holder to whom he or she provides support.

⁵ I-94 ID Card = Arrival/Departure Card issued by the INS.

⁶ The INS has finalized a rule that changes work authorization for certain dependents of NATO. Effective August 11, 1998, NATO-7 dependents with EADs can continue to work until the expiration of the EAD, but the final rule does not authorize the INS to issue new EADs to NATO-7 dependents.

Visa	Definition of Visa	Employment Restrictions
O-3	Dependents of O-1 or O-2 visa holder	No employment is permitted.
P-1	Internally recognized athlete or member of internationally recognized entertainment group	May be paid any sum by the employer that filed and received approval of the P-1 petition.
P-2	Artist or entertainer in a reciprocal exchange program	May be paid by the employer that filed and received approval of the "P" petition.
P-3	Artist or entertainer in a culturally unique program	May be paid by the employer that filed and received approval of the "P" petition.
P-4	Dependent of P-1, P-2, or P-3 Visa Holder	May not receive payment from any U.S. source.
Q-1	Participant in an international cultural exchange program	May be paid by the employer that filed and received approval of the Q-1 petition.
R-1	Alien in a religious occupation; Individuals in the U.S. as members of a <i>bona fide</i> religious denomination carrying out the activities of a religious worker	May be employed and compensated only by the religious organization through which the status was obtained. An EAD is not required.
R-2	Dependent of R-1 visa holder	Dependents may not accept employment while in the U.S.
S-5	Alien witness and informants supplying critical information relating to criminal organization or enterprise	May be paid by the sponsor of the "S" visa. An EAD is required.
S-6	Alien witness or informant supplying critical information relating to terrorism	May be paid by the sponsor of the "S" visa. An EAD is required.
S-7	Spouse, married and unmarried sons and daughters, and parents of alien witness or informant in criminal or counter terrorism	May be paid by the sponsor of the "S" visa. An EAD is required.

Status	Definition of Status	Employment Restrictions
TN Status⁷ NAFTA⁸	Canadian or Mexican citizens temporarily engaging in business activities at a professional level.	May be paid any sum by the employer specified in the Form I-797 or Form I-94. The TN approval will be shown on the I-94 ID card.
TD	Dependents of TN visa holder.	May not receive a payment from any U.S. source; stay not extendable.
WB (business)	Visa Waiver Program - Individuals can enter the U.S. for 90 days from Visa Waiver Countries without a visa ⁹	Considered like a B-1 visa. Individuals can receive an honorarium and reimbursement for incidental expenses. See foot note # 3.
WT (tourist)	Visa Waiver Program.	Considered like a B-2 visa. Individuals can receive an honorarium and reimbursement for incidental expenses. See foot note # 3.
Asylum Applicants (I-589 filed)	Those who have filed for asylum in the U.S.	May request work authorization from INS during the waiting period. Permission to work is shown on I-94 ID card or special form issued by the INS.
Asylees, Refugees	Those who have been granted asylum in the U.S.	No limits on employment that they may legally hold with an EAD.
Public Interest Parole (PIP)	An alien paroled into the U.S. temporarily for emergency reasons or reasons deemed strictly in the public interest.	Must have EAD from the INS.
Temporary Protected Status (TPS)	An alien who has applied for temporary protected status.	Must have EAD from the INS.
Border Crossing Card (BCC)¹⁰	A card issued by INS to Mexican citizens to enter the U.S. for a specific period of time.	Must have EAD from the INS.
Pending Immigrants	Those who have applied for adjustment to immigrant status in the U.S.	Must have EAD from the INS.
Temporary Residents	Those who have been approved for legalization in the U.S. after having been here in illegal status for five years or more.	May request work authorization for the year (or longer) it will take to obtain permanent residence; must be able to show I-688A - Temporary Residence Employment Authorization Card.
Conditional Permanent Residents	Those who have applied for Immigrant status through marriage to an American citizen or permanent resident of the U.S.	No limits on the employment they may legally hold; will receive I-551 for two years, after which can become full permanent resident. ¹¹
Undocumented Aliens	Those who enter the U.S. illegally or who lost legal status and are not eligible for legalization.	Not eligible to be employed in the U.S. Employer not liable to any punishment if these aliens have been employed by the same employer prior to November 7, 1986.

⁷Additional information regarding "TN" Status.

⁸NAFTA = North American Free Trade Agreement.

⁹Visa Waiver Countries: Andorra, Argentina, Australia, Austria, Belgium, Denmark, Finland, France, Germany, Holland, Iceland, Italy, Japan, Liechtenstein, Luxembourg, Monaco, New Zealand, Norway, San Marino, Spain, Sweden, Switzerland, the Netherlands, United Kingdom.

¹⁰The BCC issued by the INS to Mexican citizens will be replaced by a new document to be known as a "laser visa". The U.S. Embassy and its Consulates in Mexico will issue the new laser visa. INS-issued BCC, also know as "micas" or "pasaportes locales" will continue to be valid until September 30, 1999, but cannot be used after that date. The laser visa, like the BCC, will be issued only to Mexican citizens.

¹¹Issued by INS since 1989 to both conditional and lawful permanent resident aliens. This card is valid only for a limited period of time; two years from the date of admission or adjustment for conditional permanent resident aliens and 10 years from issuance for lawful permanent resident aliens. The expiration date is shown on the front of the card.

"TN" Classification

As a result of the North American Free Trade Agreement (NAFTA), the Immigration and Naturalization Service (INS) established the special "TN" classification. It is not a visa category. Under NAFTA, a qualified Canadian or Mexican business person may be admitted temporarily to the United States to engage in business activities at a professional level for a period not to exceed one year. A citizen of a NAFTA country may work in a professional occupation in the U.S. provided that:

- The profession is on the NAFTA list,
- The visitor has the necessary criteria for the profession being hired,
- The position requires someone in that professional capacity, and
- The visitor will be working for an U.S. employer.

The INS has established specific guidelines that a citizen of Canada or Mexico must follow when seeking entry into the U.S. The TN application process is summarized below.

Application process for a citizen of Canada is as follows:

- The individual must apply for the TN status at the port of entry,
- Documentation that establishes qualification for jobs (i.e., copy of college degree),
- A written job offer from a U.S. - based employer. This must include a description of the job and the job must be listed on the NAFTA Job Series list¹², and
- A \$50.00 fee (in U.S. currency).

Canadian citizens are not required to obtain a visa to enter the U.S. They may receive a TN status with INS at the port of entry. The TN status is only granted if the stay in the U.S. is temporary.

Application process for a citizen of Mexico is as follows:

- The U.S. employer must file a Labor Condition application,
- The employer must file an I-129, "Petition for Nonimmigrant Worker", with INS, and
- After the I-129 has been approved, the visitor must apply for a nonimmigrant visa at a U.S. Embassy or Consulate in Mexico.

Dependents

The spouse and unmarried minor children of the principal alien are entitled to the derived, status but may not accept employment under that status while in the U.S. Generally, the designation will be a TD, dependent of TN holder.

Extension of Stay

The requirements for a Canadian citizen is as follows:

- The employer files an I-129 form at the nearest regional INS office. The visitor does not have to leave the U.S. to obtain approval, or
- The visitor may return to Canada and apply for a new TN at the port of entry with the same documentation that was required for the original entry.

The requirements for a Citizen of Mexico is as follows:

- The U.S. employer must renew the Labor Certification and file another I-129 with the regional INS office.

¹² The NAFTA Professional Job Series List is available from your campus Office of Students and International Scholars Services.