

FINANCIAL AND ADMINISTRATIVE POLICY
SYS 238- PAYMENTS TO FOREIGN NATIONALS
ATTACHMENT 238-1

FOREIGN NATIONALS IN NONIMMIGRANT VISA CLASSIFICATIONS
WHO MAY BE LAWFULLY EMPLOYED &/OR STUDY IN THE U.S.
WITH CERTAIN RESTRICTIONS

Type of Visa/Description	Study Restrictions	Employment Restrictions
<p>A-1/ Foreign Diplomatic Personnel A-2 Individuals in the U.S. as employees of a foreign government, e.g., ambassador, minister, diplomat, or consular officer.</p>	May engage in incidental study.	Principal A-1/A-2 visa holder may be employed only by foreign government entity.
<p>Dependent of A-1/A-2 Visa Holder Immediate family members of foreign government officials. (Dependents also carry A-1/A-2 status.)</p>	May engage in full-time study.	Spouses and unmarried dependent children of a foreign government official may be employed if they present to INS a fully executed Form I-566 bearing the endorsement of an authorized representative of the Dept. of State, subject to any restrictions stated in the regulations or cited on the EAD. EAD is required.
<p>A-3 Employe of Foreign Government Official Attendants or other personal employees of foreign government officials.</p>	May engage in incidental study.	May be employed only by foreign government entity.
<p>B-1 Visitor for Business Individuals in the U.S. for a short time to engage in business activities such as consulting with business associates, attending professional conferences, or conducting independent research. May <i>not</i> engage in any employment in the U.S., including salaried work, or services performed on an independent basis.</p>	May engage in incidental study.	Foreign visitors present in the U.S. on a B-1 visa may not be paid any salary, wage, honorarium, stipend, or other form of compensation for services rendered from a U.S. source. Only “reasonable” reimbursement for incidental expenses- including accommodations, meals, and travel expenses- may be paid.
<p>B-2 Visitor for Tourism Individuals in the U.S. for travel, tourism, or recreation.</p>	May engage in part-time study incidental to visit - e.g., may enroll in short-term English language courses as long as the course of study is under 18 hours per week (part-time) and of “short duration.”	Foreign visitors in the U.S. on a B-2 visa are prohibited from receiving payments <i>of any kind</i> from any U.S. source. Reimbursement of expenses is prohibited.
<p>B-2 Prospective Student or Prospective Scholar Individuals who enter the U.S. indicating a clear intent to study here or to change to a 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.</p>	May engage in full-time study but must apply for change of status to F-1 or J-1 immediately after entry. Full-time study is permitted while change of status is pending.	Prohibited from receiving payments of any kind from any U.S. source.
<p>Visa Waiver for Business (VWB) and Tourism (VWT) Individuals permitted to enter the U.S. without a visa for a stay limited to 90 days. Available only to citizens of countries designated by the U.S.State Dept.</p>	See B-1/B-2 visa.	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 counterparts. Visa holders may not extend length of stay or change visa status.

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C-1 Aliens in Transit Individuals in transit from one country to another “stopping over” in the U.S.	No study allowed.	Not permitted to receive payment from any U.S. source.
E-1 Treaty Trader/E-2 Treaty Investor Individuals 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 a treaty.	Principal E-1/E-2 may engage in incidental study. E-1/E-2 dependents may engage in full-time study.	Principal E-1/E-2 visa holders may be employed only by the trade-qualifying company through which they obtained the visa status. Dependents of E-1/E-2 visa holders are not permitted to be employed.
F-1 Student Individuals in the U.S. engaging in a full course of academic study in an accredited educational program. May include elementary school, academic high school, college/university, conservatory, or language training.	Must maintain full-time enrollment as defined by academic institution; part-time study only with approval of “designated school official” (DSO) in accordance with INS guidelines.	<p>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 by the school, and prior INS approval is not needed. During school vacations, students may work on campus for a maximum of 40 hours per week if otherwise eligible and intending to enroll for the next term.</p> <p>2. While enrolled, visa holders in circumstances of “economic hardship” may work off campus if so recommended by DSO on form I-20. In such cases, EAD is required.</p> <p>3. Participation in “Pilot Off-Campus Employment Program for F-1 Students” requires certified form ETA 9035 and I-20ID endorsed by DSO. Employment is authorized for a specific job only.</p> <p>4. May participate in employment directly related to field of study. This employment may take the form of:</p> <ul style="list-style-type: none"> • <i>Curricular Practical Training.</i> Employment required for completion of the student’s degree program. Requires approval of DSO on form I-20ID. EAD not required. Employment authorization is job specific. • <i>Optional Practical Training.</i> Employment during or after completion of studies. The total period of employment may not exceed 12 months. Requires recommendation of DSO and approval by INS. EAD is required.
F-2 Dependent of F-1 Visa Holder Individuals in the U.S. as dependents of an F-1 visa holder.	May engage in full- or part-time study.	Not permitted to work in the U.S. under any circumstances.

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G-1 Representative of International Organization Individuals in the U.S. as G-2 representatives of an international G-3 organization - e.g., the United Nations G-4 - and their dependents.	Principal G visa holder may engage in part-time study. G dependents may engage in full-time study.	Principal G visa holders may be employed only by the international organization or foreign government they represent. Spouses and unmarried dependent children of an officer may be employed if they present to INS a fully executed Form I-566 bearing the endorsement of an authorized representative of the Dept of State, subject to any restrictions stated in the regulations or cited on the EAD. EAD is required. G-5 may be employed only by the official or representative of the international organization.
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 engage in part-time study.	
H-1A Registered Nurse Individual in the U.S. to perform professional nursing services for a specific employer for a fixed period of time.	May engage in part-time study while maintaining H visa status.	Eligible to be employed only by the petitioner through whom status was obtained. INS Form I-797A authorizes employment. EAD is not required.
H-1B Temporary Worker in a Specialty Occupation Individuals in the U.S. to perform professional services for a sponsoring employer in a specific position for a fixed period of time. Employment authorization is granted for an initial period of up to 3 years. Extensions for an additional 3 years are possible.	May engage in part-time study while maintaining H visa status.	Employment permitted only with the sponsoring institution that obtained INS approval for the visa classification. Prohibited from receiving payments from other organizations. However, individuals may receive INS approval to work in H-1B status for more than one employer. Each employer must petition INS and receive approval for the employment. INS Form I-797A authorizes employment. EAD is not required.
H-2A Agricultural Worker Individuals in the U.S. to perform agricultural work on a temporary basis.	May engage in part-time study while maintaining H visa status	May be employed only by the petitioning employer for a specific period of time. INS Form I-797A authorizes employment. EAD is not required
H-2B Skilled or Unskilled Worker Individuals in the U.S. in a temporary position for which a shortage of U.S. workers exists, working for a specific employer for a fixed period of time.	May engage in part-time study while maintaining H visa status	May be employed by the petitioning employer for a specified period of time. INS Form I-797A authorizes employment. EAD is not required
H-3 Trainee Individuals in the U.S. for a temporary period to participate in a training program provided by a specific employer.	May engage in part-time study while maintaining H visa status	May work only for the petitioning employer for the period of validity of the petition. INS Form I-797A authorizes employment. EAD is not required
H-4 Dependent of H Visa Holder Individuals in the U.S. as dependents of an "H" visa holder.	May engage in full- or part-time study.	Not permitted to be employed or receive compensation from any U.S. source.
I Representative of Foreign Information Media Individuals in the U.S. as journalists or representatives of international media, and their dependents.	Principal I visa holder may engage in part-time study. Dependents are permitted to engage in full-time study.	Permitted to be employed only by the sponsoring foreign news agency or bureau. Dependents are not permitted to be employed.

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<p>J-1 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 Information Agency and a Designated Program Sponsor.</p>	<p>Must maintain full-time enrollment. May engage in part-time study only if authorized by Responsible Officer (RO) of Designated Sponsor Program.</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 RO of their Designated Program. May work off campus under limited circumstances provided they have obtained prior written authorization from the RO. Employment does not require additional permission from INS or an EAD. Eligible for 18 months of academic training following completion of their program (36 months for postdoctoral training).</p>
<p>J-1 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 Information Agency and a Designated Program Sponsor.</p>	<p>May enroll only in part-time study related to principal activity provided program can be completed within limitation of stay.</p>	<p>Eligible to receive payment from the organization listed on Form IAP-66 as the source of funds and/or the Designated Program Sponsor for the period of validity as stated on the IAP-66. Under limited circumstances, may receive compensation from other institutions provided prior written authorization from the RO of their Designated Program has been secured. IAP-66 Form authorizes employment. EAD is not required.</p>
<p>J-1 Au Pair Individuals in the U.S. under the auspices of the U.S. Information Agency and a Designated Program Sponsor 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.</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>
<p>J-2 Dependent of J-1 Visa Holder Individuals in the U.S. as dependents (spouse or unmarried child under the age of 21) of a J-1 student or scholar.</p>	<p>May engage in full- or part-time study.</p>	<p>Eligible to apply to INS for work authorization. With EAD issued by INS, may work for any employer. Employer must reverify employment authorization after expiration date on EAD</p>
<p>L-1 Intracompany Transferee L-2 Dependent of L-1 Visa Holder 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, and their dependents.</p>	<p>L-1 may engage in part-time study. L-2 dependents may engage in full-or-part time study.</p>	<p>May be employed only by company that obtained visa status on their behalf. INS Form I-797A authorizes employment. EAD is not required. L-2 dependents are not permitted to work or receive payment from any U.S. source.</p>
<p>M-1 Vocational Student Individuals enrolled in a vocational school or program in the U.S.</p>	<p>Must study full-time; part-time study only if authorized by DSO.</p>	<p>May be employed for practical training following completion of studies for a maximum of 6 months. Must apply to INS for EAD. Employment must be related to field of study and recommended by DSO through endorsement of I-20. Employer must reverify employment authorization after expiration date on EAD.</p>
<p>M-2 Dependent of M-1 Visa Holder Individuals in the U.S. as dependents of an M-1 visa holder.</p>	<p>May engage in full- or part-time study</p>	<p>Not permitted to be employed or receive compensation from any U.S. source</p>

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<p>O-1 Person of Extraordinary Ability O-2 Accompanying Personnel Individual of extraordinary ability in the sciences, arts, education, business, or athletics who is in the U.S. to work for a sponsoring employer or organization (O-1), and their accompanying personnel (O-2).</p>	<p>May engage in part-time study while maintaining O status.</p>	<p>May be employed and compensated only by the petitioning employer or agency through whom the status was obtained. INS Form I-797A authorizes employment. EAD is not required.</p>
<p>O-3 Dependent of O-1 and O-2 Visa Holder Individuals in the U.S. as dependents of O-1 and O-2 visa holders.</p>	<p>May engage in full-time study.</p>	<p>Not permitted to be employed or receive compensation from any U.S. source</p>
<p>P-1 Internationally Recognized Athlete or Entertainment Group, or Essential Support Personnel Individuals in the U.S. 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 part-time study while maintaining P status.</p>	<p>May be employed and compensated only by the petitioning employer or agency through whom the status was obtained. If a member of a group, may not perform services apart from the entertainment group. INS Form I-797A authorizes employment. EAD is not required.</p>
<p>P-2 Artist or Entertainer Under a Reciprocal Exchange Program Individuals in the U.S. as artists or entertainers, operating individually or as a group, who will be performing under a reciprocal exchange program between an organization in the U.S. and one in a foreign state.</p>	<p>May engage in part-time study while maintaining P status.</p>	<p>May be employed and compensated only by the petitioning employer or agency through whom the status was obtained. INS Form I-797A authorizes employment. EAD is not required</p>
<p>P-3 Artist or Entertainer in a Culturally Unique Program Individuals in the U.S. as artists or entertainers, individually or as a group, 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 engage in part-time study while maintaining P status.</p>	<p>May be employed and compensated only by the petitioning employer or agency through whom the status was obtained. INS Form I-797A authorizes employment. EAD is not required</p>
<p>P-4 Dependent of P-1, P-2, or P-3 Visa Holder Individuals in the U.S. as dependents of the holder of a P-1, P-2, or P-3 visa.</p>	<p>May engage in full-time study.</p>	<p>Not permitted to be employed or receive compensation from any U.S. source</p>
<p>Q Participant in an International Cultural Exchange Program Individuals in the U.S. as participants in an international cultural exchange visitor program approved by the Attorney General to provide practical training, employment, and the sharing of the history, culture, and traditions of the foreign national's country ("Disney Visa").</p>	<p>May engage in part-time study.</p>	<p>May be employed and compensated only by the petitioning employer or agency through whom the status was obtained. INS Form I-797A authorizes employment. EAD is not required</p>

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R-1 Religious Worker Individuals in the U.S. as members of a bona fide religious denomination carrying out the activities of a religious worker.	May engage in part-time study.	May be employed and compensated only by the religious organization through which the status was obtained. EAD is not required
R-2 Dependent of R-1 Visa Holder Individuals in the U.S. as dependents of an R-1 visa holder.	May engage in full-time study.	Not permitted to be employed or receive compensation from any U.S. source
TN Trade NAFTA (for citizens of Canada & Mexico) Individuals in the U.S. to perform professional services for a sponsoring employer in a specific position for a fixed period of time.	May engage in part-time study.	May be employed and compensated only by the sponsoring employer through whom the status was obtained. Canadians require only an I-94 card as employment authorization. Mexicans require INS Form I-797A; EAD is not required.
T-D Dependent of TN Visa Holder Individuals in the U.S. as dependents of a TN visa holder.	May engage in full-time study.	Not permitted to be employed or receive compensation from any U.S. source