

**FINANCIAL AND ADMINISTRATIVE POLICY
SYS 238- PAYMENTS TO NON-RESIDENT
ALIENS 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 (Status)/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>	<p>May engage in incidental study.</p>	<p>Principal A-1/A-2 visa holder may be employed only by foreign government entity.</p>
<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>	<p>May engage in part-time or full-time study.</p>	<p>Spouses and unmarried dependent children of a foreign government official may be employed if they present to USCIS 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>
<p>A-3 Employee of Foreign Government Official Attendants or other personal employees of foreign government officials.</p>	<p>May engage in incidental study.</p>	<p>May be employed only by foreign government entity.</p>
<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 not engage in any employment in the U.S., including salaried work, or services performed on an independent basis.</p>	<p>B-1, B-2, WB or WT visitors may not begin any “course of study” (neither full-time nor part-time) while in such status. Casual, short term classes that are not the primary purpose of the visitor’s presence in the United States, such as a single English language class or a crafts class, would not constitute a “course of study”.</p>	<p>B-1 visitors for business cannot be employed in the United States, but may generally accept reimbursements for expenses. Higher Ed institutions may 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)” if the activity is conducted for the benefit of that institution and the visitor has not accepted such payment or expenses from more than five institutions in the previous 6-month period.</p>
<p>B-2 Visitor for Tourism Individuals in the U.S. for travel, tourism, or recreation.</p>		<p>Foreign visitors in the U.S. on a B-2 visa cannot be employed in the United States but are eligible to receive “academic honorarium” payments like B-1 visitors.</p>
<p>B-2 Prospective Student or Prospective Scholar Under certain circumstances, a consulate can issue a B-2 visa with a “prospective student” or “prospective exchange</p>		<p>Prohibited from receiving payments of any kind from any U.S. source. Not eligible to be employed under F-1 or J-1 status until USCIS approves the change to F-1 or J-1 status.</p>

<p>visitor” notation, which facilitates a change to F or J status in the United States. Individual must apply for a change of status before the expiration date on the I-94.</p>		
<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>		<p>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.</p>
<p>C-1 Aliens in Transit Individuals in transit from one country to another “stopping over” in the U.S.</p>	<p>No study allowed.</p>	<p>Not permitted to receive payment from any U.S. source.</p>
<p>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.</p>	<p>Principal E-1/E-2 may engage in incidental study. E-1/E-2 dependents may engage in full- time study.</p>	<p>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.</p>
<p>F-1 Student A non-immigrant who is pursuing a “full course of study” to achieve a specific educational or professional objective at an academic institution that has been designated by DHS to offer courses of study to such students, and has been enrolled in the Student and Exchange Visitor Information System (SEVIS).</p>	<p>Must maintain full-time enrollment as defined by academic institution; part-time study for medical or academic reasons only with approval of “designated school official” (DSO) in accordance with USCIS guidelines.</p>	<ol style="list-style-type: none"> 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 USCIS 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. 2. After being in F-1 status for at least 1 academic year, 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. 3. If recommended by DSO, may apply to USCIS for an EAD to work in an internship with a recognized international organization within the meaning of the International Organization Immunities Act. 4. After being enrolled for at least 1 year, may participate in employment directly related to field of study. This employment may take the form of: <ul style="list-style-type: none"> • <i>Curricular Practical Training.</i> Employment required for completion

		<p>of the student's degree program. Requires approval of DSO on form I-20 and in SEVIS. EAD not required. Employment authorization is job specific.</p> <ul style="list-style-type: none"> • <i>Optional Practical Training.</i> Employment during or after completion of studies. The standard period of employment is 12 months. Additional extensions of 24 months are available to STEM graduates working for an e-Verify employer. Requires recommendation of DSO and approval by USCIS. EAD is required.
<p>F-2 Dependent of F-1 Visa Holder Individuals in the U.S. as dependents of an F-1 visa holder.</p>	<p>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 towards a degree. Study that is "avocational or recreational in nature" is also permitted up to a full-time basis. To enroll in a full time degree program, must change status to F-1, M-1 or J-1.</p>	<p>Not permitted to work in the U.S. under any circumstances.</p>
<p>G-1 Representative of International Organization G-2 G-3 G-4 Individuals in the U.S. as representatives of an international organization - e.g., the United Nations and their dependents.</p>	<p>Principal G visa holder may engage in part-time study. G dependents may engage in full-time study.</p>	<p>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 USCIS 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>
<p>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.</p>	<p>May engage in part-time study.</p>	<p>G-5 may be employed only by the official or representative of the international organization.</p>
<p>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. Maximum total stay is 6 years.</p>	<p>May engage in part-time study while maintaining H visa status.</p>	<p>Employment permitted only with the sponsoring institution that obtained USCIS approval for the visa classification. Prohibited from receiving payments from other organizations. However, individuals may receive USCIS approval to work in H-1B status for more than one employer. Each employer must petition USCIS and receive approval</p>

		for the employment. USCIS 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. USCIS 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. USCIS 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. USCIS 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.	H-4 spouses of H1-B non-immigrants may apply to USCIS for an EAD. EAD is required for any US employment.
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.
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.	Must maintain full-time enrollment. May engage in part-time study only if authorized by Responsible Officer (RO) of Designated Sponsor Program.	May be employed on the campus of the school in which they are enrolled up 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 USCIS or an EAD. Academic Training is limited to maximum of 18 months or duration of program, whichever is less. Doctoral and postdoctoral students are eligible for an additional 18 months.
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 an exchange visitor program that has been designated by DOS.	May enroll only in part-time study related to principal activity provided program can be completed within limitation of stay.	May be employed "incident to status" only by the designated program sponsor, within the guidelines approved by DOS, for the period designated on the DS-2019. Under limited circumstances, may engage in "occasional lectures and short terms consultations" at other organizations with prior authorization in SEVIS and

		in writing from the RO of their designated program.
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.	May enroll in “postsecondary institutions” while maintaining J-1 status as an au pair.	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.
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.	May engage in full- or part-time study.	Eligible to apply to USCIS for work authorization. With EAD issued by USCIS, may work for any employer. Wages may not be used to support the J-1 visa holder.
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.	L-1 may engage in part-time study. L-2 dependents may engage in full-or-part time study.	May be employed only by company that obtained visa status on their behalf. EAD is not required. L-2 spouses are eligible to apply for EAD from USCIS. May work “incident to status” without EAD if I-94 is marked with admission code L-2S. L-2 children are not permitted to work or receive payment from any U.S. source.
M-1 Vocational Student Individuals enrolled in a vocational school or program in the U.S.	Must study full-time; part-time study for medical reasons only and only if authorized by DSO.	May be employed for practical training following completion of studies for a maximum of 6 months. Must apply to USCIS for EAD. Employment must be related to field of study and be recommended by DSO in SEVIS and through endorsement of I-20.
M-2 Dependent of M-1 Visa Holder Individuals in the U.S. as dependents of an M-1 visa holder.	May engage in part-time degree-credit study or full-time recreational/non-degree credit study. M-2 children may engage in full-time study at k-12 level.	Not permitted to be employed or receive compensation from any U.S. source
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).	May engage in part-time study while maintaining O status.	May be employed and compensated only by the petitioning employer or agency through whom the status was obtained. EAD is not required.
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.	May engage in part-time or full-time study.	Not permitted to be employed or receive compensation from any U.S. source
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	May engage in part-time study while maintaining P status.	May be employed and compensated only by the petitioning employer(s) or agency through whom the status was obtained. If a member of a group, may not perform services apart from the

individuals performing as part of an entertainment group that has been internationally recognized, and their essential support personnel.		entertainment group. EAD is not required.
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.	May engage in part-time study while maintaining P status.	May be employed and compensated only by the petitioning employer(s) or agency through whom the status was obtained. EAD is not required
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.	May engage in part-time study while maintaining P status.	May be employed and compensated only by the petitioning employer(s) or agency through whom the status was obtained. EAD is not required
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.	May engage in part-time or full-time study.	Not permitted to be employed or receive compensation from any U.S. source
Q Participant in an International Cultural Exchange Program Individuals in the U.S. as participants in an international cultural exchange visitor program approved by USCIS.	May engage in part-time study.	May be employed and compensated only by the petitioning employer or agency through whom the status was obtained. USCIS Form I-797A authorizes employment. EAD is not required
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 part-time or full-time study.	Not permitted to be employed or receive compensation from any U.S. source
TN USMCA Professional (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, pursuant to the provision of the United States-Mexico-Canada Agreement (USMCA). The USMCA replaced NAFTA on 7/1/20.	May engage in part-time study.	May be employed and compensated only by the sponsoring employer through whom the status was obtained. EAD is not required. May be employed by more than one employer simultaneously, but must obtain TN status for each employer.
T-D Dependent of TN Nonimmigrant Individuals in the U.S. as dependents of a TN nonimmigrant.	May engage in part-time or full-time study.	Not permitted to be employed or receive compensation from any U.S. source