

IMMIGRATION CLASSIFICATIONS CHART

The following chart is based upon a publication distributed by NAFSA: Association of International Educators entitled, *Immigration Classifications and Legal Employment of Foreign Nationals in the United States*, by Gail Rawson. The complete chart may be ordered by contacting NAFSA at <http://www.nafsa.org/>. The following condensed adaptation provides as concise description of each visa classification. Please note, however, that this information is not all inclusive.

CATEGORY	DESCRIPTION	DURATION OF STAY	EMPLOYMENT RESTRICTIONS	STUDY RESTRICTIONS
B-1	Visitor for Business.: Individuals in the U.S. for a short period of time to engage in business activities such as negotiating contracts for overseas employees, consulting with business associates, attending professional conferences, or conducting independent research.	Limited to 1 year. Duration of stay is determined at port of entry or pursuant to a change of status, and indicated on the Form I-94 Arrival/Departure Record.	Not permitted to be employed in the U.S. In some cases, may receive academic honorarium reimbursements for incidental expenses and per diem for degree or certificate.	Casual, short-term classes allowed. Classes leading to a degree program are prohibited.
B-2 Visitor	Visitor for Tourism: Individuals in the U.S. for travel, tourism, or recreation.	Standard period of stay is 6 months, regardless of the validity of their visa stamp or stated length of stay. If more time is requested due to special circumstances, time can be lengthened at the discretion of the immigration inspector, but in no case longer than 1 year.	Not permitted to be employed in the U.S. In some cases, may receive academic honorarium reimbursements for incidental expenses and per diem for degree or certificate.	May engage in part-time study incidental to visit (e.g. may enroll in ALCP under 18 hrs. per week and for a short duration).
B-2 Prospective Student/Scholar	Prospective Student or Scholar: Individuals who enter the U.S. 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 change of status BEFORE the expiration date on the I-94.	Prohibited from receiving payments of any kind from any U.S. source until change to F-1 or J-1 student status is approved by Immigration. May not begin studies until F-1 or J-1 status has been approved.	
F-1	Student: Individuals in the U.S. engaging in a full course of academic or language study in an accredited educational program.	Duration of stay is determined by Immigration at the port of entry or pursuant to a change of status and indicated on the I-94 and I-20. The I-94 will normally be marked “D/S” (if marked with a certain date, this takes precedence over the date on the Form I-20) for “Duration of Status” and the Form I-20 will have an expiration date in Section 5 (program end date). This means the student may remain in the U.S. until the program end date provided they are otherwise maintaining their status. The student then has 60 days from the program end date to leave the U.S. unless engaged in authorized employment.	While maintaining valid F-1 status, students 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 off-campus work authorization. Employment on an 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 on Form I-20 and 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 and an EAD approved by USCIS.	Must maintain full-time enrollment. Students must be enrolled for a full course of study each Fall & Spring semester. <i>Undergraduates: 12 cred.</i> <i>Graduates: 9 credits.</i> Authorization to enroll less than full-time must be granted by the IPO prior to taking classes part-time. For further information: http://www.webs.uidaho.edu/ipo/intlstudents/parttime_enrollment.htm If taking on-line courses, only 1 online course or 3 credits maximum may be applied towards full-time enrollment requirements each semester.

CATEGORY	DESCRIPTION	DURATION OF STAY	EMPLOYMENT RESTRICTIONS	STUDY RESTRICTIONS
F-2	Dependent of F-1 Visa Holder. Individuals in the U.S. as dependents of an F-1 visa holder.	Same as above for F-1.	NOT permitted to work in the U.S. under any circumstances.	The F-2 spouse may NOT engage in full-time study (part-time only). Study must be avocational/recreational in nature. The F-2 child may engage in full-time study in elementary or secondary school (K-12).
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.	Duration of stay is granted for an initial period of up to 3 years. Extensions for an additional 3 years are possible, for a maximum of 6 years . After reaching the maximum of 6 years, the individual must remain outside of the U.S. for 12 months before he/she is eligible for H-1B1 status again. Duration of stay is indicated on the I-94.	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 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 incidental to H-1B status with a specific employer, and no EAD is required.	May engage in part-time study while maintaining H visa status.
H-2A	Agricultural Worker. Individuals in the United States to perform agricultural work on a temporary basis.		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.	May engage in part-time study while maintaining H visa status.
H-2B	Skilled or Unskilled Worker. Individuals in the United States in a temporary position for which a shortage of U.S. workers exists, working for a specific employer for a fixed period of time.		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.	May engage in part-time study while maintaining H visa status.
H-3	Trainee. Individuals in the United States for a temporary period to participate in a training program provided by a specific employer.	3 years maximum.	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.	May engage in part-time study while maintaining H visa status.
H-4	Dependent of principal H non-immigrant. Individuals in the U.S. as dependents of an H nonimmigrant.	Same as H-1B	Not permitted to be employed or receive compensation from any U.S. source.	May engage in full-time or part-time study.
J-1 Student	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.	No set limit for degree students. 2 years maximum for non-degree students. Duration of stay determined by Immigration at the port of entry or pursuant to a change of status, and indicated on the Form I- 94 Arrival/ Departure Record and the Form DS-2019. The Form I-94 will normally be marked "D/S" for "Duration of Status" and the Form DS-2019 will have an expiration date in Section 3. When this combination is in effect, it means that the individual may remain in the U.S. until the date indicated in Section 3 of the DS-2019 Form provided that they are otherwise maintaining their status by adhering to all applicable laws and regulations. If the Form I-94 is marked with a date certain rather than with "D/S," then the date on the Form I-94 takes precedent over the date in Section 3 of the DS-2019 Form. When this combination is in effect, the individual may not remain in the U.S. beyond the date indicated on the Form I-94.	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.	Must maintain full-time enrollment. May engage in part-time study only if authorized by RO of Designated Program Sponsor.

CATEGORY	DESCRIPTION	DURATION OF STAY	EMPLOYMENT RESTRICTIONS	STUDY RESTRICTIONS
J-1 Scholar	Exchange Visitor (Short-term Scholar, Professor, Researcher, or Specialist): Individuals in the U.S. as visiting researchers or professors under the auspices of the U.S. Department of State and a Designated Program Sponsor.	Duration of stay is limited initially to 3 years in the United States. The Responsible Officer or Alternate Responsible Office may grant a discretionary extension of an additional 180 days for a maximum total of 3 years, 6 months . Further extensions beyond 3 years, 6 months must be approved by the Department of State. Duration of stay is determined by Immigration at the port of entry or pursuant to a change of status, and indicated on the Form I-94 Arrival/ Departure Record and the DS-2019 Form. The Form I-94 will normally be marked "D/S" for "Duration of Status" and the DS-2019 Form will have an expiration date in Section 3. When this combination is in effect, it means that the individual may remain in the U.S. until the date indicated in Section 3 of the DS-2019 Form provided that they are otherwise maintaining their status by adhering to all applicable laws and regulations. If the Form I-94 is marked with a date certain rather than with "D/S," then the date on the Form I-94 takes precedent over the date in Section 3 of the DS-2019 Form. When this combination is in effect, the individual may not remain in the U.S. beyond the date indicated on the Form I-94.	May be employed only by the designated program sponsor or appropriate designee as stated on DS-2019 Form, and within the guidelines of the program approved by USCIS for the period of validity stated on DS-2019 Form. Under limited circumstances, may receive compensation from other institutions with prior written authorization from the Responsible Officer of their designated. DS-2019 Form authorizes employment. EAD is not required.	May engage only in part-time study incidental to visit, provided the program can be completed within the limitations of the stay.
J-2	Dependent of J-1 Visa Holder. Individuals in the United States as dependents (spouse or unmarried child under the age of 21) of a J-1 student or scholar.	Duration of stay is exactly the same as the J-1 primary.	Eligible to apply to USCIS for work authorization. With EAD issued by USCIS, may work for any employer. Employer must re-verify employment authorization by the expiration date on the EAD.	May engage in full-time or part-time study.
O-1	Person of Extraordinary Ability. Individual of extraordinary ability in the sciences, arts, education, business, or athletics who are in the U.S. to work for a sponsoring employer or organization.	No set limit. Duration of stay determined by Immigration at the port of entry or pursuant to a change of status, and indicated on the Form I-94 Arrival/ Departure Record. Duration of stay can be initially granted for up to 3 years. Extensions are possible but can be granted only in one-year increments.	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.	May engage in part-time study while in O status.
TN	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 fixed period of time.	Duration of stay limited to 1 year . Extensions may be granted indefinitely in one-year increments. Duration of stay determined by Immigration at the port of entry or pursuant to a change of status, and indicated on the Form I-94 Arrival/Departure Record.	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. Canadians require only an I-94 card as employment authorization. Employer must petition USCIS on Form I-129 for Mexican TN workers. EAD is not required. May be employed by more than one employer simultaneously, but must obtain TN status for each employer.	May engage in part-time study.
TD	Dependent of TN Visa Holder. Individuals in the U.S. as a dependent of the holder of a TN Visa	Duration of stay is exactly the same as the TN primary.	Not permitted to be employed or receive compensation from any U.S. source.	May engage in full-time study.