

The Victoria Law Group
Select Non-Immigrant Visa Classification Chart

Visa Class	Description	Employment	Study	Green Card Status
E-1 Treaty Trader	An individual who is in the U.S. to conduct trade under a treaty between his/her country and the U.S. or his/her employer and other companies.	Principal E-1 can be employed only by the trade qualifying company through which he/she obtained status. EAD* is not required Dependent spouse may apply to USCIS for employment authorization. EAD* is required. E-1 dependent children are not authorized for employment.	Principal E-1 can study with authorization from the company through which he/she obtained status; study must be incidental to employment. E-1 dependent may engage in full or part-time study.	No path to gain Green Card status.
E-2 Treaty Investor	An individual who is in the U.S. to develop and direct the operations of an enterprise in which he/she has made a substantial investment.	Principal E-2 can be employed only by the trade-qualifying company that petitioned for the E-2 status. EAD* is not required. Dependent spouse may apply to the USCIS for employment authorization. EAD* is required. E-2 dependent children are not authorized for employment.	Principal E-2 can study with authorization from the company through which he/she obtained status. Study must be incidental to employment. Dependents may engage in full or part-time study.	No path to gain Green Card status.
EB-1 First Preference Employment-Based	<ul style="list-style-type: none"> A. Extraordinary Ability, B. Outstanding professors and researchers, C. Multinational manager or executive. 	<ul style="list-style-type: none"> A. Must demonstrate extraordinary ability in the sciences, arts, education, business, or athletics. B. Demonstrate international recognition for you outstanding achievements in a particular academic field. C. Must have been employed outside the United States in the 3 years preceding the petition for at least one year by a firm or corporation and you must be seeking to enter the United States to continue service to that firm or organization. 	May NOT engage in full or part-time study.	Petitioner may file I-140 for him/herself. Once I-140 has been approved, petitioner may file I-485 Adjustment of status.

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EB-2 Second Preference Employment-based	A. Advanced Degree B. Exceptional Ability C. National Interest Waiver	A. The job you apply must require an advanced degree and you must possess such a degree or its equivalent. B. Must be able to show exceptional ability in the sciences, arts or business. Exceptional ability means a degree of expertise significantly above that ordinarily encountered in the sciences, arts, or business. C. Alien seeking a national interest waiver are requesting that the Labor Certification be waived because it is in the interest of the United States.	May engage in full or part-time study.	Employer must file I-140 petition. Once approved, petitioner may file I-485 Adjustment of Status.
EB-5 Immigrant Investor	General, the minimum qualifying investment in the United States is \$1 million. Targeted Employment Area (high unemployment area or rural area), the minimum qualifying investment either within a high-unemployment area or rural area is the United States is \$500,000.	General – The investment must produce a minimum of 10 direct full-time jobs TEA – Investment must produce minimum 10 jobs, but not needed to be direct jobs. May be indirect jobs	After approval of I-526 and I-485, petitioner may study in the U.S.	Once EB-5 visa is approved, petitioner(s) receive conditional green card. Condition may be removed after 2 years and gain permanent green card.
L-1 Intracompany Transferee	An individual who has been transferred from a subsidiary, affiliate, or branch office overseas to the U.S. to work in an executive, managerial, or specialist capacity.	May be employed only by the company that obtained the L-1 status on their behalf, and only for the period of time indicated by USCIS. EAD* not required.	May engage in part-time study as incidental to employment.	L-1 visa being a “dual intent” visa, L-1 holder may apply for permanent residency without jeopardizing L visa status.

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A-1/A-2 Foreign Diplomatic Personnel	A diplomat and foreign government official such as an ambassador, consular officer or other top government official. A-2 can also classify as lower ranked foreign government employees.	Principal A-1/A-2 visa holder may only be employed by foreign government entity.	May engage in full or part-time study.
A-1/A-2 Dependents	A dependent of an A-1/A-2 visa holder: Immediate family members of foreign government official.	A-1/A-2 dependants may be employed only if they apply for and received an EAD* from USCIS, subject to any restrictions stated on the EAD*.	May engage in full or part-time study.
A-3 Personal Employees of A-1/A-2	An attendant, servant or other personal employee of foreign government officials.	Authorized only to work for the foreign government official.	May engage in full or part-time study.
B-1 Visitor for Business	A person who is in the U.S. temporarily for business; may engage in business activities such as attending conferences or consulting with business partners.	No employment is allowed.	No study is allowed.
B-2 Visitor for Tourism	An individual who is in the U.S. for tourism, medical treatment, or pleasure.	No employment is allowed.	No study is allowed.
B-2 Prospective Student or Prospective Scholar	An individual who enters the U.S. with a clear intent to study or change to J-1 exchange visitor status. U.S. Consulate notation on the visa page indicates "Prospective Status."	No employment is allowed.	No study is allowed.
F-1 Student	An individual who is in the U.S. in order to engage in full-time academic study in an accredited academic educational or literacy program, or at a college/university or conservatory.	Employment	Required to attend school full-time unless authorized by a Designated School Official (International Student Advisor.)
F-2 Dependent of F-1	An individual who is in the U.S. as a dependent of an F-1 visa holder.	No employment is allowed.	May engage in part-time study that is recreational or vocational in nature.

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G-1 G-2 G-3 G-4 Representatives to and Employees of International Organizations	An individual who is in the U.S. as a representative of an international organization (e.g., the United Nations) and for his/her dependents.	Principal G can only work for the qualifying foreign government or international organization sponsoring her/his status. All work for dependents must be first approved by the U.S. Department of State. An EAD* from the USCIS is required, He/she is subject to restrictions on EAD*.	Principal G may engage in study if it is incidental to his/her employment. Dependent may engage in full or part-time study.
G-5 Personal employee of G- 1, G-2, G-3, or G-4 visa holders	An individual who is in the U.S as a personal employee of a representative to an international organization.	Can only work for the qualifying foreign government or international organization sponsoring his/her status.	May engage in study if it is incidental to the primary purpose of his/her stay in the U.S.
H-1B Temporary Worker in a Specialty Occupation	An individual who is in the U.S. for a fixed amount of time, who performs services of a professional nature in a specific position for a sponsoring employer.	Employment authorization is granted for an initial period of up to 3 years. Extensions for an additional 3 years are possible. The employer petitions USCIS on behalf of the worker. Employment is incidental to his/her status with the specific employer. EAD* is not required.	May engage in part-time study while maintaining H visa status.
H-4 Dependents of H visa holders	An individual who is in the U.S. as a dependent of an H visa holder.	No employment is allowed.	May engage in full or part-time study.
J-1 Exchange Visitor (Student)	Exchange Visitor (Student): An individual who is in the U.S. as an exchange visitor for the primary purpose of studying at an academic institution under the auspices of the U.S. Department of State and a Designated Program Sponsor.	May be employed on the campus of the school in which he/she is enrolled at a maximum of 20 hours per week, and with prior written authorization from the Alternate Responsible Officer (ARO) of his/her Designated Program. May work off-campus under limited circumstances provided he/she has obtained prior written authorization from the ARO. Employment does not require additional permission from United States Citizenship and Immigration Services (USCIS) or an EAD*. Eligible for 18 months of academic training following completion of his/her program (36 months for postdoctoral training).	Must maintain full-time study unless authorized by the ARO of the Designated Program Sponsor.

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J-1 Exchange Visitor (Short-term Scholar, Professor, Researcher, or Specialist)	An individual who is in the U.S. as a visiting researcher or professor under the auspices of the Department of State and a Designated Program Sponsor.	Eligible to work for the institution stated on the DS-2019. Under limited circumstances, he/she may receive compensation from other institutions if he/she obtains written authorization from the Responsible Officer of his/her Designated Program. The DS-2019 authorizes the above stated employment. An EAD* is not required.	Study allowed only as incidental to primary activity.
J-2 Dependent of J-1 Visa Holder	An individual who is in the U.S. as a dependent of a J-1 visa holder.	Eligible to apply to USCIS for work authorization. Once the EAD* is issued by USCIS, he/she may work for any employer. Employer must re-verify employment authorization after expiration date on EAD*. <i>Employment cannot be needed for the financial support of J-1 visa holder.</i> It must be for purposes unrelated to basic support.	May engage in full or part-time study.
L-2 Dependents of L-1 visa holders	An individual who is in the U.S. as a dependent of an L-1 visa holder.	L-2 spouse may apply to USCIS for employment authorization. EAD* is required. L-2 children are not allowed to work.	May engage in full or part-time study.
M-1 Vocational Student *UHCL is not currently authorized for M-1 students	An individual who is enrolled in a vocational school or program in the U.S.	Following completion of studies, may be employed for practical training for a maximum of 6 months in a field related to his/her major. DSO recommendation in SEVIS and EAD* from USCIS is required.	Must study full-time unless authorized by the Designated School Official.
M-2 Dependent of M-1 Visa Holder	An individual who is in the U.S. as a dependent of an M-1 student.	No employment is allowed.	May engage in full or part-time study.
O-1 O-2 Workers of Extraordinary Ability	An individual of extraordinary ability in the field of sciences, arts, education, business or athletics, who is in the U.S. to work for a sponsoring employer or organization (O-1), and accompanying personnel (O-2).	Can only work for the business that has filed for the status.	May engage in full or part-time study.

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O-3 Dependents of O-1 and O-2 visa holders	A spouse or child of an O-1 or O-2 visa holder.	No employment is allowed.	May engage in full or part-time study.
TN Professionals under NAFTA	A Canadian or Mexican citizen who is entering the U.S. for the purpose of working as a professional for either a U.S. company or a foreign company.	Can only work for the petitioning company or business.	May engage in full or part-time study.
TD Dependents of TN visa Holders	An individual who is in the U.S. as a dependent of a TN visa holder.	No employment is allowed.	May engage in full or part-time study.

***Employment Authorization Document (EAD)**