

Summary of Visa Types and Employability of Visa Holders

The policies and procedures that must be followed by operating locations when employing [noncitizens](#) depend on whether the noncitizen will be employed inside or outside the United States and, if inside the U.S., on whether the noncitizen's presence and employment in the U.S. are governed by the requirements of a visa or the terms and conditions of a treaty between the U.S. and the noncitizen's country.

For additional information regarding the employment of noncitizens, contact Office of Administration and Human Resources at (518) 434-7080 or visit these Web sites:

[U.S. Citizenship and Immigration Services](#)

[U.S. State Department Visa Services](#)

[U.S. State Department Bureau of Educational & Cultural Affairs](#)

Note: The procedures referenced in the following table are identified only for visa holders employable by the Research Foundation.

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Visa Type	Description of Visa Holder	Employability	Reference
A-1	Ambassador, public minister, career diplomat, or consular officer, and members of immediate family	<p>A foreign government official may be employed only by the foreign government.</p> <p>Members of the immediate family residing with the official may apply for permission to be employed but there are strict limitations on approval.</p> <p>Note: A-1 visa holders may enroll in school full or part time while maintaining their status.</p>	—
A-2	Other foreign government official and members of immediate family	<p>A foreign government official may be employed only by the foreign government.</p> <p>Members of the immediate family residing with the official may apply for permission to be employed but there are strict limitations on approval.</p>	—

		Note: A-2 visa holders may enroll in school full or part time while maintaining their status.	
A-3	Attendant, servant, or personal employee of noncitizen holding an A-1 or A-2 visa, and members of immediate family	The principal A-3 visa holder may be employed only by the foreign government official. The immediate family members holding A-3 visas are not employable. Note: A-3 visa holders may enroll in school full or part time while maintaining their status.	—
B-1	Temporary visitor for business	May accept an honorarium payment and payment for associated incidental expenses to consult with business associates, participate in scientific, educational, professional, or business conventions, conferences, or seminars, or undertake independent research. Admitted for a period of time which is fair and reasonable for completion of the purpose of the trip, not to exceed one year.	—
B-2	Temporary visitor for pleasure, medical treatment, or prospective student/exchange visitor (with notation on visa)	Not employable; may not receive reimbursement for expenses. If admitted as a prospective student or exchange visitor, student will need a valid F or J visa to study or work. Admitted for a standard period of 6 months.	—
C-1	Noncitizen in transit through US	Not employable.	—
C-2	Noncitizen in transit to the United Nations headquarters district under section 11 (3), (4), or (5) of the headquarters agreement	Not employable, except that a foreign government official may be employed only by the foreign government.	—
C-3	The following persons in transit: foreign government official, members of immediate family, and attendant, servant, or personal	Not employable, except that a foreign government official may be employed only by the foreign government.	—

	employee of foreign government official		
D	Crew (sea or air)	Employable only in a crew capacity on the vessel or aircraft of arrival or on a vessel or aircraft of the same transportation company.	—
E-1	Treaty trader, spouse, and children	The trader or investor is employable only by the treaty-qualifying company through which the person attained his or her status. Dependents are not employable.	—
E-2	Treaty investor, spouse, and children	The trader or investor is employable only by the treaty-qualifying company through which the person attained his or her status. Dependents are not employable.	—
E-3	Temporary worker in a specialty occupation from Australia	Employable only by the employer named on the visa petition. Spouses and dependents are employable with an employment authorization document (EAD) card.	—
F-1	Student in academic or language program	Employable, with restrictions.	F-1 Student Visa Category F-1 Student Visa Holder Employment
F-2	Spouse or child of F-1	Employable only with a change to appropriate visa category.	F-1 Student Visa Category F-1 Student Visa Holder Employment
G-1	Principal resident representative of recognized foreign member government to international organization, and members of immediate family	Noncitizens in G-1, G-2, G-3, or G-4 status or their dependents may be employed only by the foreign government entity or the international organization.	—
G-2	Other representatives of recognized foreign member government to international organization, and members of immediate family	Noncitizens in G-1, G-2, G-3, or G-4 status or their dependents may be employed only by the foreign government entity or the international organization.	—
	Representative of nonrecognized or nonmember foreign	Noncitizens in G-1, G-2, G-3, or G-4 status or their dependents may be	

G-3	government to international organization, and members of immediate family	employed only by the foreign government entity or the international organization.	—
G-4	International organization officer or employee and members of immediate family	Noncitizens in G-1, G-2, G-3, or G-4 status or their dependents may be employed only by the foreign government entity or the international organization.	—
G-5	Attendant, servant, or personal employee of person with G-1, G-2, G-3, or G-4 visa, and members of immediate family	Employable only by the official or representative of the international organization.	—
H-1A	Temporary worker performing professional nursing services	Employable only by the employer named on the visa petition.	—
H-1B	Temporary worker in a specialty occupation	Employable only by the employer named on the visa petition.	H Visa Overview H-1B Nonimmigrant Labor Condition Application (LCA) Guidance for Determination of the "Actual Wage" Recordkeeping Requirements for Labor Condition Applications H-1B Petition for a Nonimmigrant Worker H-1B Visa Holder Employment (, https://www.rfsuny.org/media/RFSUNY/Procedures/per_h1b-visa-holder-employment_pro.htm)
H-1B1	Temporary worker in a specialty occupation from Singapore or Chile	Employable only by the employer named on the visa petition.	—
H-2A	Temporary agricultural worker	Employable only by the employer named on the visa petition.	—
H-2B	Temporary worker performing nonagricultural services unavailable in the U.S.	Employable only by the employer named on the visa petition.	—
H-3	Trainee	Employable only by the employer named on the visa petition.	—
H-4	Spouse or child of person holding H-1, H-2, or H-3 visa	Not employable.	—
I	Representative of foreign information media and representative's spouse	Representative may be employed only by the sponsoring news agency or bureau. Dependents are not	—

	and children	employable.	
J-1	Exchange visitor	Employable, with restrictions.	J-1 Visa Category: Students J-1 Visa Category: Professors and Research Scholars J-1 Visa Holder Employment
J-2	Spouse or child of exchange visitor	Employable, with restrictions.	J-1 Visa Category: Students J-1 Visa Category: Professors and Research Scholars J-1 Visa Holder Employment
K-1	Fiancée or fiancé of U.S. citizen	Employable by any employer in any capacity; requires an INS employment authorization document.	—
K-2	Minor child of fiancée or fiancé of U.S. citizen	Employable by any employer in any capacity; requires an INS employment authorization document.	—
L-1	Intracompany transferee	Employable only by the U.S. entity for which the status was obtained.	—
L-2	Spouse or child of person holding L-1 visa	Employable; requires INS employment authorization document.	—
M-1	Student in vocational or other recognized nonacademic institution	May not accept employment or engage in business except for "practical training," and then only with INS approval.	—
M-2	Spouse or child of student in vocational or other recognized nonacademic institution	Not employable.	—
N-8	Parent of noncitizen child accorded special immigrant status	Employable; requires INS employment authorization document.	—
N-9	Child of a noncitizen parent accorded special immigrant status	Employable; requires INS employment authorization document.	—
O-1	Workers of "extraordinary" ability in the sciences, the arts, education, business, or athletics	Employable only by the specific employer approved by INS in the original petition.	—
O-2	Alien who accompanies and assists holders of O-1 visas	Not employable.	—
O-3	Spouse/child of holders of O-1 and O-2 visas	Not employable.	—

P-1	"Internationally recognized" entertainers and athletes	Not employable.	—
P-2	"Reciprocal exchange" artists and entertainers	Not employable.	—
P-3	"Culturally unique" artists and entertainers	Not employable.	—
P-4	Family members of holders of P-1, P-2, and P-3 visas	Not employable.	—
Q	Cultural exchange visitors	Employable only by specific employers approved by the INS.	—
R	Religious workers	Not employable.	—
TN	Temporary NAFTA professional worker from Canada and Mexico	Employable only by the employer named on the petition. Employment must be pre-arranged and be in one of the NAFTA specified occupations.	NAFTA and Visa Status and NAFTA Professional List

Change History

Date	Change History
January 5, 2010	Updated and corrected table information (specifically B-1, B-2, and TN)
November 21, 2005	Added employability requirement for E-3 spouses and dependents.
September 26, 2005	Added E-3 visa type and revised "employability" of L-2 visa type.

Contact Information: Office of Administration and Human Resources (518) 434-7080

Feedback

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