Immigration Classifications and Legal Employment in the United States

Many immigration categories allow a person to be employed or compensated by a U.S. employer. In almost every case, however, employment and compensation are restricted to a specific, sponsoring employer or organization for a fixed period of time and for a specific activity.

Please note: This chart is to be used only as a quick-reference guide. It does not constitute legal advice. The categories most frequently sponsored by institutions of higher education are discussed in greater detail in the *NAFSA Advisor's Manual Online* (www.nafsa.org/themanual). For definitive information regarding visas and immigration status, compensation, employment, and enrollment, please contact your institution's office of international student and scholar services or an immigration attorney.

Foreign Nationals in Nonimmigrant Visa Classifications Who May Be Lawfully Employed and/or Study in the United States *With Certain Restrictions*

TYPE OF VISA	DESCRIPTION	STUDY RESTRICTIONS	EMPLOYMENT RESTRICTIONS
A-1, A-2	**Foreign Diplomatic Personnel** Individuals in the United States as employees of a foreign government (e.g., ambassador, minister, diplomat, or consular official)	May engage in incidental study while maintaining valid A status	Principal A-1 or A-2 nonimmigrants may be employed only by the foreign government entity
	Dependent of A-1/A-2 Nonimmigrant Immediate family members of foreign government officials. Dependents also hold A-1/A-2 status	May engage in part- or full-time study	Spouses and certain dependent children of a foreign government official may apply to USCIS for an employment authorization EAD document. To apply for an EAD, they must first have Form I-566 endorsed by both their diplomatic mission and the U.S. State Department
A-3	**Employee of Foreign Government Official** Domestics, or other personal employees of foreign government officials. Dependents also hold A-3 status	May be employed only by the foreign government official. EAD like cards applies also (Legend)	May be employed only by the foreign government official. EAD like cards applies also (Legend)
B-1	**Visitor for Business** Individuals in the United States for a short time to engage in business activities such as negotiating contracts for services, employment, consulting with business associates, attending professional conferences, or conducting independent research. May not engage in employment in the United States	Some study restrictions as regular B-2 for Tourism	B-1 visitors for business are not permitted to be employed in the United States, but may generally accept reimbursements for expenses. Since October 21, 1998, institutions of higher education and nonprofit or governmental research organizations may also pay B-1 visitors "an honorarium payment and associated incidental expenses for a visual academic activity or activities lasting not longer than 9 days at any single institution, as defined by the Attorney General in consultation with the Secretary of Education. If such payment is offered by an institution or organization described in subsection (c)(1) (in the INA) and a traveler for services conducted for the benefit of that institution or entity and if the other fees not excluded such payment or expenses from more than 5 institutions or organizations in the previous 6-month period." (Amended directly from INA § 212(q). Regulations not written at publication.)
	B-1 Domestic or Personal Servant An individual may obtain B-1 status to be employed as a personal or domestic servant by a nonimmigrant in B, E, F, H, I, J, L, M, O, P, Q, or R, or by a U.S. citizen who resides permanently abroad and is visiting temporarily in the United States	Some study restrictions as regular B-2 for Tourism	Regulations require B-1 domestic or personal servants to obtain an I-566 form (USCIS). Employment is limited to the specific employer through whom the individual obtained B-1 status
B-2	**Visitor for Tourism** Individuals in the United States for travel, tourism, or recreation. May not engage in employment in the United States	May not begin any "course of study" whether full-time or part-time, nor part-time while USCIS approves change of status to F, M, or J student. Special, short-term classes that are not the primary purpose of the alien's presence in the United States, such as a single English language or crafts class, would not constitute a "course of study."	B-2 visitors for tourism are not permitted to be employed in the United States, and generally cannot receive reimbursement for expenses. Effective October 21, 1998, nonaliens B-2 visitors are eligible to receive "academic honoraria" payments just as are B-1 visitors. (See employment restrictions under "B-1 Visitor for Business" for details.) (Academic honoraria provision is interpreted directly from INA § 212(q). Regulations not written at the time of publication.)
	B-2 Prospective Student or Prospective Exchange Visitor Under certain circumstances, a nonaliens can travel in B-2 status with a "prospective student" or "prospective exchange visitor" relative, which facilitates a change to F or J status in the United States	Some study restrictions as regular B-2 for Tourism	Not eligible to be employed in the academic institution and USCIS approves the change to F-1 or J-1 status. Employment restrictions for the B-2 prospective student or scholar are the same as the B-2 visitor for tourism, above
WB, WT	**Visa Waiver for Business (WB) and Tourism (WT)** Individuals permitted to enter the United States without a visa for a stay for a stay limited to 90 days, available only to citizens in countries designated by the U.S. State Department to participate in the Visa Waiver Program	Like B-1/B-2 visa	Laws regarding study and employment for visitors in WB or WT status are identical to those in B-1/B-2 visa counterparts, individuals entering the United States under the Visa Waiver Program are not permitted to extend the length of stay or change status from within the United States
C-1, C-2, C-3, C-4	**Aliens in Transit** Individuals in transit from one country to another "stopping over" in the United States. C-2 and C-3 are foreign government officials in transit. C-4 are individuals in transit without a visa	No study allowed	Not permitted to be employed in the United States. C-2 and C-3 foreign government officials in transit may be employed only by the foreign government entity
D-1, D-2	**Alien Crewman** Crew members assigned to a vessel or aircraft who are in the United States as "seamen"	No study allowed	Permitted to be employed in the United States only for the vessel or aircraft
E-1, E-2, E-3	**Treaty Trader, Treaty Investor, and Treaty Specialty Worker** Treaty Traders (E-1) conduct trade and Treaty Investors (E-2) develop and direct operations in which they have invested a substantial amount of capital. E-3 and E-1 activities must be done pursuant to a treaty between the U.S. and the E country. Certain employees of these companies are also given E-1 or E-2 status. Treaty Specialty Workers (E-3) or currently only for citizens of Australia	Principal E-1 or E-2 may engage in incidental study while maintaining E status. Dependents of E nonimmigrants may engage in part- or full-time study	Principal E-1/E-2 visa holders may be employed "incident to status" (no EAD required) only for the employer through which they obtained E status. EAD like cards (see Legend) applies to E-1 and E-2 principals. Where EAD cards were issued, EAD like cards clarified whether E also applies to E-3. Since that category was created after the EAD like cards were written, Specialty (E-1 and E-2) principals may apply to USCIS for employment authorization EAD document. No other dependents eligible for work authorization
F-1	**Student** Individuals in the United States engaging in a full course of academic study in an accredited educational program that has been designated by INS. Students enrolled in vocational training are given M-1 visas	Must maintain full course of study (with limit study only with approval of Designated School Official (DSO) in accordance with regulations	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 during regular term or session. Part-time, on-campus employment is authorized "incident to status," and requests (DSO) of a school approval is not needed. During official school breaks, students may work on campus full time if they intend to enroll for the next term. Also available to part-time school employee students. 2. While enrolled, F-1 Students experiencing severe, unforeseen "economic hardship" may apply to USCIS for part-time work authorization, if recommended by DSO. EAD issued by USCIS is required. Not available to part-time school employee students. 3. May participate in employment directly related to field of study by obtaining practical training authorization. There are two kinds of practical training: • Curricular Practical Training: Employment that is an integral part of an established curriculum. Requires approval of DSO to USCIS and on Form I-20. EAD and required "Employment authorization to employer" specific • Optional Practical Training: Employment during or after completion of studies. The total period of employment may not exceed 12 months. Additional extension of 17 months available to STEM graduates working for an E-Verify employer. Requires recommendation of DSO and approval by USCIS. EAD required
	F-1 Part-Time Border Commuter Student Mexican or Canadian F-1 students who reside in Mexico or Canada and who commute to the United States to pursue a full course of study in an approved school located within 75 miles of a United States land border		
F-2	**Dependent of F-1 Student** Individuals in the United States as dependents of an F-1 student	F-2 spouses may not engage in full time study. F-2 children may only engage in full-time study at the K-12 level. Part-time study that is vocational or recreational in nature is permitted. F-2 may not begin a course of study until a change to F-1, M-1, or J-1 status is approved	Not permitted to work in the United States
G-1, G-2, G-3, G-4	**Representative of International Organization** Individuals in the United States as representatives of an international organization – e.g. the United Nations – and their dependents	Principal G nonimmigrants may engage in incidental study while maintaining G status. G dependents may engage in part- or full-time study	Principal G nonimmigrants may be employed only by the international organization or foreign government they represent. G-1 through G-4 dependents may apply to USCIS for an EAD, but they must first have Form I-566 endorsed by both their international organization and the U.S. State Department, and include the endorsed I-566 with the application to USCIS
G-5	**Personal Employee of G-1, G-2, G-3, or G-4 Nonimmigrant** Individuals in the United States as personal employees of a representative of an international organization	May engage in incidental study while maintaining G-5 status	G-5 may be employed only by the official or representative of the international organization. EAD like cards applies also (Legend)
H-1B	**Temporary Worker in a Specialty Occupation** Individuals in the United States to perform professional services for a sponsoring employer or a specific position for a fixed period of time. H-1B status can be granted for an initial period of up to three years. Extensions for an additional three years are available, for a maximum cumulative stay of six years	May engage in incidental study while maintaining H-1B status	Employment permitted "incident to status", only with an employer that has filed an H-1B petition approved with the alien as beneficiary. Multiple concurrent H-1B petitions are permitted. H-1B portability provisions may allow individuals granted H-1B status in the past to begin employment as soon as employer files the petition, discuss applicability of portability with International Services Office or an immigration attorney. EAD not required. EAD like cards applies also (Legend)
H-1C, H-2A, B, H-3	**Other H Principals** May engage in incidental study while maintaining H status	**H-1C:** Professional nurse for Delaware and New York State (expired) **H-2A:** Temporary worker working in health professional shortage areas **H-2B and H-2R:** Performing temporary agricultural work (H-2A) or seasonal or temporary work for others in nonagricultural jobs. Workers under (H-2R) **H-3:** Participants in a training program connected to a specific employer	May be employed only by the performing employer, for a specific period of time, as designated by USCIS. Employer specific employment is authorized "incident to status," no EAD is not required. EAD like cards (see Legend) applies to H-1C, H-3A, and H-3B. When this chart was updated, INS had not clarified whether it also applies to H-1B1, which was created after the EAD like cards was written
H-4	**Dependent of H Nonimmigrant** Individuals in the United States as dependents of an H-visa holder	May engage in full- or part-time study	Not permitted to work in the United States
I	**Representative of Foreign Information Media** Individuals in the United States as journalists or representatives of international media, and their dependents	Principal I nonimmigrant may engage in incidental study while maintaining valid I status. Dependents are permitted to engage in part- or full-time study	Permitted to be employed "incident to status" only by the sponsoring foreign news agency or bureau. EAD like cards applies also (Legend). Dependents are not permitted to be employed
J-1	**Exchange Visitor: Student** Individuals in the United States 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 receive course load relief for first year if authorized in advance by DSOR (by Responsible Officer (RO) or Alternate Responsible Officer (ARO) of designated program sponsor	May be employed on the campus of the school to which they are enrolled for a maximum of 20 hours per week while school is in session and time during official school closed, only with prior authorization in DSOR from the RO or ARO of their designated program. May work off campus under limited circumstances provided they have obtained prior authorization in DSOR from the RO or ARO. Employment does not require additional permission from USCIS or an EAD. Eligible for up to 18 months of academic training (up to 36 months for postdoctoral training)
J-1	**Exchange Visitor: Professor, Researcher, Specialist, Trainee, Physician, Intern** Individuals in the United States as visiting researchers, professors, short-term scholars, specialists, trainees, interns, or intern physicians under the sponsorship of an exchange visitor program that has been designated by the Department of State (since October 1999)	May engage in incidental study while maintaining valid J status	May be employed "incident to status" only for the designated program sponsor in appropriate discipline, and within the guidelines of the program approved by DSS. In the opinion of visiting as stated in the DS-2019, under limited circumstances, professors, researchers, and short-term scholars may receive compensation from other institutions with prior authorization in DSOR from the RO or ARO of their designated program
J-1	**Exchange Visitor: Au Pair** Individuals in the United States under the sponsorship of an exchange visitor program designated by the Department of State for stays up to two in child care provider for a host family	May enroll in "supplementary enrollment" while maintaining J-1 status as an au pair, as required by J-1 visa regulations	Eligible to receive payment only from host family or the designated program sponsor for child care services not to exceed 45 hours per week
J-2	**Dependent of J-1 Exchange Visitor** Individuals in the United States as dependents (spouse or unmarried child under the age of 21) of a J-1 exchange visitor	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
L-1	**Intracompany Transferee** Individuals in the United States who have been transferred from a subsidiary, affiliate, or branch office overseas to the United States to work in an executive, managerial, or specialist capacity	L-1 may engage in incidental study while maintaining valid L-1 status	May be employed "incident to status" only by company that obtained their status on their behalf. On the petition of their intended to USCIS. EAD is not required. EAD like card applies (see Legend)
L-2	**Dependent of L-1 Intracompany Transferee** Individuals in the United States as dependents (H and L-1 Intracompany transferee)	L-2 may engage in full- or part-time study	L-2 spouses eligible to apply to USCIS for unrestricted employment authorization. EAD required. Other L-2 dependents not eligible for employment authorization
M-1	**Vocational Student** Individuals enrolled in a vocational school or program in the United States	Must maintain full course of study, part-time study only if authorized by Designated School Official (DSO)	May be employed for practical training following completion of studies for a maximum of six months. Must apply to USCIS for EAD. Employment must be related to field of study and recommended by DSO through endorsement of I-20
M-2	**Dependent of M-1 Student** Individuals in the United States as dependents of an M-1 student	M-2 spouses may not engage in full time study. M-2 children may only engage in full time study at the K-12 level. Part-time study that is vocational or recreational in nature is permitted. M-2 may not begin a course of study until a change to F-1, M-1, or J-1 status is approved	Not permitted to work in the United States
NATO 1-7	**NATO Personnel** Individuals in the United States as members of the armed services of the nations of the North Atlantic Treaty Organization (NATO), staff members, attachés, servants, and dependent employees of NATO personnel	May engage in full- or part-time study	Payment limited to funds provided through NATO. Dependents are eligible to apply to USCIS for work authorization. EAD is required
O-1	**Person of Extraordinary Ability** Individuals of extraordinary ability in the sciences, arts, education, business, or athletics who are in the United States to work for a sponsoring employer or organization	May engage in incidental study while maintaining O status	May be employed "incident to status," only by the petitioning employer or agency through whom the status was obtained. EAD is not required. EAD like cards applies also (Legend)
O-2	**O-1 Accompanying Personnel** Personnel accompanying O-1 visa holders	May engage in incidental study while maintaining O status	May be employed "incident to status" only for the petitioner employer or agency through whom the status was obtained. EAD is not required. EAD like cards applies also (Legend)
O-3	**Dependent of O-1 or O-2 Visa Holder** Individuals in the United States as dependents of O-1 or O-2 visa holders	May engage in part- or full-time study	Not permitted to be employed in the United States
P-1	**Internationally Recognized Athlete or Entertainment Group, or Essential Support Personnel** Individuals in the United States 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	May engage in incidental study while maintaining P status	May be employed "incident to status" only by the petitioning employer or agency through whom the status was obtained. If the petition was submitted by an agent on behalf of several employers, each entity must have been included on the itinerary at the time of USCIS approval of the application. If was limited to a number of 5 group, for or the time not perform services separate from that group. EAD is not required. EAD like cards applies also (Legend)
P-2	**Artist or Entertainer Under a Reciprocal Exchange Program** Individuals in the United States as artists or entertainers, performing individually or as a group, who will be performing under a reciprocal exchange program between an organization in the United States and one in a foreign union	May engage in incidental study while maintaining P status	May be employed "incident to status" only by the petitioning employer or agency through whom the status was obtained. If the petition was submitted by an agent on behalf of several employers, each entity must have been included on the itinerary at the time of USCIS approval of the application. EAD is not required. EAD like cards applies also (Legend)
P-3	**Artist or Entertainer in a Culturally Unique Program** Individuals in the United States as artists or entertainers, performing individually or as a group, who are recognized for their work in developing, interpreting, representing, teaching, or teaching a unique or traditional ethnic, folk, cultural, musical, theatrical, or artistic performance or presentation	May engage in incidental study while maintaining P status	May be employed "incident to status" only by the petitioning employer or agency through whom the status was obtained. If the petition was submitted by an agent on behalf of several employers, each entity must have been included on the itinerary at the time of USCIS approval of the application. EAD like cards applies also (Legend)
P-4	**Dependent of P-1, P-2, or P-3 Nonimmigrant** Individuals in the United States as dependents of P-1, P-2, or P-3 nonimmigrants	May engage in part- or full-time study	Not permitted to be employed in the United States
Q-1, Q-2, Q-3	**International Cultural Exchange Program Participants** Individual participants of an International Cultural Exchange program and participants in an Irish Peace and Training Program, and their dependents	Principal Q visa holders may engage in incidental study. Dependents may engage in full- or part-time study	Employment restricted to the petitioning employer or agency through whom the status was obtained. EAD is not required. Dependents are permitted to be employed
R-1	**Religious Worker** Individuals in the United States as members of a bona fide religious denomination carrying out the activities of a religious worker	May engage in incidental study while maintaining R status	May be employed "incident to status" only by the religious organization through which the status was obtained. EAD not required. EAD like card applies (see Legend)
R-2	**Dependent of R-1 Religious Worker** Individuals in the United States as dependents of an R-1 religious worker	May engage in part- or full-time study	Not permitted to be employed in the United States
TN	**Professionals under 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, pursuant to the provisions of the North American Free Trade Agreement (NAFTA)	May engage in incidental study while maintaining TN status	May be employed "incident to status," only for the sponsoring employer through whom the status was obtained or as authorized in accordance with the provisions of the treaty. EAD is not required. EAD like cards applies (see Legend). May be employed by more than one employer concurrently, but must obtain TN status for each employer
TD	**Dependent of TN Nonimmigrant** Individuals in the United States as dependents of a TN nonimmigrant	May engage in part- or full-time study	Not permitted to be employed in the United States

L E G E N D

USCIS U.S. Citizenship and Immigration Services.

DHS Department of Homeland Security.

DOS United States Department of State.

DSO A "designated school official" is a school employee responsible to the DHS for the administration of the school's F or M student program. (SEVIS) or Principal (DSO).

EAD An "employment authorization document" (Form I-766) authorizes the holder to work in the United States. It is not evidence of citizenship or permanent residence.

INA Immigration and Nationality Act.

RO A responsible officer is an individual determinable by the Department of State for the administration of a designated exchange visitor program. May or may not be an employee of the institution at which the exchange visitor studies, teaches, or performs research. (SEVIS) Alternate Responsible officer.

240 day rule 8 USC § 214a (214(b)(5)) If an employee of a nonimmigrant in A-3, E-1, E-2, G-5, H-1, L-1, L-2, P, R, or TN status files a timely extension of stay, the employee may continue to work for a period not to exceed 240 days during the time the application is pending, beginning on the date of expiration of the authorized period of stay. If USCIS denies the application for extension of stay, employment authorization automatically expires on the date of USCIS notification of denial.

Designated program sponsor Organizations working in an internet (or sponsor) an exchange visitor (J visa) program must apply to DOS for "designation." The institution at which an exchange visitor studies, stay, or may not be the exchange visitor's "designated program sponsor."

Employment "incident to status" refers to employment authorization that is inherent (even though it may be restricted) to a particular immigration category itself. It is distinguished from employment authorization that must be separately granted by USCIS. Employment authorized "incident to status" usually does not require the individual to obtain an I-765 card from USCIS, although there are some "incident to status" categories that do require the individual to obtain an I-765 as documentation to employ/work "incident to status" is authorized.

Incidental study refers to study done by a nonimmigrant that is in a status designed for a principal purpose other than study. Study done by these individuals cannot be or become the principal purpose in being in the United States, nor should it interfere with the principal purpose of the nonimmigrant status that they hold. Also see AILVP's chart, "Who Can Study," available on the NAFSA Web site.

Foreign Nationals Who May Work and Study in the United States *Without Restriction on Location or Type of Employment*

CLASSIFICATION	DESCRIPTION	EMPLOYMENT DOCUMENTATION
K-1, K-2, K-3, K-4 Nonimmigrants	Fiancée of a U.S. citizen (K-1), derivative children (K-2); husband (K-3), spouse of a United States citizen he/she is planning to marry (immediate relative petition has been filed in the United States (K-3) and derivative children of a K-3 spouse (K-4)	Authorized employment "incident to status," but must apply for EAD from USCIS to evidence work authorization
N-8 and N-9 Nonimmigrants	Individuals who are holders of N-8 or N-9 visas. Eligible to apply for permanent residency. Parents and dependent children of those formerly employed by certain international organizations	Authorized employment "incident to status," but must apply for EAD from USCIS to evidence work authorization
S-5, S-6, S-7 Alien Witnesses, Informants, and Dependents	Federal informants, informants, and accompanying spouse, parents, or children	EAD issued by USCIS
T-1, T-2, T-3, T-4 Nonimmigrants	Alien victims of severe forms of trafficking in persons and their spouse, minor children, and immediate dependents	USCIS will issue T-1 principals an EAD incident to their status. T-2, T-3, or T-4 family members must be granted an EAD to evidence work authorization. They engage in full- or part-time study
U-1, U-2, U-3, U-4 Nonimmigrants	Victims of certain crimes, spouses, minor children, and immediate dependents; victims of crimes such as rape, torture, sexual trafficking, domestic violence, and the like. (INA 101(a)(15)(U))	U nonimmigrants are nonimmigrant authorized "incident to status." USCIS will automatically issue an initial EAD to U-1 principals to evidence employment authorization. U-2 through U-3 family members may apply for an EAD as evidence of their employment authorization. May engage in full- or part-time study
V-1, V-2, V-3 Nonimmigrants	Spouses, minor children, and derivative dependents of useful permanent residents (immediate relatives of family based, or such petitions). (On immigrant visa petitions filed on or before December 21, 2000 who have been waiting for immigrant status for 3 or more years)	Eligible to apply to USCIS for an unrestricted employment authorization EAD document. May engage in full- or part-time study
Lawful Permanent Residents	Individuals who have permission to reside in the United States on a permanent basis (i.e., holders of "green cards")	Form I-551, "Permanent Resident Card" or "I-551 stamp in passport." Although Permanent Resident Cards issued to Lawful Permanent Residents have a 10 year validity, only the card must be renewed every 10 years; the individual's status does not expire
Conditional Permanent Residents	Individuals who obtain lawful permanent residence as the spouse of a U.S. citizen or permanent resident, whose marriage was or less than two years duration at the time permanent resident status is granted, as well as individuals who obtain lawful permanent residency as entrepreneur investor investors. Conditional permanent residency is granted for a period of two years. 90 days before the end of the period, the individuals are requested to petition USCIS for removal of the conditional status. If approved, the individual is converted to regular lawful permanent residency	Form I-551, "Permanent Resident Card" Initial with the expiration date stated on the face of the card or on the necessary stamp on the back of the card
Temporary Residents	A company limited to those who qualify for legalization under INA § 245A or § 210. Dependents of Temporary Residents may be eligible for stay of deportation and EAD under the Family Unity Program	Form I-688, "Temporary Resident Card" Initial with the expiration date stated on the face of the card or on the necessary stamp on the back of the card
Refugees and Asylees	Individuals who have physically arrived and requested asylum or protection in their United States, if outside the U.S. at the time of application, granted refugee status and admitted to the United States, or inside the U.S. at the time of application, granted asylum. Refugees and asylees are granted that status for one year, after which time they may apply to become a lawful permanent resident	Authorized employment "incident to status." May also make an employment stamp in a passport, a United Nations refugee travel document, a U.S. refugee travel document, or an I-94 card marked with refugee status and containing an employment authorization endorsement. No EAD required, but can facilitate I-9 documentation
Temporary Protected Status (TPS)	Special temporary protection from deportation is available to qualified nationals of countries designated by the Attorney General	EAD issued by USCIS
Parolees (Advanced or Regular Parole)	Individuals who have been "paroled" into the United States on various bases. Application for adjustment of status are required under filed adjustment applicants who continue to maintain H-1B status to obtain advanced parole in order to travel while their adjustment of status application is pending	EAD issued by USCIS
Citizens of The Federated States of Micronesia, the Marshall Islands, and Palau	Citizens of the Federated States of Micronesia, the Marshall Islands, and Palau may enter the United States and live, work, or study without the need for a visa	Authorized to work incident to status. Not required to present an EAD, but must with present documentation for I-9 employment authorization verification; an EAD can facilitate this
Individuals Granted Withholding, Cancellation, or Suspension of Removal or Deportation	Individuals granted discretionary relief from deportation or removal because of the nature or circumstances of the case	EAD issued by USCIS
Individuals Granted Voluntary Departure	Individuals who are given permission by DHS or an immigration judge to voluntarily depart the United States within a certain period	Can apply to USCIS for EAD. If granted "voluntary departure," work authorized "incident to status," but must apply for EAD
Applicants for Certain Immigration Benefits	Applicants for the following benefits may request an EAD to authorize employment while their application is pending: asylum applicants, adjustment of status applicants, application applicants, suspension of deportation or cancellation of removal applicants, parole granted deferred action, applicants for asylum or waiver of family admission to permanent residency	EAD issued by USCIS. Employment authorization issues if underlying application is denied

Chart Version 2010

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