

OTHER NONIMMIGRANT CLASSIFICATIONS ALLOWING WORK (IN LIMITED SITUATIONS)

This summary is not legal advice nor should it substitute for specific legal advice in any situation.

Visa Category	Eligibility Criteria	Income from U.S. Source	Maximum Length of Stay	Procedure
B-1 Visitor for Business	Must demonstrate temporary activity in U.S. will benefit foreign employer and not be considered productive employment for U.S. company. Must be on foreign payroll. Must show ties to home country and intent to return abroad.	No income or other remuneration from any U.S. employer.	Typically admitted for 30-90 days at entry with possible extensions. Under Visa Waiver Program, 90 days only with no possible extension or change of status.	Apply for visa stamp directly at Consulate. Nationals of some countries are visa exempt or eligible to enter U.S. under Visa Waiver Program.
B-2 Visitor for Pleasure	Must demonstrate temporary stay in U.S., ties to home country and intent to return abroad.	No income or other remuneration from any U.S. employer.	Typically admitted for 30-90 days at entry with possible extensions. Under Visa Waiver Program, 90 days only with no possible extension or change of status.	Apply for visa stamp directly at Consulate. Nationals of some countries are visa exempt or eligible to enter U.S. under Visa Waiver Program.
F-1 Students	Students must enroll on full time basis in accredited academic curriculum with U.S. educational institution or be engaged in authorized Practical Training following completion of studies.	Permitted under limited circumstances through on-campus or off-campus employment and curricular and option practical training programs. Typical situation involves Optional Practical Training (OPT) granted for one year following completion of studies. OPT is authorized by USCIS through issuance of Employment Authorization Document ("EAD").	Authorized to stay for length of time necessary to complete studies.	File petition with USCIS. If abroad, must apply for visa stamp at U.S. Consulate overseas using I-20 (F-1) or DS-2019 (J-1). Nationals of some countries are visa exempt.
J-1 Exchange Visitor	Must satisfy prerequisites for particular program for which the J visa was issued. Must show ties to home country and intent to return abroad.	Varies by program category. For J-1 Business Trainees, income permitted from organization providing training pursuant to J program. Spouses of J-1 Visitors may not work incident to status, but may receive special permission from USCIS to accept employment.	Authorized to stay for the length of time necessary to complete program, but shall not exceed three years.	File petition with USCIS. If abroad, must apply for visa stamp at U.S. Consulate overseas using I-20 (F-1) or DS-2019 (J-1). Nationals of some countries are visa exempt.
H-2B	Must be coming temporarily to the U.S. to perform nonagricultural work of a temporary or seasonal nature ("a one-time occurrence, or need that is seasonal, peakload, or intermittent") if unemployed persons capable of performing such service or labor cannot be found in this country. This classification requires a temporary labor certification.	Income from a U.S. source – Employment permitted only with petitioning employer. Dependents are not eligible for employment authorization	Employer's need must be 1 year or less. The labor certification will only be valid for no more than 1 year	A temporary labor certification is filed with the Department of Labor. Then, a petition with the USCIS. If abroad, must then apply for visa stamp at the U.S. Consulate. Nationals of some countries are exempt from the visa requirement. Premium processing is allowed for the USCIS petition
H-3	Must be coming temporarily to the U.S. as a trainee and not be engaged in productive employment.	Income permitted from the organization providing the training. Dependents are not eligible for employment authorization.	24 months (18 months in some types)	File a petition with the USCIS. If abroad, must then apply for visa stamp at the U.S. Consulate. Nationals of some countries are exempt from the visa requirement. Premium processing is allowed for the USCIS petition.
Visa Waiver Program	Must demonstrate eligibility as a national of a country designated under the VWP, who seeks admission to the U.S. for a period of 90 days or less as a visitor for business or pleasure. Must obtain approval to travel under VWP through Electronic System for Travel Authorization (ESTA) at least 72 hours prior to travel.	No income or other remuneration from any U.S. employer.	90 days only with no possible extension.	Appear at the port of entry with passport, round-trip ticket evidencing period of stay for 90 days or less and confirmation of ESTA approval.