

Immigration Classification Guide

Updated: January 2016

This guide assists residence officers in determining the ability of students in various visa classifications to establish a domicile in the state of Washington and therefore be eligible for resident tuition. It provides a brief description of the visa type, duration of stay in the U.S. for the individual or dependents with the visa type, whether the individual may study in the U.S. and if so, whether the study may be part-time, full-time, or incidental to the visit, and if the individual is authorized to work in the U.S. while in the visa status.

*A notation – **ELIGIBLE FOR RESIDENCY** - in the visa field indicates persons entitled to residency for tuition purposes in Washington provided their U.S. Citizenship and Immigration Services (USCIS) status is not inconsistent with the concept of permanency, all their attachments are to the state of Washington and they meet the durational residency requirement of one year.ⁱ*

This guide is based on a publication distributed by **NAFSA: Association of International Educators** entitled *Immigration Classifications & Legal Employment of Foreign Nationals in the United States*, by Gail Rawson. The complete chart in its original form may be ordered through [NAFSA](http://www.nafsa.org/) at <http://www.nafsa.org/>. Information from U.S. Government resources were used to update, verify and further clarify visa categories. Government and additional resources are listed at the end of this Guide.

Users of this Guide should check the government resources listed for more detail. **Please note this is not a comprehensive compilation and information may change at any time.**

Visa	Description
A-1 / A-2 ELIGIBLE FOR RESIDENCY NOTE Related to G and NATO visa	Description: <u>Foreign Diplomatic Personnel</u> . Persons in the U.S. as employees of a foreign government (e.g., ambassador, minister, diplomat, or consular officer). <u>Dependent of A-1 / A-2 Visa Holder</u> . Immediate family members of a foreign government official. Dependents also carry A-1 / A-2 status). Duration of Stay: Visa may be renewed while in the U.S. Study: May engage in full- or part-time study while maintaining visa status. Employment: All work (on-campus or off-campus) must be approved by the U.S. Department of State. An Employment Authorization Document (EAD) card is required.
A-3 ELIGIBLE FOR RESIDENCY	Description: <u>Employee of Foreign Government Official</u> . Personal employee, attendant, or domestic worker for diplomats and government officials of foreign governments. Duration of Stay: Visa may be renewed while in the U.S. Study: May engage in full- or part-time study while maintaining visa status. Employment: Work authorized only for the employer who signed the employment contract (A1/A2 visa holder).

Visa	Description
B-1 Business	<p>Description: <u>Visitor for Business</u>. Persons 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.</p> <p>Duration of Stay: Limited to 1 year as indicated on the Form I-94.ⁱⁱ</p> <p>Study: Incidental part-time study is allowed. Classes leading to a degree are prohibited.</p> <p>Employment: May not engage in any employment in the U.S., including salaried work or services performed on an independent basis.</p>
B-2 Visitor: tourist Visitor: prospective student or scholar	<p>Description: <u>Visitor for Tourism</u>. Persons in the U.S. for travel, tourism, or recreation.</p> <p>Duration of Stay: Standard period of stay is 6 months; may be lengthened to maximum one year at the discretion of the immigration inspector.</p> <p>Study: Incidental part-time study is allowed. May enroll in short-term English language courses as long as the course of study is under 18 hours per week (part-time) and of "short duration."</p> <p>Employment: No employment is allowed.</p> <p>Description: <u>Prospective Student or Prospective Scholar</u>. Persons 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.</p> <p>Duration of Stay. Person must apply for a change of status before the expiration date on the I-94.²</p> <p>Study. May not begin studies until F-1 or J-1 status has been approved.</p> <p>Employment. 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 USCIS.</p>
Visa Waiver VWB, VWT	<p>Description. <u>Visa Waiver for Business (VWB) and Tourism (VWT)</u>. Persons permitted to enter the U.S. without a visa.</p> <p>Duration of Stay. Limited to 90 days. Available only to citizens of countries designated by the U.S. Department of State. No extension or change of status is allowed for this category. http://www.state.gov/documents/organization/87162.pdf .</p> <p>Study. Work and study restrictions are the same as B-1/B-2 counterparts.</p> <p>Employment. Work and study restrictions are the same as B-1/B-2 counterparts.</p>
C-1, C-2, C-3	<p>Description. <u>Aliens in Transit</u>. Persons in transit from one country to another, "stopping over" in the U.S.</p> <p>Duration of Stay. "Brief."</p> <p>Study. No study allowed.</p> <p>Employment. No employment allowed.</p>

Visa	Description
D	<p>Description. <u>Alien Crewmember.</u> Crew members employed on a vessel or aircraft who are in the U.S. on "stopovers." (E.g. pilot, flight attendant, engineers, deckhand, cruise ship workers.</p> <p>Duration of Stay. Within 29 days.</p> <p>Study. No study allowed.</p> <p>Employment. No employment allowed.</p>
E-1 ELIGIBLE FOR RESIDENCY	<p>Description. <u>Treaty Trader.</u> Persons in the U.S. to conduct trade under a treaty between their country and the U.S., and key employees of companies trading under such a treaty. See http://travel.state.gov/content/visas/en/fees/treaty.html for a list of treaty countries.</p> <p>Duration of Stay. Initially two years, no limit on extensions.</p> <p>Study. May engage in full- or part-time study while maintaining visa status.</p> <p>Employment. Must work in an approved activity. Dependents may apply for work authorization with no restriction on where they work.</p>
E-2 ELIGIBLE FOR RESIDENCY	<p>Description. <u>Treaty Investor.</u> Persons in the U.S. to develop or direct the operations of an enterprise in which they have invested substantial investments. Must be based on a treaty between visa holder's country and the U.S. See link in E-1 for treaty countries.</p> <p>Duration of Stay. Initially two years, no limit on extensions.</p> <p>Study. May engage in full- or part-time study while maintaining visa status.</p> <p>Employment. Must work in an approved activity. Dependents may apply for work authorization with no restriction on where they work.</p>
E-3 ELIGIBLE FOR RESIDENCY	<p>Description. <u>Specialty occupation.</u> Persons in the U.S. who are nationals of the Commonwealth of Australia and whose employment is certified by the Secretary of Labor.</p> <p>Duration of Stay. Initially two years, no limit on extensions.</p> <p>Study. May engage in full- or part-time study while maintaining visa status.</p> <p>Employment. Must work in an approved activity. Spouse is entitled to work authorization, but not children.</p>

Visa	Description
<p>F-1</p> <p>NOTE Citizens of Canada and Bermuda do not require visas to enter the U.S. as students, although they must present a valid Form I-20 at the time of admission.</p>	<p>Description. <u>Student.</u> Persons in the U.S. engaging in a full course of academic or language study in an accredited educational program.</p> <p>Duration of Stay. Determined by Immigration at the port of entry or pursuant to a change of status and indicated on the I-94² and I-20. The I-94 will normally be marked “D/S” for “Duration of Status” (if marked with a certain date, this takes precedence over the date on the Form I-20) 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.</p> <p>Study. Must be full-time study (12 credits undergraduate, 9 credits graduate) unless authorized by the Designated School Official (DSO). If taking on-line courses, only 1 online course or 3 semester credits/5 quarter credits maximum may be applied towards full-time enrollment requirements each semester/quarter.</p> <p>Employment. 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 incidental 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.</p> <p>F-1 students may engage in three types of off-campus employment after they have been studying for one academic year. Off-campus employment must be related to their area of study and must be authorized prior to starting any work by the DSO. These three types of employment are:</p> <ul style="list-style-type: none"> • Curricular Practical Training (CPT) • Optional Practical Training (OPT) (pre-completion or post-completion) • Science, Technology, Engineering, and Mathematics (STEM) Optional Practical Training Extension (OPT) <p>An Employment Authorization Document (EAD) card is required for off-campus employment.</p>
<p>F-2</p>	<p>Description. <u>Dependent of F-1 Visa Holder.</u> Spouse and/or children of an F-1 student.</p> <p>Duration of Stay. Person is issued own I-20 from F-1 student’s school. Same as F-1 visa holder.</p> <p>Study. Minor children are permitted to attend full-time in K-12 while accompanying F-1 student. Spouse may engage in part-time study only, and study must be avocational or recreational in nature.</p> <p>Employment. No employment allowed.</p>

Visa	Description
<p>G-1, G-2, G-3, G-4</p> <p>NOTE Related to A and NATO visa</p> <p>ELIGIBLE FOR RESIDENCY</p>	<p>Description. <u>Representative of International Organization.</u> Persons in the U.S. as representatives of an international organization (e.g., the United Nations) and their dependents.</p> <p>Duration of Stay. Indefinitely as long as the Secretary of State continues to recognize G status. There is no requirement that the visa holder must have a foreign residence to which he or she intends to return.</p> <p>Study. May engage in full- or part-time study while maintaining visa status.</p> <p>Employment. Visa holder may perform only those duties that are related to the international organization and agreements designated by the President under the International Organizations Immunities Act.</p> <p>Dependents: G-1, G-3, G-4 - All work (on-campus or off-campus) for dependents must first be approved by the U.S. Department of State using Form I-566. An Employment Authorization Document (EAD) is required.</p> <p>G-2 - Dependents may not work while on G-2 visa.</p>
<p>G-5</p> <p>ELIGIBLE FOR RESIDENCY</p>	<p>Description. <u>Personal Employee of G-1, G-2, G-3, or G-4 Visa Holder</u></p> <p>Duration of Stay. Same as G-1, G-2, G-3, or G-4 Employer.</p> <p>Study. May engage in full- or part-time study while maintaining visa status.</p> <p>Employment. Only those duties that are related to work for G-1, G-2, G-3, or G-4 Visa Holder.</p>

Visa	Description
<p>H-1B</p> <p>ELIGIBLE FOR RESIDENCY</p>	<p>Description. <u>Temporary Worker in a Specialty Occupation.</u> : Persons in the U.S. to perform professional services for a sponsoring employer in a specific position for a fixed period of time.</p> <p>Duration of Stay. Employment authorization is granted for an initial period of up to 3 years. Extensions for an additional 3 years are possible. 240-day rule applies. (This is where an individual can continue to work for the current employer for up to 240 days after the current H-1B visa expiration if he/she is waiting for a USCIS decision.)</p> <p>Study. May engage in full- or part-time study while maintaining visa status. Full-time allowed only if maintaining full-time employment status.</p> <p>Employment. Employment permitted only with employers who have had an H-1B petition approved by USCIS on the visa holder’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 visa holder. Employment is incidental to H-1B status with a specific employer, and no Employment Authorization Document (EAD) is required.</p> <p>Subcategories:</p> <p>H-1B1 - Free Trade Agreement workers from Chile and Singapore.</p> <p>H-1B2 - Specialty occupations related to Department of Defense Cooperative Research and Development projects or Co-production projects.</p> <p>H-1B3 - Fashion models of distinguished merit and ability.</p> <p>H-1C – Expired 2009. Registered nurses working in a health professional shortage area as determined by the U.S. Department of Labor. Was H-1A prior to 1999.</p>
<p>H-2A</p>	<p>Description. <u>Temporary Agricultural Worker.</u></p> <p>Duration of Stay. For temporary or seasonal agricultural work.</p> <p>Study. May engage in part-time study while maintaining H visa status.</p> <p>Employment. Employer restrictions similar to H-1B. May be employed only by the petitioning employer for a specific period of time, as designated by USCIS. An Employment Authorization Document (EAD) is not required.</p>
<p>H-2B</p>	<p>Description. <u>Temporary Non-agricultural Skilled or Unskilled Worker.</u> Persons in the U.S. in a temporary position for which a shortage of U.S. workers exists, working for a specific employer <u>for a fixed period of time.</u></p> <p>Duration of Stay. Limited to a fixed period of time.</p> <p>Study. May engage in part-time study while maintaining H visa status.</p> <p>Employment. Employer restrictions similar to H-1B. May be employed only by the petitioning employer for a specific period of time, as designated by USCIS. An Employment Authorization Document (EAD) is not required.</p>

Visa	Description
<p>J-1</p> <p>Student: College or University</p>	<p>Description. <u>Exchange Visitor (Student-college/university).</u> Persons in the U.S. as exchange visitors for the primary purpose of studying at an academic institution under the auspices of the U.S. Information Agency and a Designated Program Sponsor.</p> <p>Duration of Stay. 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- 94² 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.</p> <p>Study. Must maintain full-time enrollment. May engage in part-time study only if authorized by school and Designated Program Sponsor.</p> <p>Employment. May be employed on the campus of the school in which they are enrolled to a maximum of 20 hours per week (and full time during official school breaks) with prior written authorization from the school and Designated Program Sponsor. May work off-campus under limited circumstances provided they have obtained prior written authorization from the school. Employment does not require additional permission from USCIS or an Employment Authorization Document (EAD). Also eligible for up to 18 months of academic training (36 months for postdoctoral training) with written approval from the school and Designated Program Sponsor.</p>

Visa	Description
<p>J-1 Scholar</p>	<p>Description. Exchange Visitor (Short-term Scholar, Professor, Researcher, or Specialist). Persons in the U.S. as visiting researchers or professors under the auspices of the USCIS and a Designated Program Sponsor.</p> <p>Duration of Stay. Limited initially to 6 months to 3 years in the U.S. based on program. The school 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 USCIS.</p> <p>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-94² 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.</p> <p>Study. May engage in full- or part-time study while maintaining visa status.</p> <p>Employment. 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 school or their designee. DS-2019 Form authorizes employment. An Employment Authorization Document (EAD) is not required.</p>

Visa	Description
<p>J-1</p> <p>Student, Secondary</p>	<p>Description. <u>Exchange Visitor (Student-secondary school).</u> Persons in the U.S. as exchange visitors for the primary purpose of studying at an accredited public or private high school under the auspices of a Designated Program Sponsor. Students live with an American host family or at an accredited boarding school, not with relatives.</p> <p>Duration of Stay. Usually one academic semester or year.</p> <p>Study. Studying at an accredited public or private high school.</p> <p>Running Start. J-1 Secondary Students may participate in the Running Start Program in Washington. Based upon reviews of federal and state law, it is determined that a J-1 visa “Exchange Visitor” student who has enrolled in the eleventh or the twelfth grade is eligible to participate in Running Start. J-1 visa students must be mindful of any restrictions on enrollment established by the student’s exchange program sponsor and must comply with all federal requirements. Students with F-1 “Academic Student” visas who attend secondary school, must pay the school the full cost of education by repaying the school system for the full, unsubsidized, per capita cost of providing the education. As such, they cannot be claimed for state funding under the Running Start program. Students with visas in other categories should check with the U.S. Embassy or Consulate that processed their visa application to ensure that Running Start enrollment is consistent with the terms of their visas.</p> <p>Employment. May not work part-time or full-time jobs, however, they may accept occasional work, like yard work or baby-sitting.</p>
<p>J-1</p> <p>Au Pair</p>	<p>Description. <u>Au Pair.</u> Persons in the U.S. under the auspices of the USCIS and a Designated Program Sponsor to serve as a live-in child-care provider for a host family.</p> <p>Duration of Stay. Live with a family for 12 months, with the option to extend 6, 9, or 12 more months.</p> <p>Study. May engage in full- or part-time study while maintaining visa status. Must complete at least six hours of academic credit or equivalent in formal educational settings at an accredited U.S. post-secondary educational institution.</p> <p>Employment. Matched with host family through the Program Sponsor to work as a live-in child-care provider. A J-1 holder is only allowed to perform the activity listed on his/her Form DS-2019 and as stated in the regulations for that category of exchange.</p>
<p>J-2</p>	<p>Description. <u>Dependent of J-1 Visa Holder.</u> Persons in the U.S. as dependents (spouse or unmarried child under the age of 21) of a J-1 student or scholar.</p> <p>Duration of Stay. Linked to J-1 visa holder.</p> <p>Study. May engage in full- or part-time study while maintaining visa status.</p> <p>Employment. Eligible to apply for work authorization. Once the Employment Authorization Document (EAD) is issued, the J-2 may work for any employer <u>for the dates indicated on the card</u>. The employer must re-verify employment authorization by the expiration date on the EAD. Employment cannot be needed for the financial support of the J-1 visa holder.</p>

Visa	Description
<p>K-1 K-2 (child of K-1) K-3, K-4</p> <p>ELIGIBLE FOR RESIDENCY</p>	<p>Description. <u>Fiancé visa.</u> Fiancé (fiancée), child, or spouse of a U.S. citizen for whom a spousal immediate relative petition has been filed. Must marry the U.S. citizen sponsor within 90 days of arrival.</p> <p>Duration of Stay. Visa cannot be extended beyond 90 days of arrival. Once married, may apply for permanent resident status and remain in the U.S. while USCIS processes the application.</p> <p>Study. May engage in full- or part-time study while maintaining visa status.</p> <p>Employment. May immediately apply for permission to work by filing a Form I-765, Application for Employment Authorization with the USCIS Service Center having jurisdiction over the place of residence. Any work authorization based on a nonimmigrant fiancé (e) visa would be valid for only 90 days after entry. However, the fiancé (e) would also be eligible to apply for an extended work authorization at the same time as he or she files for permanent resident status.</p>
<p>L-1</p> <p>ELIGIBLE FOR RESIDENCY</p>	<p>Description. <u>Intracompany Transferee.</u> Persons in the U.S. who have been transferred from a subsidiary, affiliate, or branch office overseas to the U.S. to work in an executive, managerial, or specialist capacity. This classification also enables a foreign company which does not yet have an affiliated U.S. office to send an executive or manager to the U.S. with the purpose of establishing one.</p> <p>Duration of Stay. Initial stay of between one and three years. Requests for extension of stay may be granted in increments of up to an additional two years, until the employee has reached the maximum limit of seven years.</p> <p>Study. May engage in full- or part-time study while maintaining visa status.</p> <p>Employment. Visa holder is sponsored by a specific U.S. company or foreign company establishing an office in the U.S. The employer must file a Form I-129, Petition for a Nonimmigrant Worker.</p>
<p>L-2</p> <p>ELIGIBLE FOR RESIDENCY</p>	<p>Description. <u>Dependent of L-1 Visa Holder.</u> The transferring employee may be accompanied or followed by his or her spouse and unmarried children who are under 21 years of age.</p> <p>Duration of Stay. Linked to L-1 visa holder.</p> <p>Study. May engage in full- or part-time study while maintaining visa status.</p> <p>Employment. Employment is allowed with work authorization. There is no specific restriction where the L-2 spouse may work.</p>

Visa	Description
M-1	<p>Description. <u>Vocational Student.</u> Persons in the U.S. enrolled in a vocational school or other nonacademic program other than language training.</p> <p>Duration of Stay. Determined by Immigration at the port of entry or pursuant to a change of status and indicated on the I-94² and I-20. The I-94 will normally be marked “D/S” for “Duration of Status” (if marked with a certain date, this takes precedence over the date on the Form I-20) 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.</p> <p>Study. Must study full-time unless otherwise authorized by a Designated School Official (DSO).</p> <p>Employment. May be employed for practical training in the field related to the major following completion of studies for a maximum of 6 months. An Employment Authorization Document (EAD) is required.</p>
M-2	<p>Description. <u>Dependent of M-1 Visa Holder.</u></p> <p>Duration of Stay. Issued own I-20 from M-1 student’s school. Same as M-1 visa holder as indicated on I-20.</p> <p>Study. Minor children are permitted to attend full-time in K-12 while accompanying M-1 student. A spouse or M-2 child may engage in study in the U.S. as long as they are enrolled in less than a full course of study. The spouse or M-2 child may also engage in recreational or avocational study.</p> <p>Employment. No employment is allowed.</p>
N-1, N-2 (Rare) ELIGIBLE FOR RESIDENCY	<p>Description. <u>Parent or child of alien accorded special Immigrant status.</u> (See section 27 at https://www.law.cornell.edu/uscode/text/8/1101 for more information).</p> <p>Duration of Stay. Extendable.</p> <p>Study. May engage in full- or part-time study while maintaining visa status. Spouse not eligible to attend school; minor children may attend K-12 full-time. Adult children under 21 may attend full- or part-time while maintaining visa status.</p> <p>Employment. May be eligible to work in the U.S.</p>

Visa	Description
<p>NATO 1-6 NATO 7</p> <p>ELIGIBLE FOR RESIDENCY</p> <p>NOTE Related to A and G visa</p>	<p>Description. <u>NATO 1-6 Personnel.</u> Persons in the U.S. as members of the armed services, national representatives, international staff, and immediate family members of the nations of North Atlantic Treaty Organization (NATO). NATO-7 is for attendants, servants, and personal employees of NATO personnel. Family members must have a passport and NATO-2 visa.</p> <p>Duration of Stay. Indefinitely as long as in visa status. There is no requirement that the visa holder must have a foreign residence to which he or she intends to return.</p> <p>Study. May engage in full- or part-time study while maintaining visa status. Dependent children of NATO officials who are age 21-23 (up to age 25 if a bilateral agreement exists) may remain in the U.S. with derivative status if the child attends a post-secondary school full-time.</p> <p>Employment. Visa holder may perform only those duties that are related to the international organization and agreements designated by the President under the International Organizations Immunities Act. Dependents: All work (on-campus or off-campus) for dependents must first be approved by the U.S. Department of State using Form I-566. An Employment Authorization Document (EAD) is required.</p>
<p>O-1</p> <p>ELIGIBLE FOR RESIDENCY</p>	<p>Description. <u>Person of Extraordinary Ability.</u> Persons 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.</p> <p>Duration of Stay. 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-94² 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.</p> <p>Study. May engage in full- or part-time study while maintaining visa status.</p> <p>Employment. May be employed and compensated only by the O-1 petitioning employer or agency through whom the status was obtained. An Employment Authorization Document (EAD) is not required.</p>
<p>O-2</p> <p>ELIGIBLE FOR RESIDENCY</p>	<p>Description. <u>Accompanying Personnel of O-1 Visa Holder.</u> The O-2's assistance must be an "integral part" of the O-1's activity.</p> <p>Duration of Stay. No set limit, linked to O-1 visa holder.</p> <p>Study. May engage in full- or part-time study while maintaining visa status.</p> <p>Employment. In support of the O-1 visa holder only.</p>
<p>O-3</p> <p>ELIGIBLE FOR RESIDENCY</p>	<p>Description. <u>Dependent or spouse of O-1 and O-2 Visa Holder.</u></p> <p>Duration of Stay. No set limit, linked to O visa holder.</p> <p>Study. May engage in full- or part-time study while maintaining visa status.</p> <p>Employment. No employment allowed.</p>

Visa	Description
P-1	<p>Description. <u>Internationally Recognized Athlete, Entertainment Group, or Essential Support Personnel.</u></p> <p>Duration of Stay. Short-term, time needed to complete the event, competition or performance.</p> <p>Study. May engage in full- or part-time study while maintaining visa status.</p> <p>Employment. To perform at a specific athletic competition as an athlete or as a member of an entertainment group. Requires an internationally recognized level of sustained performance. Includes persons providing essential services in support of the above person.</p>
P-2	<p>Description. <u>Artist or Entertainer Under a Reciprocal Exchange Program.</u></p> <p>Duration of Stay. Short-term, time needed to complete the event, competition or performance, not to exceed 1 year.</p> <p>Study. May engage in full- or part-time study while maintaining visa status.</p> <p>Employment. For performance under a reciprocal exchange program between an organization in the U.S. and an organization in another country. Includes persons providing essential services in support of the artist or entertainer.</p>
P-3	<p>Description. <u>Artist or Entertainer in a Culturally Unique Program.</u></p> <p>Duration of Stay. Short-term, time needed to complete the event, activity or performance, not to exceed 1 year.</p> <p>Study. May engage in full- or part-time study while maintaining visa status.</p> <p>Employment. To perform, teach or coach under a program that is culturally unique or a traditional ethnic, folk, cultural, musical, theatrical, or artistic performance or presentation. Includes persons providing essential services in support of the artist or entertainer.</p>
P-4	<p>Description. <u>Dependents of P-1, P-2, or P-3 Visa Holder.</u></p> <p>Duration of Stay. Linked to P-1, P-2, or P-3 Visa Holder.</p> <p>Study. May engage in full- or part-time study while maintaining visa status.</p> <p>Employment. No employment allowed.</p>

Visa	Description
Q-1, Q-2, Q-3	<p>Description. <u>Participant in an International Cultural Exchange Program</u> designated by USCIS; participants in the Irish Peace Process Cultural and Training Program; and spouses and children of Irish Peace Process participants.</p> <p>Duration of Stay. Short-term, up to 15 months.</p> <p>Study. May engage in full- or part-time study while maintaining visa status.</p> <p>Employment. For practical training and employment and for sharing of the history, culture, and traditions of your home country through participation in an international cultural exchange program. The Q visa does not have a provision for any spouse or children to accompany or follow to join a Q-1 visa holder. Therefore, any spouse or children must qualify for a visa classification for which they may be eligible. Dependents may not be employed.</p>
R-1 ELIGIBLE FOR RESIDENCY	<p>Description. <u>Religious Worker.</u> Temporary workers to perform work in religious occupations.</p> <p>Duration of Stay. An initial period of admission for up to 30 months. Subsequent extensions may be granted for up to an additional 30 months. The religious worker's total period of stay in the U.S. cannot exceed five years (60 months). R-1 visa holders may petition for lawful permanent resident status.</p> <p>Study. May engage in full- or part-time study while maintaining visa status.</p> <p>Employment. May be employed and compensated only by the religious organization through which the status was obtained. Employment as a minister or in another religious vocation or occupation at least part time (average of at least 20 hours per week) is required.</p>
R-2 ELIGIBLE FOR RESIDENCY	<p>Description. <u>Dependent of an R-1 Visa Holder.</u></p> <p>Duration of Stay. Linked to R-1 visa holder.</p> <p>Study. May engage in full- or part-time study while maintaining visa status.</p> <p>Employment. No employment allowed.</p>

Visa	Description
TN	<p>Description. <u>Trade NAFTA (for citizens of Canada and Mexico).</u> Persons in the U.S. to perform professional services for a sponsoring employer in a specific position for a fixed period of time.</p> <p>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-94² Arrival/Departure Record.</p> <p>Study. May engage in full- or part-time study while maintaining visa status.</p> <p>Employment. 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 as employment authorization. Employer must petition USCIS on Form I-129 for Mexican TN workers. An Employment Authorization Document (EAD) is not required. May be employed by more than one employer simultaneously, but must obtain TN status for each employer.</p>
TD	<p>Description. <u>Dependents of TN Visa Holder.</u> Persons in the U.S. as a dependent of the holder of a TN Visa.</p> <p>Duration of Stay. Linked to TN visa holder.</p> <p>Study. May engage in full- or part-time study while maintaining visa status.</p> <p>Employment. Not permitted to be employed or receive compensation from any U.S. source.</p>
S ELIGIBLE FOR RESIDENCY	<p>Description. <u>Witnesses and informants.</u> A law enforcement agency may submit an application for permanent resident status (a green card) on behalf of a witness or informant when the individual has completed the terms and conditions of his or her S classification. Qualifying family members of the principal S nonimmigrant may also be eligible to apply for a green card.</p> <p>Duration of Stay. Indefinite.</p> <p>Study. May engage in full- or part-time study.</p> <p>Employment. Employment permitted.</p>
T-1, T-2, T-3, T-4 ELIGIBLE FOR RESIDENCY	<p>Description. <u>Victims of extreme forms of trafficking in persons and their dependents or families.</u></p> <p>Duration of Stay. The T nonimmigrant visa is valid for four years and a visa holder may be eligible to apply for permanent resident status (green card) after three years in a T nonimmigrant status.</p> <p>Study. May engage in full- or part-time study.</p> <p>Employment. Employment permitted. When USCIS grants T nonimmigrant status, an Employment Authorization Document (EAD) is granted at the same time.</p>

Visa	Description
<p>U-1, U-2, U-3, U-4</p> <p>NOTE Related to T visa</p> <p>ELIGIBLE FOR RESIDENCY</p>	<p>Description. <u>Victims of certain crimes and dependents.</u></p> <p>Duration of Stay. Valid for four years and may be extended. This is automatically extended upon the filing and pendency of an application for adjustment (application for a Green Card). May apply for Green Card after holding U visa status for 3 years.</p> <p>Family members may also apply for the Green Card.</p> <p>Study. May engage in full- or part-time study.</p> <p>Employment. Principal U nonimmigrant petitioners are employment authorized incident to status, after the underlying petition for U nonimmigrant status is approved and an employment authorization document is automatically issued. Family members residing inside the U.S. are also employment authorized but must obtain their own Employment Authorization Document (EAD). Employment authorization for visa holder and dependents can only be issued after the underlying U nonimmigrant status petition is approved.</p>
<p>V-1, V-2, V-3</p> <p>NOTE Rare due to time limits</p> <p>ELIGIBLE FOR RESIDENCY</p>	<p>Description. <u>Spouses, minor children and dependents of permanent residents.</u> Beneficiaries of family-based second-preference immigrant visa petitions filed before 12/21/2000 or waiting for immigrant status more than 3 years. The V visa is created to allow families to stay together while waiting for the processing of immigrant visas.</p> <p>Duration of Stay. Legally authorized to remain in the U.S. while permanent resident status is pending.</p> <p>Study. May engage in full- or part-time study.</p> <p>Employment. Employment authorized.</p>
<p>ASYLEE</p> <p>ELIGIBLE FOR RESIDENCY</p>	<p>Description. <u>Persons seeking protection</u> because they have suffered persecution or fear that they will suffer persecution due to race, religion, nationality, membership in a particular social group, political opinion. May include spouse and children under 21 and unmarried.</p> <p>Duration of Stay. Legally authorized to remain in the U.S. while asylum case is pending. If eligible for asylum may remain in the U.S. May apply for a green card one year after being granted asylum.</p> <p>Study. May engage in full- or part-time study.</p> <p>Employment. May apply for employment authorization if 150 days have passed since person filed a complete asylum application, excluding any delays caused by applicant (such as a request to reschedule an interview) AND no decision has been made on the application. If granted asylum, may work immediately. Some asylees choose to obtain Employment Authorization Documents (EADs) for convenience or identification purposes, but an EAD is not necessary to work if individual is an asylee.</p> <p>FAQ: http://www.uscis.gov/faq-page/asylum-eligibility-and-applications-faq#t12802n40238</p>

Visa	Description
REFUGEE ELIGIBLE FOR RESIDENCY	<p>Description. <u>Persons who have proven a well-founded fear of persecution in their home country.</u> May include spouse, child (unmarried and under 21 years of age), and in some limited circumstances, other family members.</p> <p>Duration of Stay. Granted for 1 year after which time must apply for permanent resident (green card) status.</p> <p>Study. May engage in full- or part-time study.</p> <p>Employment. May work immediately upon arrival to the U.S. When admitted to the U.S. Form I-94² will contain a refugee admission stamp. Form I-765, Application for Employment Authorization, will be filed for refugee to receive the Employment Authorization Document (EAD). While waiting for EAD, refugee can present I-94 to employer as proof of permission to work in the U.S.</p>
TEMPORARY PROTECTED STATUS (TPS) ELIGIBLE FOR RESIDENCY	<p>Description. <u>Special temporary protection from deportation</u> available to qualified nationals of countries designated by the Secretary of Homeland Security. Allows citizens from certain unsafe countries to temporarily and lawfully remain in the U.S. and work here. http://www.uscis.gov/humanitarian/temporary-protected-status.</p> <p>Duration of Stay. While in status, not removable from the U.S. TPS is a temporary benefit that does not lead to lawful permanent resident status or give any other immigration status. However, registration for TPS does not prevent an individual from applying for nonimmigrant status, filing for adjustment of status based on an immigrant petition, or applying for any other immigration benefit or protection if eligible. An application for TPS does not affect an application for asylum or any other immigration benefit and vice versa. If the application for TPS is approved, USCIS will send an approval notice and an Employment Authorization Document (EAD), if requested. Status may be renewed.</p> <p>Once granted TPS, must re-register during each re-registration period to maintain TPS benefits. This applies to all TPS beneficiaries, including those who were initially granted by USCIS, an Immigration Judge, or the BIA.</p> <p>Study. May engage in full- or part-time study. There is no federally imposed bar to college admission for TPS holders.</p> <p>Employment. May obtain an EAD and work in the U.S.</p>

Visa	Description
<p>PAROLEE</p> <p>ELIGIBLE FOR RESIDENCY</p>	<p>Description. Persons “paroled” into the U.S. on various humanitarian or public interest bases. There must be an urgent humanitarian reason or significant public interest for the parole to be granted. An individual who is ineligible to enter the U.S. as a refugee, immigrant or nonimmigrant may be “paroled” into the U.S. by the Secretary of Homeland Security. This provision of the law is only used for emergency, humanitarian and public interest reasons. The individual who is paroled into the U.S. is known as a “parolee”.</p> <p>Duration of Stay. Parole is granted for a period that coincides with the duration of the emergency or humanitarian situation that is the basis for the request, but no longer than one year initially. May file for extensions. Parolee may file for permanent resident (green card) status. Parolees are eligible to apply for citizenship five years from the date they entered the U.S. as parolees if they have already adjusted to permanent resident status.</p> <p>Study. May engage in full- or part-time study.</p> <p>Employment. Public interest parolees may apply for work authorization on Form I-765, Application for Employment Authorization (EAD). Parolees admitted for humanitarian or emergency reasons are not eligible to apply for employment authorization.</p>
<p>PERMANENT RESIDENT (Green Card)</p> <p>ELIGIBLE FOR RESIDENCY</p>	<p>Description. Permanent residents of the U.S. A permanent resident (green card holder) is someone who has been granted authorization to live and work in the U.S. on a permanent basis. As proof of that status, a person is granted a permanent resident card, commonly called a "Green Card."</p> <p><u>A conditional permanent resident</u> receives a green card valid for 2 years. In order to remain a permanent resident, a conditional permanent resident must file a petition to remove the condition during the 90 days before the card expires. The conditional card cannot be renewed. The conditions must be removed or the individual will lose permanent resident status.</p> <p>Duration of Stay. Permanent resident.</p> <p>Study. May engage in full- or part-time study without limitation.</p> <p>Employment. Eligible for employment, generally without limitation.</p>
<p>OTHER NON-U.S. CITIZENS</p> <p>ELIGIBLE FOR RESIDENCY</p>	<p>Non U.S. citizens who fall within the following categories will be considered eligible to establish Washington residency for tuition purposes:</p> <ol style="list-style-type: none"> 1. Persons granted Withholding of Removal status 2. Persons granted Withholding of Deportation status 3. Persons granted Suspension of Deportation status or Cancellation of Removal status 4. Persons granted Stay of Deportation status 5. Persons granted Deferred Action status (DACA) 6. Persons granted Deferred Enforced Departure status

Visa	Description
<p>OTHER U.S. CITIZENS & NATIONALS ELIGIBLE FOR RESIDENCY</p>	<ol style="list-style-type: none"> 1. Guam – Guam is a territory of the U.S. Students born in Guam are U.S. citizens and therefore may qualify for residency if they meet all other statutory requirements. No passport or visa is required. May study and work in the U.S. 2. Commonwealth of the Northern Marianas (CNMI). Includes Saipan, Rota, Tinian, and other smaller islands. Commonwealth status gives U.S. citizenship to its residents and students may qualify for residency if they meet all other statutory requirements. No passport or visa is required. May study and work in the U.S. 3. Commonwealth of Puerto Rico – A U.S. territory. Students born in Puerto Rico are U.S. citizens and therefore may qualify for residency if they meet all other statutory requirements. No passport or visa is required. May study and work in the U.S. 4. U.S. Virgin Islands (USVI) - Includes Saint Croix, Saint John, and Saint Thomas, and many other surrounding minor islands. Currently an organized, unincorporated U.S. territory, students born in USVI are U.S. citizens and therefore may qualify for residency if they meet all other statutory requirements. No passport or visa is required. May study and work in the U.S. 5. American Samoa and Swains Island (American Samoa includes Tutuila, Rose, and Manu’a Islands) – American Samoa and Swains Island are U.S. possessions. Students born in American Samoa or on Swains Island are U.S. Nationals and have free access to the U.S. U.S. Nationals are considered to have permanent status in the U.S. Therefore, pursuant to RCW 28B.15.012(4)(b), U.S. Nationals should be considered residents for tuition purposes PROVIDED they have met all the other requirements for becoming a Washington resident. May study and work in the U.S.

Visa	Description
<p>SELECTED PACIFIC ISLAND CITIZENS</p> <p>ELIGIBLE FOR RESIDENCY</p>	<ol style="list-style-type: none"> 1. Citizens of the Federated States of Micronesia (FSM). Includes Yap, Chuuk [Truk], Pohnpei [Ponape], Kosrae, and other smaller islands. 2. Citizens of the Republic of the Marshall Islands (RMI). Includes Majuro, Kwajalein, Enewetak, Bikini, Rongelap, and other smaller islands and atolls. 3. Citizens of the Republic of Palau (Belau). Includes Koror, Babeldaop, Peleliu, other smaller islands, and atolls.) <p>FSM, RMI, and Palau were previously Trust Territories of the U.S. that are now independent nations who have signed Compacts of Free Association (CFA) with the U.S.</p> <p>Citizens of FSM, RMI, and Palau:</p> <ul style="list-style-type: none"> • Are not citizens or Nationals of the U.S. • Are entitled under the CFA to travel and apply for admission to the U.S. as non-immigrants without visas • Are not permanent residents of the U.S. but may apply for this if otherwise eligible under immigration laws, either through the immigrant visa process or by adjustment of status within the U.S. • May live, study, and work in the U.S. for an unlimited length of stay as indicated on their I-94² form • Qualify for certain forms of Federal Financial Aid • May obtain a Social Security number and card • Are eligible to volunteer for service in the U.S. Armed Forces and expedited permanent resident Status if meeting certain criteria • Are eligible for U.S. consular assistance on the same basis as U.S. citizens when outside the U.S.
<p>OTHER PACIFIC ISLAND CITIZENS <u>NOT</u> ELIGIBLE FOR RESIDENCY</p>	<p>Citizens of these Pacific islands are required to hold a valid passport from their home country. Visas are required for entry into the U.S.</p> <p>Citizens of these countries with non-immigrant visa may not establish residency for tuition purposes.</p> <ul style="list-style-type: none"> • French Polynesia (Tahiti, Bora Bora, and many other islands), Cook Islands, Niue, Tonga, Tokelau, Kiribati, Wallis & Futuna, Fiji, Tuvalu, New Caledonia, Vanuatu, Solomon Islands, Nauru, Papua New Guinea.

ⁱ The Washington Attorney General's Office has advised that under subsection (4)(b) of [RCW 28B.15.012](#), persons who are not citizens of the U.S. may be entitled to resident tuition, provided:

- (a) their USCIS status is not inconsistent with the concept of permanency;
- (b) all their attachments are to the state of Washington; and
- (c) they meet the durational residency requirement of one year.

Initially this determination is reflected in a Washington Attorney General inter-office memorandum from McCullough to Montecucco dated January 15, 1988 and attached to a Montecucco memo dated May 8, 1991 (No. 3108). Persons holding A, E, G, I, and K visas are determined to be eligible to establish residency for tuition purposes in Washington.

As of July 1, 2009, persons in E-3, H-1, and L visa classifications and their dependents were added to this list of persons who are not citizens or permanent residents of the U.S. but may be entitled to residency for tuition purposes. This action came after passage of HB 1487 during the 2009 Washington Legislative Session and is codified in [RCW 28B.15.012](#) section (2)(f).

Additions to this list as presented in this Guide are further clarified in several Washington Attorney General communications, most recently summarized in two memoranda from Kjolseth to the Washington Student Achievement Council - one dated December 17, 2014 regarding *Withholding of Removal and Resident Tuition* and a second dated November 17, 2015 regarding *Residency for Purposes of Tuition and State Financial Aid* (both available at <http://wsac.wa.gov/student-residency>).

ⁱⁱ Arrival/Departure Form I-94. <http://www.cbp.gov/travel/international-visitors/i-94-instructions>.

Foreign visitors to the U.S. arriving via air or sea no longer need to complete paper Customs and Border Protection (CBP) [Form I-94 Arrival/Departure Record](#) or [Form I-94W Nonimmigrant Visa Waiver Arrival/Departure Record](#). Those who need to prove their legal-visitor status—to employers, schools/universities or government agencies—can access their CBP arrival/departure record information online.

CBP now gathers travelers' arrival/departure information automatically from their electronic travel records. Because advance information is only transmitted for air and sea travelers, CBP will still issue a paper form I-94 at land border ports of entry.

If travelers need the information from their Form I-94 admission record to verify immigration status or employment authorization, the record number and other admission information they are encouraged to [get their I-94 Number](#) online.

RESOURCES:

Washington Student Achievement Council (WSAC) Student Residency.

<http://www.wsac.wa.gov/student-residency>.

Washington State Statutes regarding Residency. [RCW 28B.15.012](#); (Full statute and others like [RCW 28B.013](#) that provide more information on domicile.)

Washington Administrative Code (WAC). [WAC 250-18-010 – WAC 250-18-060](#) (Further explanation of the statutes.)

Campus Registrars, Residency Officers, Financial Aid Officers, or International Program Offices in Washington.

Immigration and Nationality Act. <http://www.uscis.gov/laws/immigration-and-nationality-act>.

The Immigration and Nationality Act, or INA, was created in 1952. Before the INA, a variety of statutes governed immigration law but were not organized in one location. The McCarran-Walter bill of 1952, Public Law No. 82-414, collected and codified many existing provisions and reorganized the structure of immigration law. The Act has been amended many times over the years, but is still the basic body of immigration law.

The INA is divided into titles, chapters, and sections. Although it stands alone as a body of law, the Act is also contained in the United States Code (U.S.C.). The code is a collection of all the laws of the United States. It is arranged in fifty subject titles by general alphabetic order. **Title 8 of the U.S. Code** is but one of the fifty titles and deals with "Aliens and Nationality". When browsing the INA or other statutes you will often see reference to the U.S. Code citation. For example, Section 208 of the INA deals with asylum, and is also contained in 8 U.S.C. 1158. Although it is correct to refer to a specific section by either its INA citation or its U.S. code, the INA citation is more commonly used.

Immigration and Customs Enforcement Student and Exchange Visitor Program (SEVP) website.

<https://www.ice.gov/doclib/sevis/pdf/Nonimmigrant%20Class%20Who%20Can%20Study.pdf> .

U.S. Code: Title 8 - Aliens and Nationality. Cornell University Law School – Legal Information

Institute. <https://www.law.cornell.edu/uscode/text/8>. Definitions:

<https://www.law.cornell.edu/uscode/text/8/1101>.

U.S. Department of State website on visa categories.

<http://travel.state.gov/content/visas/english/general/all-visa-categories.html>

U.S. Citizenship and Immigration Services (USCIS) A-Z index. <http://www.uscis.gov/a-z-index>.

Wikipedia General Overview. https://en.wikipedia.org/wiki/Visa_policy_of_the_United_States

Issue Date: The date (in DD/MM/YYYY format) when visa was issued.

Expiration Date: The date (in DD/MM/YYYY format) until which the visa holder can apply for entry into the U.S. This date has no bearing on how long the individual can stay in the U.S. Actual duration of stay in the U.S. is determined at the port of entry as per the date stamped in the I-94 form (see below for more information on electronic I-94 documents).

Number in red color: Visa number.

Stars below photograph: Sometimes there are no stars under the photograph, sometimes one star, sometimes two stars. The exact purpose of stars is unknown. It does not correspond to the number of times the person applied for a visa.

Information at bottom: Computer generated and machine readable information about the visa that the visa holder does not have to generally worry about.