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U.S. Immigration Policy on Temporary Admissions

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U.S. Immigration Policy on Temporary Admissions

Summary

The September 11, 2001, terrorist attacks — apparently conducted by foreign nationals legally admitted to the United States — are raising a series of questions about aliens in the United States and the extent that the federal government monitors their admission and presence in this country. Passage of the Enhanced Border Security and Visa Entry Reform Act (H.R. 3525) and the Bush Administration's recently announced regulations on visitor visas and foreign students are examples of tightening policies toward aliens temporarily admitted to the United States.

There are 24 major nonimmigrant visa categories, and 70 specific types of nonimmigrant visas issued currently. These visa categories are commonly referred to by the letter and numeral that denotes their subsection in the Immigration and Nationality Act (INA), e.g, B-2 tourists, E-2 treaty investors, F-1 foreign students, H-1B temporary professional workers, J-1 cultural exchange participants, or S-4 terrorist informants.

The U.S. Department of State (DOS) consular officer, at the time of application for a visa, as well as the Immigration and Naturalization Service (INS) inspectors, at the time of application for admission, must be satisfied that the alien is entitled to nonimmigrant status. The burden of proof is on the applicant to establish eligibility for nonimmigrant status and the type of nonimmigrant visa for which the application is made. Both DOS consular officers (when the alien is petitioning abroad) and INS inspectors (when the alien is entering the United States) must confirm that the alien is not ineligible for a visa under the so-called "grounds for inadmissibility" of the INA, which include criminal, terrorist, and public health grounds for exclusion.

During FY1999 (the most recent year for which INS data are published), a record 31.4 million nonimmigrants entered the United States, and the overwhelming majority — 76.7% — were tourists. Of that number, over 16 million aliens entered as visitors through the Visa Waiver Program. Preliminary data from DOS indicate that 7.1 million nonimmigrant visas were issued in FY2000. Of FY2000 nonimmigrant visa issuances, the combination of all visitors for tourism and business constituted the largest group, about 5.7 million, or 58.7%. Aliens from neighboring countries with Border Crossing Cards made up the next largest group (21.3%), followed by students (8.4%) and workers (4.9%).

The law and regulations usually set strict terms for nonimmigrant lengths of stay in the United States, typically have foreign residency requirements, and often limit what the aliens are permitted to do in the United States (e.g., gain employment or enroll in school), but many observers assert that the policies are not uniformly or rigorously enforced. Agreement on the proper balance among major policy priorities, such as ensuring national security, facilitating trade and commerce, protecting public health and safety, and fostering international cooperation, may be difficult to reach and maintain.

Contents

Overview 1
Broad Categories of Nonimmigrants 2
Diplomats and Other International Representatives 2
Visitors as Business Travelers and Tourists 2
Multinational Corporate Executives and International Investors 3
Temporary Workers 3
Cultural Exchange 3
Foreign Students 3
Family-Related 4
Law Enforcement-Related 4
Aliens in Transit and Crew Members 4
Exclusion and Removal 4
Inadmissibility 4
Termination of Status 5
Periods of Admission 5
Length of Stay 5
Duration of Visa 5
Employment Authorization 5
Permission to Work 5
Labor Market Tests 6
Statistical Trends 6
Numerical Limits 6
FY1999 Entries 6
FY2000 Issuances 8
Emerging Issues 8

List of Figures

Figure 1. Nonimmigrant Admissions by World Region, FY1990-FY1999 7
Figure 2. Preliminary FY2000 Visa Issuances by Major Categories 7

List of Tables

Table 1. Periods of Stay and Foreign Residency Requirements for Nonimmigrant Visas 10
Table 2. Employment Authorization, Numerical Limits, and FY2000 Issuances for Nonimmigrant Visas 15

U.S. Immigration Policy on Temporary Admissions

Overview

The September 11, 2001 terrorist attacks — apparently conducted by foreign nationals legally admitted to the United States — are raising a series of questions about aliens in the United States and the extent that the federal government monitors their admission and presence in this country. Passage of the Enhanced Border Security and Visa Entry Reform Act (H.R. 3525)[1] and the Bush Administration's recently announced interim regulations on visitor visas and foreign students are examples of tightening policies towards aliens temporarily admitted to the United States.

Foreign nationals may be admitted to the United States temporarily or may come to live permanently. Those admitted on a permanent basis are known as immigrants or legal permanent residents (LPRs), while those admitted on a temporary basis are known as nonimmigrants.[2] Aliens who are in the United States without authorization, i.e., illegal aliens, are not discussed in this report. Nonimmigrants include a wide range of people, such as tourists, foreign students, diplomats, temporary agricultural workers, exchange visitors, internationally-known entertainers, foreign media representatives, intracompany business personnel, and crew members on foreign vessels.

U.S. immigration policy, embodied in the Immigration and Nationality Act (INA), presumes that all aliens seeking admission to the United States are coming to live permanently.[3] As a result, nonimmigrants must demonstrate that they are coming for a temporary period and for a specific purpose. The U.S. Department of State (DOS) consular officer, at the time of application for a visa, as well as the Immigration and Naturalization Service (INS) inspectors, at the time of application for admission, must be satisfied that the alien is entitled to a nonimmigrant status.[4] The burden of proof is on the applicant to establish eligibility for nonimmigrant status and the type of nonimmigrant visa for which the application is made. The law

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[1]For background and tracking of this legislation, see CRS Electronic Briefing Book, *Terrorism*, pages on "Border Security Issues and Options," by Lisa Seghetti and William Krouse, and "Foreign Nationals in the United States," by Ruth Ellen Wasem, available at [http://www.congress.gov/brbk/html/ebter1.shtml].

[2]For more information, see CRS Report RS20916, *Immigration and Naturalization Fundamentals*, by Ruth Ellen Wasem.

[3]§214(b) of INA.

[4]22 CFR §41.11(a).

exempts only the H-1 workers, L intracompany transfers, and V family members from the requirement that they prove that they are not coming to live permanently.[5]

This report begins with a synthesis of the nonimmigrant categories according to the purpose of the visa. It discusses the periods of admission and length of stay and then summarizes grounds for inadmissibility and removal as well as reasons for termination of status. It describes the circumstances under which nonimmigrants may work in the United States and follows with an analysis of nonimmigrant admissions. The narrative concludes with a discussion of emerging issues, followed by two detailed tables analyzing key admissions requirements across all nonimmigrant visa types.

Broad Categories of Nonimmigrants

There are 24 major nonimmigrant visa categories, and 70 specific types of nonimmigrant visas issued currently.[6] Most of these nonimmigrant visa categories are defined in §101(a)(15) of INA. These visa categories are commonly referred to by the letter and numeral that denotes their subsection in §101(a)(15), e.g., B-2 tourists, E-2 treaty investors, F-1 foreign students, H-1B temporary professional workers, J-1 cultural exchange participants, or S-4 terrorist informants. These temporary visas may be grouped under the broad labels described below.

Diplomats and Other International Representatives. Ambassadors, consuls, and other official representatives of foreign governments (and their immediate family and servants) enter the United States on A visas. Official representatives of international organizations (and their immediate family and servants) are admitted on G visas. Those nonimmigrants entering under the auspices of the North Atlantic Treaty Organization (NATO) have their own visa categories. Aliens who work for foreign media use the I visa.

Visitors as Business Travelers and Tourists. B-1 nonimmigrants are visitors for business and are required to be seeking admission for activities other than purely local employment or hire. The difference between a business visitor and a temporary worker depends also on the source of the alien's salary. To be classified as a visitor for business, an alien must receive his or her salary from abroad and must not receive any remuneration from a U.S. source other than an expense allowance and reimbursement for other expenses incidental to temporary stay.

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[5]§214(b) of INA. Nonimmigrant visas are commonly referred to by the letter and numeral that denotes their subsection in §101(a)(15), hence "H-1" workers, "L" intracompany transfers, and "V" family members.

[6]Law on nonimmigrants dates back to the Immigration Act of 1819. An immigration law enacted in 1924 defined several classes of nonimmigrant admission. The disparate series of immigration and nationality laws were codified into INA in 1952. Major laws amending INA are the Immigration Amendments of 1965, the Refugee Act of 1980, the Immigration Reform and Control Act of 1986, the Immigration Act of 1990, and the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. The newest nonimmigrant visa — known as the V visa — was folded into the District of Columbia FY2001 appropriations conference agreement (H.R. 4942, H.Rept. 106-1005), which became P.L. 106-553.

The B-2 visa is granted for temporary visitors for "pleasure,"otherwise known as tourists. Tourists, who are encouraged to visit as a boon to the U.S. economy, have consistently been the largest nonimmigrant class of admission to the United States. A B-2 nonimmigrant may not engage in any employment in the United States.

Many visitors, however, enter the United States without nonimmigrant visas through the Visa Waiver Program. This provision of INA allows the Attorney General to waive the visa documentary requirements for aliens coming as visitors from 28 countries, e.g., Australia, France, Germany, Italy, Japan, New Zealand, Switzerland, and the United Kingdom.[7]

Multinational Corporate Executives and International Investors. Intracompany transferees who are executive, managerial, and have specialized knowledge and who are continuing employment with an international firm or corporation are admitted on the L visas. Aliens who are treaty traders enter as E-1 while those who are treaty investors use E-2 visas.

Temporary Workers. The major nonimmigrant category for temporary workers is the H visa. Professional specialty workers (H-1B), nurses (H-1C) agricultural workers (H-2A) and unskilled temporary workers (H-2B) are included.[8] Persons with extraordinary ability in the sciences, arts, education, business, or athletics are admitted on O visas, while internationally recognized athletes or members of an internationally recognized entertainment group come on P visas. Aliens working in religious vocations enter on R visas. Temporary professional workers from Canada and Mexico may enter according to terms set by the North American Free Trade Agreement (NAFTA) on TN visas.

Cultural Exchange. The broadest category for cultural exchange is the J visa. The J visa includes professors and research scholars, students, foreign medical graduates, teachers, camp counselors and au pairs who are participating in an approved exchange visitor program. Participants in special international cultural exchange programs from the former Soviet Union and Eastern bloc countries enter on Q-1 visas. Q-2 visas are for Irish young adults from the border counties who participate in approved cultural exchange programs.

Foreign Students. The most common visa for foreign students is the F-1 visa. It is tailored for international students pursuing a full-time academic education. Those students who wish to pursue a non-academic, e.g., vocational, course of study

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[7]See CRS Report RS21205, *Immigration: Visa Waiver Program*, by Alison Siskin.

[8]See CRS Report RL30498, *Immigration: Legislative Issues on Nonimmigrant Professional Specialty (H-1B) Workers*; CRS Report RL30852, *Immigration of Agricultural Guest Workers: Policy, Trends, and Legislative Issues*, both by Ruth Ellen Wasem; and CRS Report RS20164, *Immigration: Temporary Admission of Nurses for Health Shortage Areas (P.L. 106-95)*, by Joyce Vialet.

apply for an M visa. Foreign students are just one of many types of aliens who may enter the United States on a J-1 visa for cultural exchange.[9]

Family-Related. Fiances and fiancees of U.S. citizens come in on K visas. The 106th Congress added a transitional nonimmigrant visa — the V visa — for immediate relatives (spouse and children) of LPRs who have had petitions to also become LPRs pending for 3 years.

Law Enforcement-Related. The law enforcement-related visas are among the most recently created. The S visa is used by informants in criminal and terrorist investigations.[10] Victims of human trafficking who participate in the prosecution of those responsible may get a T visa. Victims of other criminal activities, notably domestic abuse, who cooperate with the prosecution are eligible for the U visa.

Aliens in Transit and Crew Members. Two miscellaneous nonimmigrant categories are some of the earliest nonimmigrant categories enacted. The C visa is for aliens traveling through the United States en route to another destination, and the D visa is for alien crew members on vessels or aircraft.

Exclusion and Removal

Inadmissibility. Both DOS consular officers (when the alien is petitioning abroad) and INS inspectors (when the alien is entering the United States) must confirm that the alien is not ineligible for a visa under the so-called "grounds for inadmissibility" of the INA.[11] These criteria categories are:

- health-related grounds;
- criminal history;
- security and terrorist concerns;[12]
- public charge (e.g., indigence);
- seeking to work without proper labor certification;
- illegal entrants and immigration law violations;
- lacking proper documents;
- ineligible for citizenship; and,
- aliens previously removed.

The law provides waiver authority of these grounds (except for most of the security and terrorist-related grounds) for nonimmigrants on a case-by-case basis.[13]

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[9]For further discussion and analysis, see CRS Report RL31146, *Foreign Students in the United States: Policies and Legislation*, by Ruth Ellen Wasem.

[10]For more information, see CRS Report RS21043, *Immigration: S Visas for Criminal and Terrorist Informants*, by Karma Ester.

[11]§212(b) of INA.

[12]For more information, see CRS Report RL31019, *Terrorism: Automated Lookout Systems and Border Security Options and Issues*, by William J. Krouse and Raphael Perl.

[13]§212(d)(3) and (4) of INA.

Termination of Status. Consistent with the grounds of inadmissibility, the legal status of a nonimmigrant in the United States may be terminated based upon the nonimmigrant's behavior in the United States. Specifically, the regulations list national security, public safety and diplomatic reasons for termination. If a nonimmigrant who is not authorized to work does so, that employment constitutes a failure to maintain a lawful status. A crime of violence that has a sentence of more than 1 year also terminates nonimmigrant status.[14]

Periods of Admission

Length of Stay. Congress has enacted amendments and the executive branch has promulgated regulations governing areas such as the length and extensions of stay. For example, A-1 ambassadors are allowed to remain in the United States for the duration of their service, F-1 students to complete their studies, R-1 religious workers for up to 3 years, and D crew members for 29 days. Many categories of nonimmigrants are required to have a residence in their home country that they intend to return to as a stipulation of obtaining the visa. The law actually requires J-1 cultural exchange visa holders to go home for 2 years prior to returning to the United States (with some exceptions).

On April 12, 2002, the INS proposed regulations on the length of stay for aliens on visitor visas (B-2) aimed at curbing abuses in that nonimmigrant visa category, such as working, enrolling in school, or overstaying. The rule would eliminate the minimum 6-month admission period and would replace it with "a period of time that is fair and reasonable for the completion of the purpose of the visit." The burden would be on the alien to explain to the INS inspector the nature and purpose of visit so the inspector can determine an appropriate time limit. In those cases where the inspector cannot determine the time needed to complete the visit, the visitors would be limited to 30-day periods.[15]

Duration of Visa. Separate from the length of stay authorized for the various nonimmigrant visas is the validity period of the visa issued by DOS consular officers. These time periods are negotiated country-by-country and category-by-category, generally reflecting reciprocal relationships for U.S. travelers to these countries. For example, a B-1 and B-2 visitor visa from Germany is valid for 10 years while B-1 and B-2 visas from Indonesia are valid for 5 years. The D crew member visa is valid for 5 years for Egyptians, but only 1 year for Hungarians.

Employment Authorization

Permission to Work. With the obvious exception of the nonimmigrants who are temporary workers or the executives of multinational corporations, most nonimmigrants are not allowed to work in the United States. Exceptions to this policy are noted in **Table 2**, which follows at the end of this report. As stated above,

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[14] §214.1 of 8 CFR.

[15] *Federal Register*, v. 67, n. 71, April 12, 2002, p.18065-18069.

working without authorization is a major violation of law and results in loss of nonimmigrant status.

Labor Market Tests. The H-2 visas require that employers conduct an affirmative search for available U.S. workers and that DOL determine that admitting alien workers will not adversely affect the wages and working conditions of similarly employed U.S. workers. Under this process — known as labor certification — employers must apply to the U.S. Department of Labor for certification that unemployed domestic workers are not available and that there will not be an adverse effect from the alien workers' entry.

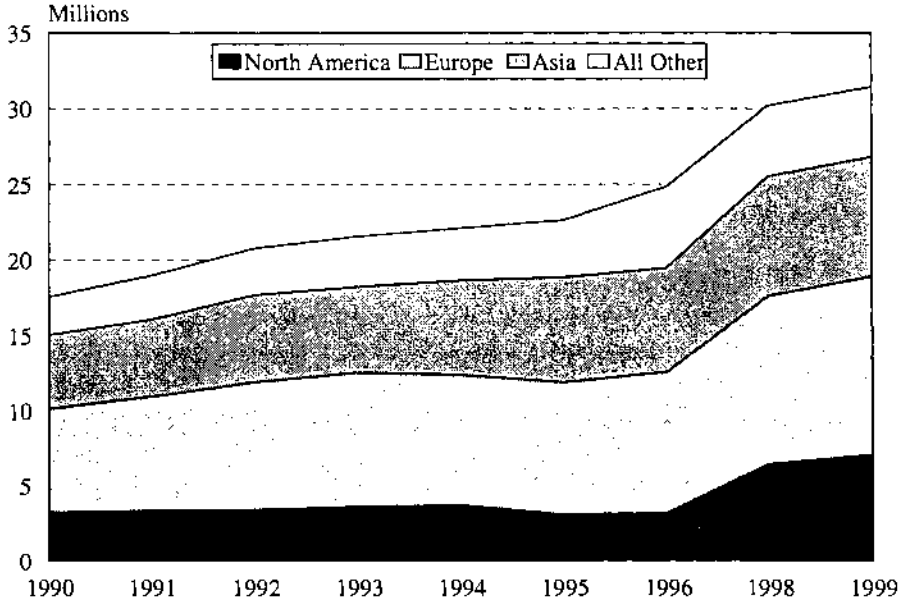
The labor market test required for H-1 workers, known as labor attestation, is less stringent than labor certification. Any employer wishing to bring in an H-1B nonimmigrant must attest in an application to the DOL that: the employer will pay the nonimmigrant the greater of the actual compensation paid other employees in the same job or the prevailing compensation for that occupation; the employer will provide working conditions for the nonimmigrant that do not cause the working conditions of the other employees to be adversely affected; and, there is no strike or lockout. Employers recruiting the H-1C nurses must attest that: their employment will not adversely affect the wages and working conditions of similarly employed registered nurses; the H-1C nurses will be paid the wage rate paid by the facility to similarly employed U.S. registered nurses; the facility is taking significant steps to recruit and retain sufficient U.S. registered nurses; and the facility is abiding by specified anti-strike and layoff protections.

Statistical Trends

Numerical Limits. Unlike immigrant admissions that are subject to a complex set of numerical limits, only a few nonimmigrant admissions are subject to numerical limits. In 1990, numerical restrictions were first placed on annual admissions on some work-related categories — the H-1B and H-2B categories. Subsequently, numerical limits were set for the North American Free Trade workers from Mexico, the S visas for criminal informants, the H-1C nurses, and the U and T visas for victims of criminal activity and human trafficking.

FY1999 Entries. During FY1999 (the most recent year for which INS data are published), a record 31.4 million nonimmigrants entered the United States, and the overwhelming majority — 76.7% — were tourists. Of that number, over 16 million aliens entered as visitors through the Visa Waiver Program. Because these data are INS admissions numbers, they include multiple entries by the same person; however, they do not enumerate nonimmigrants already present in the United States who entered in a prior year.

Figure 1. Nonimmigrant Admissions by World Region, FY1990-FY1999

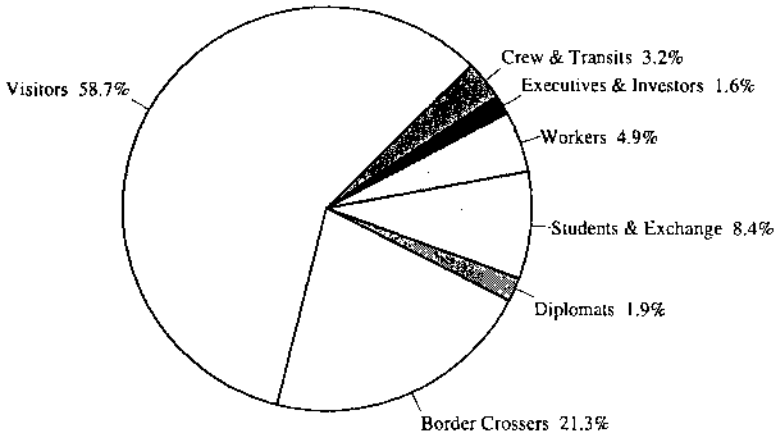


Source: published data from INS Statistical Yearbooks, FY1994-FY1999.

Note: INS has not published nonimmigrant data for FY1997.

Figure 2. Preliminary FY2000 Visa Issuances by Major Categories

7.1 million visas issued



Source: CRS analysis of U.S. Department of State Bureau of Consular Affairs preliminary FY2000 data.

As **Figure 1** illustrates, the number of nonimmigrant entries has steadily grown over the past decade. Most nonimmigrant admissions in FY1999 are from Europe (11.8 million), as has been the case for the entire decade. Asians make up the next largest group of nonimmigrants over the decade, growing from 4.9 million in FY1990 to 7.9 million in FY1999. The number of nonimmigrants from North America, however, have more than doubled, jumping from 3.2 million in FY1990 to 7.1 million in FY1999.

FY2000 Issuances. Preliminary data from DOS indicate that 7,141,636 nonimmigrant visas were issued to individuals in FY2000. The combination of all visitors for tourism and business comprised the largest group of nonimmigrants, about 5.7 million. As **Figure 2** presents, aliens from neighboring countries with Border Crossing Cards make up the next largest group (21.3%), followed by students (8.4%) and workers (4.9%). As stated above, some of these visas are valid for up to 10 years even if the periods of stay in the United States are limited, e.g., 6 months.

Emerging Issues

The September 11, 2001 terrorist attacks — apparently conducted by foreign nationals legally admitted to the United States — are raising a series of questions about aliens in the United States and the extent that the federal government monitors their admission and presence in this country. Thus far, legislative and administrative actions have centered on issues surrounding specific visa classifications, such as F, J, and M foreign students, or specific policy procedures, such as an entry-exit control system for the admission and departure of nonimmigrants.[16] Congressional action on the Enhanced Border Security and Visa Entry Reform Act (H.R. 3525/S. 1749) and the Bush Administration's recently announced regulations on visitor visas and foreign students are examples of tightening policies towards aliens temporarily admitted to the United States.[17]

Some are advocating a closer monitoring of those present in the United States on nonimmigrant visas. Supporters of this view continue to focus on foreign students as the nonimmigrants most likely to include spies and terrorists, and they argue that increased monitoring of aliens on F, J, and M visas is essential to national security. Others warn that such scrutiny may lead to excessive government intrusion. Many also question the feasibility of systems for nonimmigrant tracking, citing the work that remains on the reporting system for foreign students.

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[16]A series of CRS products track these developments. For example, see CRS Report RL31146, *Foreign Students in the United States: Policies and Legislation*, by Ruth Ellen Wasem; CRS Report RS21043, *Immigration: S Visas for Criminal and Terrorist Informants*, by Karma Ester; and CRS Report RS21205, *Immigration: Visa Waiver Program*, by Alison Siskin.

[17]See CRS Electronic Briefing Book, *Terrorism*, pages on "Border Security Issues and Options," by Lisa Seghetti and William Krouse, and "Foreign Nationals in the United States," by Ruth Ellen Wasem, available at: [http://www.congress.gov/brbk/html/ebter1.shtml].

Efforts to establish a comprehensive automated system that tracks the arrival and departure of nonimmigrants have not been successful, although legislation to do so was first enacted in 1996.[18] The Bush Administration has requested a total of $380 million for FY2003 to develop an automated entry-exit control system. Some are calling for the use of biometric technology in developing entry-exit data systems. Others would require a biometric identifier be collected from all nonimmigrant applicants and would also require that the visa holder's biometric characteristic be matched with the biometric on the nonimmigrant visa prior to admission.

Quite separate from issues arising from September 11 are policies toward temporary workers that traditionally prompt major immigration proposals every few years. For example, there are renewed discussions on revising the guest worker programs, notably as part of United States-Mexico border talks. As the economy pulls out of the recession, attention may again turn to the professional temporary H-1 workers who frequently are employed in the information technology and healthcare sectors.[19]

While currently the law and regulations usually set strict terms for nonimmigrant lengths of stay in the United States, typically have foreign residency requirements, and often limit what the aliens are permitted to do in the United States (e.g., gain employment or enroll in school), many observers assert that these policies are not uniformly or rigorously enforced. Some maintain that further legislation is not necessary so long as the laws currently in place are fully enforced.

The two tables that follow, among other things, illustrate the complexity and diversity of policy on temporary admissions, and the challenge for policy makers who may seek to revise it. **Table 1** indicates whether the INA or regulations set any limits or requirements on how long nonimmigrants may stay in the United States and whether they must maintain a residence in their home country for each of the 70 visa classifications. **Table 2** details whether there are any labor market tests or any limits on the numbers of aliens who can enter the United States according to each of the 70 visa classifications. **Table 2** also presents DOS data on the number of nonimmigrant visas issued in FY2000. *When a cell in the table is blank, it means the law and regulations are silent on the subject.*

Agreement on the proper balance among major policy priorities, such as ensuring national security, facilitating trade and commerce, protecting public health and safety, and fostering international cooperation (as well as the goal of meeting the needs of U.S. employers while not undercutting U.S. workers) may be difficult to reach and maintain.

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[18]See CRS Report RS20627, *Immigration: Integrated Entry and Exit Data System*, by William J. Krouse.

[19]See CRS Report RL30498, *Immigration: Legislative Issues on Nonimmigrant Professional Specialty (H-1B) Workers*; CRS Report RL30852, *Immigration of Agricultural Guest Workers: Policy, Trends, and Legislative Issues*, both by Ruth Ellen Wasem; and CRS Report RS20164, *Immigration: Temporary Admission of Nurses for Health Shortage Areas (P.L. 106-95)*, by Joyce Vialet.

Table 1. Periods of Stay and Foreign Residency Requirements for Nonimmigrant Visas

Visa	Class description	Period of stay	Renewal option	Foreign residence required
A-1	Ambassador, public minister, career diplomat, consul, and immediate family	Duration of assignment		
A-2	Other foreign government official or employee, and immediate family	Duration of assignment		
A-3	Attendant, servant or personal employee of A-1/A-2, and immediate family	up to 3 years	up to 2 year intervals	
B-1	Visitor for business	up to 1 year	up to 6 months	Yes
B-2	Visitor for pleasure	6 months to 1 year	up to 6 months	Yes
B-1/B-2	Business and pleasure	6 months to 1 year	up to up to 6 months	Yes
BCC	Border Crossing Cards	72 hours [unless coupled with B-1 or B-2]		Yes
C-1	Alien in transit	up to 29 days		
C-1/D	Transit/crew member	up to 29 days		
C-2	Person in transit to United Nations Headquarters	up to 29 days		
C-3	Foreign government official, immediate family, attendant, servant, or personal employee in transit	up to 29 days		
D	Crew member	up to 29 days		
E-1	Treaty trader, spouse and child, and employee	up to 2 years	up to 2 years	
E-2	Treaty investor, spouse and child, and employee	same as E-1	same as E-1	
F-1	Foreign student (academic or language training program)	Period of study (1 year secondary students)		Yes
F-2	Spouse or child of F-1	same as F-1		Yes
G-1	Principal resident representative of recognized foreign member government to international organization, staff, and immediate family	Duration of assignment		

Visa	Class description	Period of stay	Renewal option	Foreign residence required
G-2	Other representative of recognized foreign member government to international organization, and immediate family	Duration of assignment		
G-3	Representative of nonrecognized or nonmember foreign government to international organization, and immediate family	Duration of assignment		
G-4	International organization officer or employee, and immediate family	Duration of assignment		
G-5	Attendant, servant, or personal employee of G-1 through G-4, and immediate family	up to 2 years	up to 2-year intervals	
H-1A	Temporary worker — nurse (statutory authority expired)	up to 3 years	up to 2-year intervals; up to 5 years max	
H-1B	Temporary worker — professional speciality occupation	up to 3 years	up to 3-year intervals; up to 6 years max	
H-1C	Temporary worker — nurse (new category)	3 years		
H-2A	Temporary worker — agricultural workers	up to 1 year	up to 1 year; 3 years total	Yes
H-2B	Temporary worker — non- agricultural workers	up to 1 year	up to 1 year; 3 years total	Yes
H-3	Temporary worker — trainee	up to 2 years		Yes
H-4	Spouse or child of H-1A/B/C, H-2A/B, or H-3	Same as principal		
I	Representative of foreign information media, spouse and child	Duration of employment		
J-1	Cultural exchange visitor	Period of program		Yes
J-2	Spouse or child of J-1	Same as J-1		Yes
J-3	Au Pair	14 months		Yes

Visa	Class description	Period of stay	Renewal option	Foreign residence required
K-1	Fiancé(e) of U.S. citizen	Valid for 4 months; must marry within 90 days to adjust status		
K-2	Child of K-1	Same as K-1		
L-1	Intracompany transferee (executive, managerial, and specialized knowledge personnel continuing employment with international firm or corporation)	up to 3 years	up to 2-year extension; 5 years max; executives 7 years	
L-2	Spouse or child of L-1	Same as L-1		
M-1	Vocational student	Duration of study		Yes
M-2	Spouse of child of M-1	Same as M-1		Yes
NATO-1	Principal permanent representative of member nations to NATO, high ranking NATO officials, and immediate family	tour of duty		
NATO-2	Other representatives of member states to NATO (including any of its subsidiary bodies), and immediate family; dependents of member of a force entering in accordance with provisions of NATO agreements; members of such force if issued visas	tour of duty		
NATO-3	Official clerical staff accompanying a representative of member state to NATO, and immediate family	tour of duty		
NATO-4	Officials of NATO (other than those classifiable as NATO-1), and immediate family	tour of duty		
NATO-5	Experts, other than NATO-4 officials, employed in missions on behalf of NATO, and their dependents	tour of duty		
NATO-6	Civilian employees of a force entering in accordance with the provisions of NATO agreements or attached to NATO headquarters, and their immediate family	tour of duty		
NATO-7	Attendants, servants, or personal employees of NATO-1 through NATO-6, and immediate family	up to 3 years	2-year intervals	
N-8	Parent of certain special immigrants (pertaining to international organizations)	up to 3 years	up to 3-year interval until child becomes an adult	

Visa	Class description	Period of stay	Renewal option	Foreign residence required
N-9	Child of N-8 or of certain special immigrants (pertaining to international organizations)	up to 3 years	up to 3-year interval until child becomes an adult	
O-1	Person with extraordinary ability in the sciences, arts, education, business, or athletics	up to 3 years	up to 1 year	
O-2	Person accompanying and assisting in the artistic or athletic performance by O-1	up to 3 years	up to 1 year	Yes
O-3	Spouse or child of O-1 or O-2	same as O-1 or O-2	up to 1 year	
P-1	Internationally recognized athlete or member of an internationally recognized entertainment group and essential support	up to 5 years individual athlete; up to 1 year group or team	up to 5 years, not to exceed 10 years	Yes
P-2	Artist or entertainer in a reciprocal exchange program and essential support	up to 1 year	1-year increments	Yes
P-3	Artist or entertainer in a culturally unique program and essential support	up to 1 year	1-year increments	Yes
P-4	Spouse or child of P-1, P-2, or P-3	same as P-1, P-2 or P-3	1-year increments	Yes
Q-1	International cultural exchange program participant	duration of program; up to 15 months		Yes
Q-2	Irish Peace Process Program participant	duration of program; up to 3 years		Yes
Q-3	Spouse or child of Q-2	same as Q-1		Yes
R-1	Religious worker	up to 3 years	up to 2-year intervals; up to 5 years max	
R-2	Spouse or child of R-1	same as R-1	same a R-1	
S-5	Criminal informant	up to 3 years		
S-6	Terrorist informant	up to 3 years		

Visa	Class description	Period of stay	Renewal option	Foreign residence required
S-7	Spouse or child of S-5 and S-6	same as S-5 and S-6		
T-1	Victim of human trafficking	If T-1 cooperates and is needed in prosecution of traffickers, may lead to adjustment to legal permanent residence		
T-2	Immediate family of T-1			
TN	NAFTA professional	1 year	1 year	
TD	Spouse or child of TN	1 year	1 year	
U-1	Victim or informant of criminal activity	May lead to adjustment to legal permanent residence if specified conditions are met.		
U-2	Spouse or child of U-1			
V-1	Spouse of Legal Permanent Resident (LPR) who has petition pending for 3 years or longer	Transitional nonimmigrant visa that leads to adjustment to legal permanent residence status when visa become available		
V-2	Child of LPR who has petition pending for 3 years or longer			
V-3	Child of V-1 or V-2			

Note: Information presented in this table comes from §101(a)(15), §212, and §214 of the Immigration and Nationality Act and §214 of 8 CFR. When a cell in the table is blank, it means the law and regulations are silent on the subject.

Table 2. Employment Authorization, Numerical Limits, and FY2000 Issuances for Nonimmigrant Visas

Visa	Class description	Employment authorization	Labor market test	Annual numerical limit	FY2000 issuances
A-1	Ambassador, public minister, career diplomat, consul, and immediate family	Within scope of official duties			10,698
A-2	Other foreign government official or employee, and immediate family	Within scope of official duties			69,079
A-3	Attendant, servant or personal employee of A-1/A-2, and immediate family	Within scope of official duties			2,486
B-1	Visitor for business				75,919
B-2	Visitor for pleasure	No			509,031
B-1/B-2	Business and pleasure				3,567,578
BCC	Border Crossing Cards				1,510,135
C-1	Alien in transit				26,407
C-1/D	Transit/crew member				165,556
C-2	Person in transit to United Nations Headquarters				37
C-3	Foreign government official, immediate family, attendant, servant, or personal employee in transit				6,606
D	Crew member of vessel or aircraft	Only as employee of carrier			31,012
E-1	Treaty trader, spouse and child, and employee	Within the scope of treaty conditions			9,539
E-2	Treaty investor, spouse and child, and employee	Within the scope of treaty conditions			26,981

Visa	Class description	Employment authorization	Labor market test	Annual numerical limit	FY2000 issuances
F-1	Foreign student (academic or language training program)	Off campus work is restricted, with limited exceptions			284,053
F-2	Spouse or child of F-1				24,891
G-1	Principal resident representative of recognized foreign member government to international organization, staff, and immediate family	Within scope of official duties			5,166
G-2	Other representative of recognized foreign member government to international organization, and immediate family	Within scope of official duties			11,225
G-3	Representative of nonrecognized or nonmember foreign government to international organization, and immediate family	Within scope of official duties			258
G-4	International organization officer or employee, and immediate family	Within scope of official duties			16,960
G-5	Attendant, servant, or personal employee of G-1 through G-4, and immediate family	Within scope of official duties			1,737
H-1A	Temporary worker — nurse (statutory authority expired)	Yes	Yes		3
H-1B	Temporary worker — professional speciality occupation	Yes	Yes	65,000 (195,000 through FY2003)	133,290
H-1C	Temporary worker — nurse (new category)	Yes	Yes	500	NA
H-2A	Temporary worker — agricultural worker	Yes	Yes		30,200
H-2B	Temporary worker — non- agricultural worker	Yes	Yes	66,000	45,037
H-3	Temporary worker — trainee	Yes, as part of the training program			1,514
H-4	Spouse or child of H-1A/B/C, H-2A/B, or H-3	No			79,518

Visa	Class description	Employment authorization	Labor market test	Annual numerical limit	FY2000 issuances
I	Representative of foreign information media, spouse and child	Only as employee of foreign media			13,928
J-1	Cultural exchange visitor	Yes, if program has work component			236,837
J-2	Spouse or child of J-1	Only as approved by INS			37,122
J-3	Au Pair				NA
K-1	Fiancé(e) of U.S. citizen				21,471
K-2	Child of K-1				3,275
L-1	Intracompany transferee (executive, managerial, and specialized knowledge personnel continuing employment with international firm or corporation)	Yes			54,963
L-2	Spouse or child of L-1	No			57,069
M-1	Vocational student	Only practical training related to degree			6,107
M-2	Spouse of child of M-1	No			358
NATO-1	Principal permanent representative of member nations to NATO, high ranking NATO officials, and immediate family	Within scope of official duties			17
NATO-2	Other representatives of member states to NATO (including any of its subsidiary bodies), and immediate family; dependents of member of a force entering in accordance with provisions of NATO agreements; members of such force if issued visas	Within scope of official duties			5,031
NATO-3	Official clerical staff accompanying a representative of member state to NATO, and immediate family	Within scope of official duties			0
NATO-4	Officials of NATO (other than those classifiable as NATO-1), and immediate family	Within scope of official duties			97

Visa	Class description	Employment authorization	Labor market test	Annual numerical limit	FY2000 issuances
NATO-5	Experts, other than NATO-4 officials, employed in missions on behalf of NATO, and their dependents	Within scope of official duties			33
NATO-6	Civilian employee of a force entering in accordance with the provisions of NATO agreements or attached to NATO headquarters, and their immediate family	Within scope of official duties			209
NATO-7	Attendants, servants, or personal employees of NATO-1 through NATO-6, and immediate family	Within scope of official duties			3
N-8	Parent of certain special immigrants (pertaining to international organizations)	Yes			12
N-9	Child of N-8 or of certain special immigrants (pertaining to international organizations)	Yes			8
O-1	Person with extraordinary ability in the sciences, arts, education, business, or athletics	Yes			6,466
O-2	Person accompanying and assisting in the artistic or athletic performance by O-1	Yes			1,894
O-3	Spouse or child of O-1 or O-2	Only as approved by INS			2,101
P-1	Internationally recognized athlete or member of an internationally recognized entertainment group and essential support	Yes			23,786
P-2	Artist or entertainer in a reciprocal exchange program and essential support	Yes			238
P-3	Artist or entertainer in a culturally unique program and essential support	Yes			10,501
P-4	Spouse or child of P-1, P-2, or P-3	Only as approved by INS			868
Q-1	International cultural exchange program participant	Yes, with employer approved by program			2,024
Q-2	Irish Peace Process Program participant	Yes, with employer approved by program			358

Visa	Class description	Employment authorization	Labor market test	Annual numerical limit	FY2000 issuances
Q-3	Spouse or child of Q-2	No			3
R-1	Religious worker	Yes			7,418
R-2	Spouse or child of R-1	No			2,489
S-5	Criminal informant	Yes		200	NA
S-6	Terrorist informant	Yes		50	NA
S-7	Spouse or child of S-5 or S-6				NA
T-1	Victim of human trafficking	Yes		5,000	NA
T-2	Immediate family of T-1	Yes			NA
TN	NAFTA professional	Yes		Canada unlimited; Mexico 5,000	907
TD	Spouse or child of TN				1,127
U-1	Victim or informant of criminal activity	Yes		10,000	NA
U-2	Spouse or child of U-1	Yes			NA
V-1	Spouse of Legal Permanent Resident (LPR) who has petition pending for 3 years or longer	Yes			NA
V-2	Child of LPR who has petition pending for 3 years or longer	Yes, assuming they meet age requirements			NA
V-3	Child of V-1 or V-2	Yes, assuming they meet age requirements			NA

Note: Information presented in this table comes from §101(a)(15), §212, and §214 of the Immigration and Nationality Act and §214 of 8 CFR. When a cell in the table is blank, it means the law and regulations are silent on the subject.