

Immigration status, employment eligibility, and supporting documents
(for Grambling State University only)
prepared by Office of Human Resources

In U.S. Immigration, intent is everything.

Note

This paper does not include information on payments such as honoraria, stipends, or expense reimbursements. It is focused solely on eligibility for employment and the documents needed to verify that eligibility.

Disclaimer: In the event of any conflict of information between this document and the rules and regulations of the U.S. Citizenship and Immigration Services the rules and regulations prevail.

Resources

- The Department of State's "Visa Services" website: http://travel.state.gov/visa_services.html
- INS' website, for example, <http://www.ins.gov/graphics/services/tempbenefits/index.htm> for information on temporary visitors and this site, <http://www.ins.gov/graphics/services/index.htm> for the top site, the portal to other types of statuses.
- The glossary of terms used by INS on their website: <http://www.ins.gov/graphics/glossary3.htm>
- Official U.S. Citizenship and Immigration Services website: <http://uscis.gov/graphics/index.htm>

Immigration statuses

Note: There are five main categories: Citizen, Immigrant, Non-immigrant, Out of status, and Undocumented Alien. Within each category, we have listed the class, whether or not they are eligible for employment, what supporting documents can be used to verify their status and eligibility for employment, and a description of the status.

CITIZEN

Class	Eligibility for employment (Y/N)	Supporting documents	Description
Citizen	Y		

IMMIGRANT (WHICH DOES NOT IMPLY THAT A PERSON INTENDS TO APPLY FOR CITIZENSHIP)

Class	Eligibility for employment (Y/N)	Supporting documents	Description
Legal Permanent Resident	Y	Permanent Resident card (aka “green card”, although it’s pink) or Form I-551, which has the green card number on it	<ul style="list-style-type: none"> • Has a <u>12</u>-digit Alien Registration number or "A number", the <u>11</u>-digit A "case file" number plus one digit • Has a green card
Conditional Permanent Resident	Y	Permanent Resident card valid for two years	<ul style="list-style-type: none"> • Married to a U.S. citizen and has submitted a <u>petition</u> for Permanent Resident status to INS • Is "conditional" for two years after application for Permanent Resident status; must affirm after 22 months • Has a green card
Refugee	Y	Employment Authorization Document (the EAD, a card that shows the INS-approved employment begin and end dates) OR proof of admission to the U.S. as a refugee and proof of having submitted an application for an EAD (although those requested dates may differ from the dates approved by INS, which then supercede the dates on the EAD application)	<ul style="list-style-type: none"> • Applies for this status outside the U.S. • Unable or unwilling to return to country of nationality (the country they owe permanent allegiance to" [INS website: glossary definition for "national", see the web citation above] because of persecution or a well-founded fear of persecution based on the person’s race, religion, nationality, membership in a particular social group, or political opinion. A person with no nationality must generally be outside of his country of last habitual residence to qualify as a refugee. • Subject to ceilings by geographic area set annually by the President in consultation with Congress • Eligible to adjust to legal Permanent Resident status after one year of continuous presence in the U.S.

Class	Eligibility for employment (Y/N)	Supporting documents	Description
Asylee	Y	EAD OR proof of being granted asylee status and proof of having submitted an EAD application	<ul style="list-style-type: none"> • A person in the U.S. or at a port of entry who is found to be unable or unwilling to return to his country of nationality, or to seek the protection of that country because of persecution or a well-founded fear of persecution. Persecution or the fear thereof must be based on the person's race, religion, nationality, membership in a particular social group, or political opinion. • For persons with no nationality, the country of nationality is considered to be the country in which the person last habitually resided. • Eligible to adjust to legal Permanent Resident status after one year of continuous presence in the U.S.
Parolee	Y	EAD	<ul style="list-style-type: none"> • Usually has applied for this status from within the U.S. • Has been allowed into the U.S. for urgent humanitarian reasons or when entry is determined to be for significant public benefit. Parole confers temporary status only, requiring parolees to leave when the conditions supporting their parole cease to exist. • Types of parolees include: <ul style="list-style-type: none"> • Deferred inspection: authorized at the port upon arrival in the U.S. • Advance parole: authorized at an INS District office in advance of the person's arrival • Port-of-entry parole: authorized at the port upon the person's arrival • Humanitarian parole: authorized at INS headquarters or overseas District Offices for "urgent humanitarian reasons" specified in the law. • Significant Public Benefit Parole: authorized at INS headquarters Office of International Affairs for "significant public benefit" specified in the law. It is generally used for a person who enters to take part in legal proceedings when there is a benefit to the government. These requests must be submitted by a law enforcement agency. • Overseas parole: authorized at an INS District or sub office while the person is still outside the U.S.
Asylee or Parolee applicant	N		<ul style="list-style-type: none"> • Applies for this status from within the U.S. • The application has been accepted as "non-frivolous"

Class	Eligibility for employment (Y/N)	Supporting documents	Description
Has <u>applied</u> for Adjustment of Status (AOS) by submitting form I-485 to INS; is a "Pending Permanent Resident" or "Pending Immigrant"	Y	EAD or proof of valid H-1B status where Grambling State University is the employer e.g., I-94 card showing H-1B status (Grambling State University as the employer should be written on the back) and also showing the H-1B status begin and end dates OR the H-1B approval notice	<ul style="list-style-type: none"> • Has a "receipt", a stamp in the passport, or other evidence attesting to this status • Can do this only when a "number" based on priority dates is available for the category that the applicant is in • This is a "unique" status for Fs and Js, for example (the ones we're primarily concerned with because of SEVIS), in that they cannot be a student or exchange visitor/scholar (with that related non-immigrant intention) and a pending immigrant simultaneously. This goes to intent: at this point, the person has declared her intent to become a Permanent Resident and, therefore, no longer has the intent to be an international, <u>non-immigrant</u> student or exchange visitor. • On the other hand, there are some non-immigrant statuses, e.g., H-1B and H-4, that a person can hold and simultaneously be a "Pending Permanent Resident". In these statuses, there is no requirement that the, for example, H-1B applicant initially prove he has an intent to return to his own country. There is such a requirement for people applying for F-1 or J-1 status.

NON-IMMIGRANT

- Classes
 - "Dependent" refers to a spouse or the unmarried child under 21 of the primary person.
 - Dependent status ends once the person becomes 21 years old or marries, whichever comes first.
 - For K and V immigration status information, refer to the LIFE Act, the Legal Immigration Family Equity Act of 2000 at <http://www.ins.usdoj.gov/graphics/services/residency/LIFE.htm#visastatus>.

Class	Eligibility for employment (Y/N)	Supporting documents	Description
A-1	N		The most senior-level staff of foreign embassies or consulates; diplomat; head of state; and immediate family members of A-1
A-1 dependent	Y	EAD	
A-2	N		Other foreign governmental official or professional employee; dependent of a person in A-2 status
A-2 dependent	Y	EAD	
A-3	N		Employee providing special services to a person in A-1 or A-2 immigration status
B-1	N		Visitor for business
B-2	N		Visitor for pleasure; there may also be a notation on the visa stamp in the passport or on the I-94 card that says "prospective student", which means the individual has stated a clear intent to apply for F-1 status or a notation that says "prospective exchange visitor", which means the individual has stated a clear intent to apply for J-1 status
C-1	N		Visitor in immediate and continuous transit
D-1	N		Alien crew who departs from the U.S. with the vessel or aircraft on which he arrived or some other vessel or aircraft
D-2	N		Alien crew who departs from Guam with the vessel on which he arrived
E-1	N		Treaty trader; dependent of a person in E-1 immigration status
E-2	N		Treaty investor; dependent of a person in E-2 immigration status
F-1	Y	Registered student status or EAD	Student
F-2	N		Dependent of a person in F-1 immigration status
G-1	N		Principal representative of a foreign government to an international organization; dependent of a person in G-1 immigration status
G-1 dependent	Y	EAD	

Class	Eligibility for employment (Y/N)	Supporting documents	Description
G-2	N		Other representative of a foreign government to an international organization; dependent of a person in G-2 immigration status
G-2 dependent	Y	EAD	
G-3	N		Person who would qualify for G-1 or G-2 immigration status, except that his home country is not recognized by the U.S.
G-3 dependent	Y	EAD	
G-4	N		Officer and employee of an international organization; dependent of a person in G-4 immigration status
G-4 dependent	Y	EAD	
G-5	N		Personal employee of a person in G-4 immigration status; dependent of a person in G-5 immigration status
H-1B	Y	<p>Two situations:</p> <ul style="list-style-type: none"> • Transferring H-1B status from somewhere else to Grambling State University → Must show “Notice of Action” (form I-797C) and the “receipt notice” filed by Grambling State University • If initially only here at Grambling → Must show the I-94 card showing H-1B status and begin and end dates as well as Grambling State University as the employer OR the approval notice held by the person 	Temporary worker in a "specialty occupation"

Class	Eligibility for employment (Y/N)	Supporting documents	Description
H-1C	Y, but usually not here at Grambling State University	[Can only be employed by the organization that petitioned for H-1C status → must show the I-94 card showing H-1C status and begin and end dates as well as the name of the employing organization OR the approval notice held by either the person or the employing organization (both have a copy)]	Registered nurse (under the Nursing Relief for Disadvantaged Areas Act of 1999)
H-2A	Y, but usually not here at Grambling State University	[Can only be employed by the organization that petitioned for H-2A status → must show the I-94 card showing H-2A status and begin and end dates as well as the name of the employing organization OR the approval notice held by either the person or the employing organization (both have a copy)]	Temporary or seasonal agricultural worker when a person with those skills is unavailable in the U.S.

Class	Eligibility for employment (Y/N)	Supporting documents	Description
H-2B	Y, but usually not here at Grambling State University	[Can only be employed by the organization that petitioned for H-2B status → must show the I-94 card showing H-2B status and begin and end dates as well as the name of the employing organization OR the approval notice held by either the person or the employing organization (both have a copy)]	Temporary non-agricultural worker when a person with those skills is unavailable in the U.S.
H-3	Y, but usually not here at Grambling State University	[Can only be employed by the organization that petitioned for H-3 status → must show the I-94 card showing H-3 status and begin and end dates as well as the name of the employing organization OR the approval notice held by either the person or the employing organization (both have a copy)]	Trainee/participant in a special education exchange program
H-4	N		Dependent of a person in H immigration status

Class	Eligibility for employment (Y/N)	Supporting documents	Description
I	Y, but not at Grambling State University	[Can only be employed by the foreign media organization that petitioned for the I status]	Representative of foreign information media; dependent of a person in I immigration status. Note: sometimes this is written as I-1.
I dependent	N		
J-2	Y	EAD	Dependent of a person in J-1 immigration status
K-1	Y	EAD	Fiancée or fiancé of U.S. citizen
K-2	Y	EAD	Unmarried child under 21 of a person with K-1 immigration status
K-3	Y	EAD	Spouse of a U.S. citizen; the spouse is outside the U.S.
K-4	Y	EAD	Unmarried child under 21 of a U.S. citizen; the child is outside the U.S.

Class	Eligibility for employment (Y/N)	Supporting documents	Description
L-1A	Y, but not at Grambling State University	[Can only be employed by the company that petitioned for the L-1A status]	Intracompany transferee -- a manager or executive; managerial or executive employee of a U.S. company abroad who is transferred to the U.S.
L-1B	Y, but not at Grambling State University	[Can only be employed by the company that petitioned for the L-1B status]	Intracompany transferee -- a technical worker possessing "specialized knowledge"; technical employee of a U.S. company abroad who is transferred to the U.S.
L-2	Y	EAD	Dependent of a person in L-1 immigration status
M-1	Y	Form I-20 M/N showing Optional Practical Training and EAD	Student at a vocational school
M-2	N		Dependent of a person in M-1 immigration status
N-1→-6	Y	[Can only be employed by NATO]	Official, employee, or member of the armed forces serving as a representative of a Member Country of NATO (North Atlantic Treaty Organization); dependent of a person in N-1 through N-5 immigration status
N-1→-6 dependents	Y	EAD	
N-6	Y	EAD	Civilian employed by the armed forces of a NATO Member Country; dependent of a person in N-6 immigration status
N-7	N		Personal employee of a person in N-1 through N-6 immigration status; dependent of a person in N-7 immigration status
N-8	Y	EAD	Spouse of a person granted Permanent Resident status through NATO employment
N-9	Y	EAD	Unmarried child under 21 of a person granted Permanent Resident status through NATO employment

Class	Eligibility for employment (Y/N)	Supporting documents	Description
O-1	Y	Can be employed only by the organization which petitioned for O-1 status → Must show proof of status → the I-94 card showing O-1 status with begin and end dates and evidence that Grambling State University petitioned for O-1 status	Person of exceptional ability
O-2	Y	Can be employed only by the organization which petitioned for O-2 status; Must show proof of status → the I-94 card showing O-2 status with begin and end dates and evidence that Grambling State University petitioned for the O-2 status	Person of critical skills and experience
O-3	N		Family of person in O-1 or O-2 immigration status

Class	Eligibility for employment (Y/N)	Supporting documents	Description
P-1	Y	Can be employed only by the organization which petitioned for P-1 status; Must show proof of status → the I-94 card showing P-1 status with begin and end dates and evidence that Grambling State University petitioned or is named as an employer	Internationally recognized athlete or entertainer (individual or groups)
P-2	Y	Can be employed only by the organization which petitioned for P-2 status; Must show proof of status → the I-94 card showing P-2 status with begin and end dates and evidence that Grambling State University petitioned or is named as an employer	Artist or entertainer or group of artists or entertainers participating in an exchange program

Class	Eligibility for employment (Y/N)	Supporting documents	Description
P-3	Y	Can be employed only by the organization which petitioned for P-3 status; Must show proof of status → the I-94 card showing P-3 status with begin and end dates and evidence that Grambling State University petitioned or is named an employer	Person providing essential support to a person in P-1 or P-2 immigration status
P-4	N		Dependent of a person in P-1, P-2, or P-3 immigration status
Q-1	Y	Can be employed only by the petitioning employer for Q-1 status. GSU does not use the Q-1 status thus individuals with this status are not eligible to work at Grambling State University	International cultural exchange worker, where the cultural activity takes place in public
Q-2	Y	Can be employed only by the petitioning employer for Q-2 status. GSU does not apply for Q-2 status thus individuals with this status are not eligible to work at Grambling State University	Person studying ways to resolve the situation in Northern Ireland
Q-3	N		Dependent of person in Q-1 or Q-2 immigration status; may also use B-2 immigration status

Class	Eligibility for employment (Y/N)	Supporting documents	Description
R-1	Y, not usually at Grambling State University	[Can be employed only by the organization petitioning for the R-1 status]	Religious worker
R-2	N		Dependent of a person in R-1 immigration status
S-5	Y	EAD	Witness in a criminal investigation; dependent of a person in S-1 immigration status
S-6	Y	EAD	Witness in an investigation of a terrorist organization or operation or a person who will be or has been placed in danger because of providing information;
S-7 dependent	Y	EAD	dependent of a person in S-1 immigration status
TD	N		Dependent of a person with TN immigration status
TN	Y	Can be employed only by the organization which petitioned for TN status; Must show proof of status → the I-94 card showing TN status with begin and end dates and evidence that the status was granted with support from Grambling State University as the employer	Trade, NAFTA professional from Canada or Mexico
TPS	Y	EAD	Temporary Protected Status: A temporary status for a person who is temporarily unable to return to her homeland because of ongoing armed conflict, environmental disasters, or other extraordinary and temporary conditions. Countries include: Angola, Burundi, El Salvador, Honduras, Montserrat, Nicaragua, Sierra Leone, Somalia, and Sudan. (U.S. Citizenship and Immigration Services website is the official authority for any updates.)

Class	Eligibility for employment (Y/N)	Supporting documents	Description
V 1-3	Y	EAD	Spouse or unmarried child under 21 of a legal Permanent Resident who petitioned on or before December 21, 2000, for permanent resident status; and has been waiting for at least three years since filing this petition and there has been (a) no priority date has yet become available or (b) INS has not adjudicated this petition.
WB	N		Person on the Visa Waiver Program (business)
WT	N		Person on the Visa Waiver Program (tourist)
Has petitioned for eligibility for Permanent Resident (Immigrant) status	N (unless the person's non-immigrant status allows it)	[Only eligible to work under conditions of underlying status; See U.S. Citizenship and Immigration Services website.	<ul style="list-style-type: none"> • Has an 11-digit Alien Registration number that is used as a "case file" number only; this is not the final Alien Registration number • If in the U.S., is still required to maintain an immigration status in a non-immigrant category (see above)

OUT OF STATUS

Class	Eligibility for employment (Y/N)	Supporting documents	Description
Out of status	N		This assumes that at one time the person was in a legal non-immigrant status, but has allowed that status to lapse or has not maintained the conditions of that status.

UNDOCUMENTED ALIEN -- NO STATUS

Class	Eligibility for employment (Y/N)	Supporting documents	Description
Undocumented alien – no status (entered without inspection EWI)	N	None	This is for the person who entered the U.S. illegally and has never had a legal non-immigrant status.

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