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> § 274a.12 Classes of aliens authorized to accept employment. 8 CFR § 274a.12 - Classes of aliens authorized to accept employment.

Table of Popular Names CFR

§ 274a.12 Classes of aliens authorized to accept employment. (a) Aliens authorized employment incident to status. Pursuant to the statutory or regulatory reference

cited, the following classes of aliens are authorized to be employed in the United States without restrictions as to location or type of employment as a condition of their admission or subsequent change to one of the indicated classes. Any alien who is within a class of aliens described in paragraphs (a)(3), (a)(4), (a)(6)-(a)(8), (a)(10)-(a)(15), or (a)(20) of this section, and who seeks to be employed in the United States, must apply to U.S. Citizenship and Immigration Services (USCIS) for a document evidencing such employment authorization. USCIS may, in its discretion, determine the validity period assigned to any document issued evidencing an alien's authorization to work in the United States.

(1) An alien who is a lawful permanent resident (with or without conditions pursuant to section 216 of the

Act), as evidenced by Form I-551 issued by the Service. An expiration date on the Form I-551 reflects only that the card must be renewed, not that the bearer's work authorization has expired; (2) An alien admitted to the United States as a lawful temporary resident pursuant to sections 245A or 210 of the Act, as evidenced by an employment authorization document issued by the Service; (3) An alien admitted to the United States as a refugee pursuant to section 207 of the Act for the period of time in that status, as evidenced by an employment authorization document issued by the Service; (4) An alien paroled into the United States as a refugee for the period of time in that status, as evidenced by an employment authorization document issued by the Service; (5) An alien granted asylum under section 208 of the Act for the period of time in that status, as evidenced by

an employment authorization document, issued by USCIS to the alien. An expiration date on the employment authorization document issued by USCIS reflects only that the document must be renewed, and not that the bearer's work authorization has expired. Evidence of employment authorization shall be granted in increments not exceeding 5 years for the period of time the alien remains in that status.

(6) An alien admitted to the United States as a nonimmigrant fiancé or fiancée pursuant to section 101(a)(15) (K)(i) of the Act, or an alien admitted as a child of such alien, for the period of admission in that status, as evidenced by an employment authorization document issued by the Service; (7) An alien admitted as a parent (N-8) or dependent child (N-9) of an alien granted permanent residence

under section 101(a)(27)(I) of the Act, as evidenced by an employment authorization document issued by the Service; (8) An alien admitted to the United States as a nonimmigrant pursuant to the Compact of Free Association between the United States and of the Federated States of Micronesia, the Republic of the Marshall Islands, or

the Republic of Palau; (9) Any alien admitted as a nonimmigrant spouse pursuant to section 101(a)(15)(K)(ii) of the Act, or an alien admitted as a child of such alien, for the period of admission in that status, as evidenced by an employment authorization document, with an expiration date issued by the Service; (10) An alien granted withholding of deportation or removal for the period of time in that status, as evidenced

(11) An alien whose enforced departure from the United States has been deferred in accordance with a

directive from the President of the United States to the Secretary. Employment is authorized for the period of

by an employment authorization document issued by the Service;

status may be employed only by the foreign government official;

status may be employed only by the foreign government entity;

or

(12) An alien granted Temporary Protected Status under section 244 of the Act for the period of time in that status, as evidenced by an employment authorization document issued by the Service; (13) An alien granted voluntary departure by the Attorney General under the Family Unity Program established by section 301 of the Immigration Act of 1990, as evidenced by an employment authorization document issued by the Service;

time and under the conditions established by the Secretary pursuant to the Presidential directive;

(14) An alien granted Family Unity benefits under section 1504 of the Legal Immigrant Family Equity (LIFE) Act Amendments, Public Law 106-554, and the provisions of 8 CFR part 245a, Subpart C of this chapter, as evidenced by an employment authorization document issued by the Service;

(15) Any alien in V nonimmigrant status as defined in section 101(a)(15)(V) of the Act and 8 CFR 214.15. (16) Any alien in T-1 nonimmigrant status, pursuant to 8 CFR 214.11, for the period in that status, as evidenced by an employment authorization document issued by USCIS to the alien.

(17)-(18) [Reserved] (19) Any alien in U-1 nonimmigrant status, pursuant to 8 CFR 214.14, for the period of time in that status, as evidenced by an employment authorization document issued by USCIS to the alien.

(20) Any alien in U-2, U-3, U-4, or U-5 nonimmigrant status, pursuant to 8 CFR 214.14, for the period of time in that status, as evidenced by an employment authorization document issued by USCIS to the alien. (b) Aliens authorized for employment with a specific employer incident to status or parole. The following classes of aliens are authorized to be employed in the United States by the specific employer and

subject to any restrictions described in the section(s) of this chapter indicated as a condition of their parole or of their admission in, or subsequent change to, the designated nonimmigrant classification. An alien in one of these classes is not issued an employment authorization document by DHS: (1) A foreign government official (A-1 or A-2), pursuant to § 214.2(a) of this chapter. An alien in this status may be employed only by the foreign government entity;

(2) An employee of a foreign government official (A-3), pursuant to § 214.2(a) of this chapter. An alien in this

(3) A foreign government official in transit (C-2 or C-3), pursuant to § 214.2(c) of this chapter. An alien in this

(4) [Reserved] (5) A nonimmigrant treaty trader (E-1) or treaty investor (E-2), pursuant to § 214.2(e) of this chapter. An alien in this status may be employed only by the treaty-qualifying company through which the alien attained the status. Employment authorization does not extend to the dependents of the principal treaty trader or treaty investor (also designated "E-1" or "E-2"), other than those specified in paragraph (c)(2) of this section; (6) A nonimmigrant (F-1) student who is in valid nonimmigrant student status and pursuant to 8 CFR 214.2(f) is seeking:

or session. Part-time on-campus employment is authorized by the school and no specific endorsement by a school official or Service officer is necessary; (ii) [Reserved] (iii) Curricular practical training (internships, cooperative training programs, or work-study programs which are part of an established curriculum) after having been enrolled full-time in a Service approved institution for one full academic year. Curricular practical training (part-time or full-time) is authorized by the

(iv) An Employment Authorization Document, Form I-766 or successor form, under paragraph (c)(3)(i)(C)

of this section based on a STEM Optional Practical Training extension, and whose timely filed Form I-765 or

successor form is pending and employment authorization and accompanying Form I-766 or successor form

expiration date of the Form I-766 or successor form issued under paragraph (c)(3)(i)(B) of this section and

exceed 180 days. For this same period, such Form I-766 or successor form is automatically extended and is

Form I-20 or successor form, endorsed by the Designated School Official recommending such an extension;

considered unexpired when combined with a Certificate of Eligibility for Nonimmigrant (F-1/M-1) Students,

(v) Pursuant to 8 CFR 214.2(h) is seeking H-1B nonimmigrant status and whose duration of status and

employment authorization have been extended pursuant to 8 CFR 214.2(f)(5)(vi).

ending on the date of USCIS' written decision on the current Form I-765 or successor form, but not to

issued under paragraph (c)(3)(i)(B) of this section have expired. Employment is authorized beginning on the

Designated School Official on the student's Form I-20. No Service endorsement is necessary.

(i) On-campus employment for not more than twenty hours per week when school is in session or full-time

employment when school is not in session if the student intends and is eligible to register for the next term

(7) A representative of an international organization (G-1, G-2, G-3, or G-4), pursuant to § 214.2(g) of this chapter. An alien in this status may be employed only by the foreign government entity or the international organization; (8) A personal employee of an official or representative of an international organization (G-5), pursuant to § 214.2(g) of this chapter. An alien in this status may be employed only by the official or representative of the international organization;

(9) A temporary worker or trainee (H-1, H-2A, H-2B, or H-3), pursuant to 8 CFR 214.2(h), or a nonimmigrant

specialty occupation worker pursuant to sections 101(a)(15)(H)(i)(b)(1), 101(a)(15)(H)(ii)(a), 101(a)(15)(H)

organization to another organization, employment authorization for the player will automatically continue for a

period of 30 days after acquisition by the new organization, within which time the new organization must file a

new petition for H-2B classification. If a new petition is not filed within 30 days, employment authorization will

continue until the petition is adjudicated. If the new petition is denied, employment authorization will cease. In

the case of a nonimmigrant with H-1B status, employment authorization will automatically continue upon the

filing of a qualifying petition under 8 CFR 214.2(h)(2)(i)(H) until such petition is adjudicated, in accordance

(10) An information media representative (I), pursuant to § 214.2(i) of this chapter. An alien in this status

(ii)(b) and INA 101(a)(15)(H)(iii) of the Act. An alien in this status may be employed only by the petitioner

through whom the status was obtained. In the case of a professional H-2B athlete who is traded from one

cease. If a new petition is filed within 30 days, the professional athlete's employment authorization will

with section 214(n) of the Act and 8 CFR 214.2(h)(2)(i)(H);

may be employed only for the sponsoring foreign news agency or bureau. Employment authorization does not extend to the dependents of an information media representative (also designated "I"); (11) An exchange visitor (J-1), pursuant to § 214.2(j) of this chapter and 22 CFR part 62. An alien in this status may be employed only by the exchange visitor program sponsor or appropriate designee and within the guidelines of the program approved by the Department of State as set forth in the Form DS-2019, Certificate of Eligibility, issued by the program sponsor; (12) An intra-company transferee (L-1), pursuant to § 214.2(1) of this chapter. An alien in this status may be employed only by the petitioner through whom the status was obtained; (13) An alien having extraordinary ability in the sciences, arts, education, business, or athletics (O-1), and an accompanying alien (O-2), pursuant to 8 CFR 214.2(o). An alien in this status may be employed only by the petitioner through whom the status was obtained. In the case of a professional O-1 athlete who is traded from one organization to another organization, employment authorization for the player will automatically continue for a period of 30 days after the acquisition by the new organization, within which time the new organization is

expected to file a new petition for O nonimmigrant classification. If a new petition is not filed within 30 days,

employment authorization will cease. If a new petition is filed within 30 days, the professional athlete's

employment authorization will continue until the petition is adjudicated. If the new petition is denied, employment authorization will cease. (14) An athlete, artist, or entertainer (P-1, P-2, or P-3), pursuant to 8 CFR 214.2(p). An alien in this status may be employed only by the petitioner through whom the status was obtained. In the case of a professional P-1 athlete who is traded from one organization to another organization, employment authorization for the player will automatically continue for a period of 30 days after the acquisition by the new organization, within which time the new organization is expected to file a new petition for P-1 nonimmigrant classification. If a new petition is not filed within 30 days, employment authorization will cease. If a new petition is filed within 30 days, the professional athlete's employment authorization will continue until the petition is adjudicated. If the new petition is denied, employment authorization will cease; (15) An international cultural exchange visitor (Q-1), according to § 214.2(q)(1) of this chapter. An alien may only be employed by the petitioner through whom the status was obtained; (16) An alien having a religious occupation, pursuant to § 214.2(r) of this chapter. An alien in this status may be employed only by the religious organization through whom the status was obtained; (17) Officers and personnel of the armed services of nations of the North Atlantic Treaty Organization, and

3, NATO-4, NATO-5, or NATO-6, pursuant to § 214.2(o) of this chapter. An alien admitted under this classification may be employed only by the NATO alien through whom the status was obtained; (19) A nonimmigrant pursuant to section 214(e) of the Act. An alien in this status must be engaged in business activities at a professional level in accordance with the provisions of Chapter 16 of the North American Free Trade Agreement (NAFTA); (20) A nonimmigrant alien within the class of aliens described in paragraphs (b)(2), (b)(5), (b)(8), (b)(9), (b) (10), (b)(11), (b)(12), (b)(13), (b)(14), (b)(16), (b)(19), (b)(23) and (b)(25) of this section whose status has expired but on whose behalf an application for an extension of stay was timely filed pursuant to § 214.2 or § 214.6 of this chapter. These aliens are authorized to continue employment with the same employer for a period not to exceed 240 days beginning on the date of the expiration of the authorized period of stay. Such authorization shall be subject to any conditions and limitations noted on the initial authorization. However, if the district director or service center director adjudicates the application prior to the expiration of this 240 day

period and denies the application for extension of stay, the employment authorization under this paragraph

application for an extension of stay pursuant to 8 CFR 214.2 during his or her period of admission. Such alien

from the "Received Date" on Form I-797 (Notice of Action) acknowledging receipt of the petition requesting an

beneficiary and requesting an extension of stay for the alien for a period not to exceed 120 days beginning

extension of stay, provided that the employer has enrolled in and is a participant in good standing in the E-

Verify program, as determined by USCIS in its discretion. Such authorization will be subject to any conditions

However, if the District Director or Service Center director adjudicates the application prior to the expiration of

this 120-day period and denies the application for extension of stay, the employment authorization under this

(21) A nonimmigrant alien within the class of aliens described in 8 CFR 214.2(h)(1)(ii)(C) who filed an

is authorized to be employed by a new employer that has filed an H-2A petition naming the alien as a

and limitations noted on the initial authorization, except as to the employer and place of employment.

shall automatically terminate upon notification of the denial decision;

(24) [Reserved]

Act; or

(26)

(27)

this section and 8 CFR 214.2(h)(6)(vii).

(28)-(36) [Reserved]

representatives, officials, and staff employees of NATO (NATO-1, NATO-2, NATO-3, NATO-4, NATO-5 and

NATO-6), pursuant to § 214.2(o) of this chapter. An alien in this status may be employed only by NATO;

(18) An attendant, servant or personal employee (NATO-7) of an alien admitted as a NATO-1, NATO-2, NATO-

paragraph (b)(21) shall automatically terminate upon 15 days after the date of the denial decision. The employment authorization shall also terminate automatically if the employer fails to remain a participant in good standing in the E-Verify program, as determined by USCIS in its discretion; (22) An alien in E-2 CNMI Investor nonimmigrant status pursuant to 8 CFR 214.2(e)(23). An alien in this status may be employed only by the qualifying company through which the alien attained the status. An alien in E-2 CNMI Investor nonimmigrant status may be employed only in the Commonwealth of the Northern Mariana Islands for a qualifying entity. An alien who attained E-2 CNMI Investor nonimmigrant status based upon a Foreign Retiree Investment Certificate or Certification is not employment-authorized. Employment authorization does not extend to the dependents of the principal investor (also designated E-2 CNMI Investor nonimmigrants) other than those specified in paragraph (c)(12) of this section;

(23) A Commonwealth of the Northern Mariana Islands transitional worker (CW-1) pursuant to 8

only by the petitioner through whom the status was obtained, or as otherwise authorized by 8 CFR 214.2(w).

CFR 214.2(w). An alien in this status may be employed only in the CNMI during the transition period, and

this 45-day period and denies the petition for extension of stay, or if the petitioner withdraws the petition before the expiration of the 45-day period, the employment authorization under this paragraph (b)(26) will automatically terminate upon 15 days after the date of the denial decision or the date on which the petition is withdrawn. (ii) Authorization to initiate employment changes pursuant to 8 CFR 214.2(h)(21) and paragraph (b)(26)(i) of this section begins at 12 a.m. on August 19, 2020, and ends at the end of December 17, 2020.

(i) Pursuant to 8 CFR 214.2(h)(23) and notwithstanding 8 CFR 214.2(h)(2)(i)(D) and the second sentence

of 8 CFR 274a.12(b)(9), an alien is authorized to be employed, beginning no earlier than the start date of

employment indicated in the H-2B petition and no earlier than May 14, 2020, by a new employer that has

as a beneficiary and requesting an extension of stay for the alien. The authorization is for a period not to

attestation described in 8 CFR 214.2(h)(23)(v)(A); the date on which USCIS acknowledges in writing the

receipt of the properly filed attestation described in 8 CFR 214.2(h)(23)(v)(A) submitted while the H-2B

expiration of the 60-day period, the employment authorization under this paragraph (b)(27) will

petition is pending; or the start date of employment if the start date of employment indicated in the H-2B

petition occurs after the filing. However, if USCIS adjudicates the petition prior to the expiration of this 60-

day period and denies the petition for extension of stay, or if the petitioner withdraws the petition before the

automatically terminate 15 days after the date of the denial decision or 15 days after the date on which the

petition is withdrawn. Nothing in this section is intended to alter the availability of employment authorization

related to professional H-2B athletes who are traded between organizations pursuant to paragraph (b)(9) of

(ii) Authorization to initiate employment changes pursuant to 8 CFR 214.2(h)(23)(ii) and (iii) and this

(37) An alien paroled into the United States as an entrepreneur pursuant to 8 CFR 212.19 for the period of

authorized parole. An entrepreneur who has timely filed a non-frivolous application requesting re-parole with

paragraph (b)(27) begins at 12 a.m. on May 14, 2020, and ends at the end of September 11, 2020.

exceed 60 days beginning on the later of the following three dates: The "Received Date" on Form I-797

filed an H-2B petition, which includes the attestation described in 8 CFR 214.2(h)(23)(v)(A) naming the alien

(Notice of Action) acknowledging receipt of the petition requesting the extension of stay, which includes the

indicated in the H-2A petition occurs after the filing. The length of the period (up to 45 days) is to be

an extension of stay, or 45 days beginning on the start date of employment if the start date of employment

determined by USCIS in its discretion. However, if USCIS adjudicates the petition prior to the expiration of

respect to the same start-up entity in accordance with 8 CFR 212.19 prior to the expiration of his or her parole, but whose authorized parole period expires during the pendency of such application, is authorized to continue employment with the same start-up entity for a period not to exceed 240 days beginning on the date of expiration of parole. Such authorization shall be subject to any conditions and limitations on such expired parole. If DHS adjudicates the application prior to the expiration of this 240-day period and denies the application for re-parole, the employment authorization under this paragraph shall automatically terminate upon notification to the alien of the denial decision. (c) Aliens who must apply for employment authorization. An alien within a class of aliens described in this section must apply for work authorization. If authorized, such an alien may accept employment subject to any restrictions stated in the regulations or cited on the employment authorization document. USCIS, in its discretion, may establish a specific validity period for an employment authorization document, which may include any period when an administrative appeal or judicial review of an application or petition is pending, unless otherwise provided in this chapter. (1) An alien spouse or unmarried dependent child; son or daughter of a foreign government official (A-1 or A-2) pursuant to 8 CFR 214.2(a)(2) and who presents an endorsement from an authorized representative of the Department of State; (2) An alien spouse or unmarried dependent son or daughter of an alien employee of the Coordination Council

the Department of State; (5) An alien spouse or minor child of an exchange visitor (J-2) pursuant to § 214.2(j) of this chapter; (6) A nonimmigrant (M-1) student seeking employment for practical training pursuant to 8 CFR 214.2(m) following completion of studies. The alien may be employed only in an occupation or vocation directly related to his or her course of study as recommended by the endorsement of the designated school official on the I-20

authorization prior to the filing of the adjustment application and such authorization does not expire during the pendency of the adjustment application. Upon meeting these conditions, the adjustment applicant need not file an application for employment authorization to continue employment during the period described in the preceding sentence; (10) An alien who has filed an application for suspension of deportation under section 244 of the Act (as it

existed prior to April 1, 1997), cancellation of removal pursuant to section 240A of the Act, or special rule

Responsibility Act of 1996, enacted as Pub. L. 104-208 (110 Stat. 3009-625) (as amended by the Nicaraguan

cancellation of removal under section 309(f)(1) of the Illegal Immigration Reform and Immigrant

(12) An alien spouse of a long-term investor in the Commonwealth of the Northern Mariana Islands (E-2 CNMI Investor) other than an E-2 CNMI investor who obtained such status based upon a Foreign Retiree Investment Certificate, pursuant to 8 CFR 214.2(e)(23). An alien spouse of an E-2 CNMI Investor is eligible for employment in the CNMI only; (13) [Reserved] (14) An alien who has been granted deferred action, an act of administrative convenience to the government which gives some cases lower priority, if the alien establishes an economic necessity for employment;

(16) Any alien who has filed an application for creation of record of lawful admission for permanent residence

(i) Is a personal or domestic servant who is accompanying or following to join an employer who seeks

(E), (F), (H), (I), (J), (L) or section 214(e) of the Act. The personal or domestic servant shall have a

admission into, or is already in, the United States as a nonimmigrant defined under sections 101(a)(15) (B),

residence abroad which he or she has no intention of abandoning and shall demonstrate at least one year's

experience as a personal or domestic servant. The nonimmigrant's employer shall demonstrate that the

employer/employee relationship has existed for at least one year prior to the employer's admission to the

United States; or, if the employer/employee relationship existed for less than one year, that the employer

has regularly employed (either year-round or seasonally) personal or domestic servants over a period of

(ii) Is a domestic servant of a United States citizen accompanying or following to join his or her United

temporarily in the United States. The employer/employee relationship shall have existed prior to the

States citizen employer who has a permanent home or is stationed in a foreign country, and who is visiting

commencement of the employer's visit to the United States; or (iii) Is an employee of a foreign airline engaged in international transportation of passengers freight, whose position with the foreign airline would otherwise entitle the employee to classification under section 101(a) (15)(E)(i) of the Immigration and Nationality Act, and who is precluded from such classification solely

authorization in the discretion of the district director only if the alien cannot be removed due to the refusal of all countries designated by the alien or under section 241 of the Act to receive the alien, or because the removal of the alien is otherwise impracticable or contrary to the public interest. Additional factors which may be considered by the district director in adjudicating the application for employment authorization include, but are not limited to, the following: (i) The existence of economic necessity to be employed; (ii) The existence of a dependent spouse and/or children in the United States who rely on the alien for support; and (iii) The anticipated length of time before the alien can be removed from the United States.

(21) A principal nonimmigrant witness or informant in S classification, and qualified dependent family members. (22) Any alien who has filed a completed legalization application pursuant to section 245A of the Act (and part

245a of this chapter). Employment authorization shall be granted in increments not exceeding 1 year during

the period the application is pending (including any period when an administrative appeal is pending) and shall

that status, as evidenced by an employment authorization document issued by USCIS to the alien. (26) An H-4 nonimmigrant spouse of an H-1B nonimmigrant described as eligible for employment

(35) An alien who is the principal beneficiary of a valid immigrant petition under section 203(b)(1), 203(b)(2) or 203(b)(3) of the Act described as eligible for employment authorization in 8 CFR 204.5(p). (36) A spouse or child of a principal beneficiary of a valid immigrant petition under section 203(b)(1), 203(b)

(34) A spouse of an entrepreneur parolee described as eligible for employment authorization in § 212.19(h)

(d) An alien lawfully enlisted in one of the Armed Forces, or whose enlistment the Secretary with jurisdiction over such Armed Force has determined would be vital to the national interest under 10 U.S.C. 504(b)(2), is authorized to be employed by that Armed Force in military service, if such employment is not otherwise authorized under this section and the immigration laws. An alien described in this section is not issued an

employment authorization document. (e) Basic criteria to establish economic necessity. Title 45 - Public Welfare, Poverty Guidelines, 45 CFR 1060.2 should be used as the basic criteria to establish eligibility for employment authorization when the alien's economic necessity is identified as a factor. The alien shall submit an application for employment authorization

listing his or her assets, income, and expenses as evidence of his or her economic need to work. Permission to

work granted on the basis of the alien's application for employment authorization may be revoked under §

274a.14 of this chapter upon a showing that the information contained in the statement was not true and

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(25) A nonimmigrant treaty alien in a specialty occupation (E-3) pursuant to section 101(a)(15)(E)(iii) of the (i) Pursuant to 8 CFR 214.2(h)(21) and notwithstanding 8 CFR 214.2(h)(2)(i)(D) and paragraph (b)(21) of this section, an alien is authorized to be employed, but no earlier than the start date of employment indicated in the H-2A petition, by a new employer that has filed an H-2A petition naming the alien as a beneficiary and requesting an extension of stay for the alien, for a period not to exceed 45 days beginning from the "Received Date" on Form I-797 (Notice of Action) acknowledging receipt of the petition requesting

for North American Affairs (E-1) pursuant to § 214.2(e) of this chapter; (3) A nonimmigrant (F-1) student who: (i)

(A) Is seeking pre-completion practical training pursuant to 8 CFR 214.2(f)(10)(ii)(A)(1) and (2);

(C) Is seeking a 24-month OPT extension pursuant to 8 CFR 214.2(f)(10)(ii)(C);

(OPT) pursuant to 8 CFR 214.2(f)(10)(ii)(A)(3); or

completed by DSO certifying eligibility for employment; or

authorization.

(15) [Reserved]

pursuant to part 249 of this chapter.

expire on a specified date.

(23) [Reserved]

(3) of this chapter.

correct.

[52 FR 16221, May 1, 1987]

(17) A nonimmigrant visitor for business (B-1) who:

several years preceding the employer's admission to the United States;

(B) Is seeking authorization to engage in up to 12 months of post-completion Optional Practical Training

(ii) Has been offered employment under the sponsorship of an international organization within the meaning

of the International Organization Immunities Act (59 Stat. 669) and who presents a written certification from

sponsorship. The F-1 student must also present a Form I-20 ID or SEVIS Form I-20 with employment page

(iii) Is seeking employment because of severe economic hardship pursuant to 8 CFR 214.2(f)(9)(ii)(C) and

page completed by the DSO certifying eligibility, and any other supporting materials such as affidavits which

has filed the Form I-20 ID and Form I-538 (for non-SEVIS schools), or SEVIS Form I-20 with employment

(4) An alien spouse or unmarried dependent child; son or daughter of a foreign government official (G-1, G-3

or G-4) pursuant to 8 CFR 214.2(g) and who presents an endorsement from an authorized representative of

further detail the unforeseen economic circumstances that require the student to seek employment

the international organization that the proposed employment is within the scope of the organization's

ID; (7) A dependent of an alien classified as NATO-1 through NATO-7 pursuant to § 214.2(n) of this chapter; (8) An alien who has filed a complete application for asylum or withholding of deportation or removal pursuant to 8 CFR parts 103 and 208, whose application has not been decided, and who is eligible to apply for employment authorization under 8 CFR 208.7 because the 365-day period set forth in that section has expired. Employment authorization may be granted according to the provisions of 8 CFR 208.7 of this chapter

(9) An alien who has filed an application for adjustment of status to lawful permanent resident pursuant to

part 245 of this chapter. For purposes of section 245(c)(8) of the Act, an alien will not be deemed to be an

"unauthorized alien" as defined in section 274A(h)(3) of the Act while his or her properly filed Form I-485

application is pending final adjudication, if the alien has otherwise obtained permission from the Service

pursuant to 8 CFR 274a.12 to engage in employment, or if the alien had been granted employment

in increments to be determined by USCIS but not to exceed increments of two years.

Adjustment and Central American Relief Act (NACARA)), title II of Pub. L. 105-100 (111 Stat. 2160, 2193) and whose properly filed application has been accepted by the Service or EOIR. (11) Except as provided in paragraphs (b)(37) and (c)(34) of this section, 8 CFR 212.19(h)(4), and except for aliens paroled from custody after having established a credible fear or reasonable fear of persecution or torture under 8 CFR 208.30, an alien paroled into the United States temporarily for urgent humanitarian reasons or significant public benefit pursuant to section 212(d)(5) of the Act.

because the employee is not a national of the country of the airline's nationality or because there is no treaty of commerce and navigation in effect between the United States and the country of the airline's nationality.

(18) An alien against whom a final order of deportation or removal exists and who is released on an order of

supervision under the authority contained in section 241(a)(3) of the Act may be granted employment

(19) An alien applying for Temporary Protected Status pursuant to section 244 of the Act shall apply for employment authorization only in accordance with the procedures set forth in part 244 of this chapter. (20) Any alien who has filed a completed legalization application pursuant to section 210 of the Act (and part 210 of this chapter).

(24) An alien who has filed an application for adjustment pursuant to section 1104 of the LIFE Act, Public Law 106-553, and the provisions of 8 CFR part 245a, Subpart B of this chapter. (25) Any alien in T-2, T-3, T-4, T-5, or T-6 nonimmigrant status, pursuant to 8 CFR 214.11, for the period in authorization in 8 CFR 214.2(h)(9)(iv). **(27)**-(33) [Reserved]

(2) or 203(b)(3) of the Act described as eligible for employment authorization in 8 CFR 204.5(p).

EDITORIAL NOTE: For Federal Register citations affecting § 274a.12, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.govinfo.gov. **EFFECTIVE DATE NOTES:** 1. At 85 FR 28851, May 14, 2020, § 274a.12 was amended by adding paragraph (b)(27), effective May 14, 2020, through May 15, 2023. 2. At 85 FR 51311, Aug. 20, 2020, § 274a.12 was amended by adding paragraph (b)(26), effective Aug. 19,

this Thanksgiving