



**Purpose:** Nonimmigrant visa (NIV) students and staff at Florida Polytechnic University may use this as a quick reference guide to determine NIV students' eligibility to study, work, or apply for residency for tuition purposes. It is the responsibility of the student to be aware of their eligibility and restrictions. This guide is for informational purposes only and does not constitute as legal advice. An attorney or professional with expertise in immigration regulations must be contacted for additional assistance.

**Resources:** The [Department of Homeland Security \(DHS\) – Study in the States](#) website has resources to explain the rules and regulations for F and M visa students studying in the US. The [US Immigration and Customs Enforcement \(ICE\) – Student and Exchange Visitor Program \(SEVP\)](#) website has information and regulations for F and J visa students studying in the US. The [US Department of State \(DOS\)- Bureau of Consular Affairs](#) website is the source of all visa programs, international travel, advisories, US passports, and other news. The [United States Citizenship and Immigration Services \(USCIS\)](#) is the source of all immigration policy, forms, and information.

**Residency Petition:** If your status indicates eligibility to petition for Florida Residency, new students must [Apply for Residency](#) when submitting their application for admission. Current students must apply for [Residency Reclassification](#) with the Registrar's Office.

## NIV's **NOT** Eligible to Study

(Must change status before eligible to enroll at Florida Poly)

NIV Type	Actions to Complete to Be Eligible to Study
<a href="#">B-1</a> Visitor for Temporary Business	<p>Must change status to F-1 visa to study in the United States See <a href="#">USCIS website</a> on requirements and steps to apply</p>
<a href="#">B-2</a> Visitor for Pleasure/Tourism	
<a href="#">C-1, C-2 &amp; C-3</a> Transit Visa	
<a href="#">D-1 &amp; D-2</a> Crewmember	
<a href="#">M-1</a> Vocational/Technical Student	
<a href="#">VWP</a> Visa Waiver Program	



## NIV's Eligible to Study

(Must meet all admissions requirements)

NIV Type	Eligible to Study	Eligible for Residency? / NIV Evidence Required	Eligible to Work in US
<a href="#">A-1/A-2</a> <b>Foreign Diplomats/Government Officials</b>	Full or Part-time	Yes - See Florida Residency for Tuition Purposes Guidelines: <a href="#">Appendix C</a>	Based on diplomatic position held by principal visa holder, and the agreement between home country and the US; contact immigration attorney/professional
<a href="#">A-3</a> <b>Employee of A-1/A-2</b>	Full or Part-time	Yes - See Florida Residency for Tuition Purposes Guidelines: <a href="#">Appendix C</a>	Based on diplomatic position held by principal visa holder, and the agreement between home country and the US; contact immigration attorney/professional
<a href="#">Asylum</a>	Full or Part-time	Yes - See Florida Residency for Tuition Purposes Guidelines: <a href="#">Appendix C</a>	Yes – view <a href="#">USCIS website</a>
<a href="#">Asylum - Application Pending</a>	Full or Part-time	Yes - See Florida Residency for Tuition Purposes Guidelines: <a href="#">Appendix C</a>	Yes – view <a href="#">USCIS website</a>
<a href="#">Citizens of Federated States Micronesia, Marshall Islands, or Palau</a>	Full or Part-time	Yes - See Florida Residency for Tuition Purposes Guidelines: <a href="#">Appendix C</a>	Yes – <a href="#">view USCIS website</a>
<a href="#">Cuban Haitian Entrant Program (CHEP)</a>	Full or Part-time	Yes - See Florida Residency for Tuition Purposes Guidelines: <a href="#">Appendix C</a>	Please contact immigration attorney or professional
<a href="#">Deferred Action for Childhood Arrival (DACA)</a>	Full or Part-time	Only if criteria are met, as listed in <a href="#">Florida Statute Section 1009.21(10)</a>	Only in specific cases – view <a href="#">USCIS website</a> or contact an immigration attorney/professional
<a href="#">E-1/E-2/E-3</a> <b>Treaty Traders/Investors or Dependents/Australian Specialty Worker Dependents</b>	Full or Part-time: Dependents Only <i>*Must change to F-1 visa at age 21</i>	Yes - See Florida Residency for Tuition Purposes Guidelines: <a href="#">Appendix C</a>	Only spouses of primary E visa – view <a href="#">USCIS website</a>



## NIV's Eligible to Study

(Must meet all admissions requirements)

NIV Type	Eligible to Study	Eligible for Residency? / NIV Evidence Required	Eligible to Work in US
<b><u>F-1</u></b> <b>Student Exchange Visitors</b>	Full-time Only <i>*Unless approved for Reduced Course Load (RCL)</i>	No	Only on-campus. Cannot work off-campus without required DSO/USCIS approval of applicable work benefit program(s)
<b><u>F-2</u></b> <b>Dependent of F-1</b>	Part-time Only <i>*Must change status to F-1 to study full-time</i>	No	No
<b><u>Family Unity Beneficiaries</u></b> <i>*Spouse/Parent has pending permanent resident status</i>	Full or Part-time <i>*For duration of spouse/parent status (1-2 years)</i>	No	Yes – view USCIS <a href="#">Form I-817-page 8</a> ; contact immigration attorney/professional
<b><u>G-1 to G-4</u></b> <b>International Organizations or NATO Officials, Dependents</b>	Full or Part-time: Dependents Only	Yes - See Florida Residency for Tuition Purposes Guidelines: <a href="#">Appendix C</a>	Only dependents in specific cases; contact immigration attorney/professional
<b><u>G-5</u></b> <b>Personal Employees of G1-4</b>	Full or Part-time: <i>*Dependents Only</i>	Yes - See Florida Residency for Tuition Purposes Guidelines: <a href="#">Appendix C</a>	No
<b><u>Granted Stay of Deportation/Order of Supervision</u></b>	Full or Part-time	No	Please contact immigration attorney/professional
<b><u>Granted Deferred Action Non-citizen Employment Authorization</u></b>	Full or Part-time	Only if criteria are met as listed in <a href="#">Florida Statute Section 1009.21(10)</a>	Yes – view <a href="#">USCIS website</a>
<b><u>Granted Deferred Enforced Departure (DED)</u></b>	Full or Part-time	No	Yes – view <a href="#">USCIS website</a>



## NIV's Eligible to Study

(Must meet all admissions requirements)

NIV Type	Eligible to Study	Eligible for Residency? / NIV Evidence Required	Eligible to Work in US
<a href="#"><u>Granted Suspension of Deportation or Cancellation of Removal</u></a>	Full or Part-time	Yes - See Florida Residency for Tuition Purposes Guidelines: <a href="#"><u>Appendix C</u></a>	Yes – view <a href="#"><u>USCIS website</u></a>
<a href="#"><u>Granted Withholding of Removal</u></a>	Full or Part-time	Yes - See Florida Residency for Tuition Purposes Guidelines: <a href="#"><u>Appendix C</u></a>	Yes – view <a href="#"><u>USCIS website</u></a>
<a href="#"><u>H-1B/H-1B1</u></a> Specialty Occupations/ Free Trade	Full or Part-time	Yes - See Florida Residency for Tuition Purposes Guidelines: <a href="#"><u>Appendix C</u></a>	Only if it is concurrent H1-B employment; contact an immigration attorney/professional
<a href="#"><u>H-1C</u></a> Registered Nurse for Disadvantage Areas	Full or Part-time	Yes - See Florida Residency for Tuition Purposes Guidelines: <a href="#"><u>Appendix C</u></a>	Only if filing <a href="#"><u>petition</u></a> for new employment and approved by USCIS
<a href="#"><u>H-2A/H-2B/H-3</u></a> Temporary Agricultural/ Non-Agricultural/ Trainee or Special Education	Full or Part-time	No	Only if filing <a href="#"><u>petition</u></a> for new employer and approved by USCIS
<a href="#"><u>H-4</u></a> H Visa Dependent	Full or Part-time	Yes - See Florida Residency for Tuition Purposes Guidelines: <a href="#"><u>Appendix C</u></a>	Certain H-4 spouses of H-1B can work in the US – <a href="#"><u>see USCIS website</u></a> .
<a href="#"><u>I-1</u></a> Representatives of Foreign Media and Dependents	Full or Part-time	Yes - See Florida Residency for Tuition Purposes Guidelines: <a href="#"><u>Appendix C</u></a>	May only work in the position USCIS approved visa for
<a href="#"><u>I-2</u></a> I Visa Dependent	Full or Part-time	Yes - See Florida Residency for Tuition Purposes Guidelines: <a href="#"><u>Appendix C</u></a>	Please contact immigration attorney/professional



## NIV's Eligible to Study

(Must meet all admissions requirements)

NIV Type	Eligible to Study	Eligible for Residency? / NIV Evidence Required	Eligible to Work in US
<b><a href="#">J-1</a> Exchange Scholar</b>	Full or Part-time <i>*Based on agreement with sponsor</i>	Only if criteria are met, as listed in <a href="#">Florida Statute Section 1009.21(10)</a>	Only if approved for Academic Training – contact sponsor organization
<b><a href="#">J-2</a> Dependent of J-1</b>	Full or Part-time	Only if criteria are met, as listed in <a href="#">Florida Statute Section 1009.21(10)</a>	Yes – view <a href="#">USCIS website</a>
<b><a href="#">K-1/K-2-4</a> Fiancé of US Citizen/ Children of K-1</b>	Full or Part-time	Yes - See Florida Residency for Tuition Purposes Guidelines: <a href="#">Appendix C</a>	Only Fiancé/Fiancée – view <a href="#">USCIS website</a>
<b><a href="#">L-1A</a> or <a href="#">L-1B</a> Intracompany Transferee</b>	Full or Part-time	Yes - See Florida Residency for Tuition Purposes Guidelines: <a href="#">Appendix C</a>	May only work in the position USCIS approved visa for
<b><a href="#">L-2</a> Dependent of L-1</b>	Full or Part-time	Yes - See Florida Residency for Tuition Purposes Guidelines: <a href="#">Appendix C</a>	Yes, Spouse only – view <a href="#">USCIS website</a>
<b><a href="#">M-2</a> Dependent of M-1</b>	Full or Part-time	No	No
<b><a href="#">NATO (1-7)</a> Officials, Employees, and Dependents</b>	Full or Part-time	Yes - See Florida Residency for Tuition Purposes Guidelines: <a href="#">Appendix C</a>	Only Dependents of NATO 1-6 – see <a href="#">USCIS website</a>
<b><a href="#">N-8/N-9</a> Parents/Siblings/Children of Special Immigrants</b>	Full or Part-time	Yes - See Florida Residency for Tuition Purposes Guidelines: <a href="#">Appendix C</a>	Yes – see <a href="#">USCIS website</a>



## NIV's Eligible to Study

(Must meet all admissions requirements)

NIV Type	Eligible to Study	Eligible for Residency? / NIV Evidence Required	Eligible to Work in US
<b><a href="#">O-1</a> Extraordinary Abilities/Achievement</b>	Full or Part-time	Yes - See Florida Residency for Tuition Purposes Guidelines: <a href="#">Appendix C</a>	Only if filing <a href="#">petition</a> for new employer and they are approved by USCIS
<b><a href="#">O-2</a> Essential Support Personnel of O-1</b>	Full or Part-time	No	No
<b><a href="#">O-3</a> Dependent of O-1/O-2</b>	Full or Part-time	<i>*Yes, only if Dependent of principal O-1</i> See Florida Residency for Tuition Purposes Guidelines: <a href="#">Appendix C</a>	No
<b><a href="#">P-1A</a> or <a href="#">P-1B</a> Internationally Recognized Athlete/"" Entertainment Group</b>	Full or Part-time	Only if criteria are met as listed in <a href="#">Florida Statute Section 1009.21(10)</a>	Only if filing <a href="#">petition</a> for new employer(s) and they are approved by USCIS
<b><a href="#">P-2</a> Performer or Group Performing in Exchange Program</b>	Full or Part-time	Only if criteria are met as listed in <a href="#">Florida Statute Section 1009.21(10)</a>	May only work in the position USCIS approved visa for
<b><a href="#">P-3</a> Artist or Entertainer Part of a Culturally Unique Program</b>	Full or Part-time	Only if criteria are met as listed in <a href="#">Florida Statute Section 1009.21(10)</a>	Only if filing <a href="#">petition</a> for new employer and it is approved by USCIS
<b><a href="#">P-4</a> Dependents of P-1/2/3</b>	Full or Part-time	Only if criteria are me as listed in <a href="#">Florida Statute Section 1009.21(10)</a>	No
<b><a href="#">Parolee:</a> Humanitarian or Significant Benefit</b>	Full or Part-time	Yes - See Florida Residency for Tuition Purposes Guidelines: <a href="#">Appendix C</a>	Yes – view <a href="#">USCIS website</a>



## NIV's Eligible to Study

(Must meet all admissions requirements)

NIV Type	Eligible to Study	Eligible for Residency? / NIV Evidence Required	Eligible to Work in US
<a href="#"><u>Permanent Resident (Green Card)</u></a>	Full or Part-time	Yes - See Florida Residency for Tuition Purposes Guidelines: <a href="#"><u>Appendix C</u></a>	Yes
<a href="#"><u>Permanent Resident - Pending Application for Adjustment of Status</u></a>	Full or Part-time	Yes - See Florida Residency for Tuition Purposes Guidelines: <a href="#"><u>Appendix C</u></a>	Yes, while application is pending; if denied, work no longer authorized
<a href="#"><u>Permanent Resident - Conditional</u></a> <i>*2-year permanent resident status</i>	Full or Part-Time <i>*Only for 2 years permanent resident status</i>	Yes - See Florida Residency for Tuition Purposes Guidelines: <a href="#"><u>Appendix C</u></a>	Yes, for 2-year permanent resident status
<a href="#"><u>Q-1 Cultural Exchange Program Worker</u></a>	Full or Part-time	Only if criteria are met as listed in <a href="#"><u>Florida Statute Section 1009.21(10)</u></a>	May only work in the position USCIS approved visa for
<a href="#"><u>R-1 Temporary Religious Workers</u></a>	Full or Part-time	Yes - See Florida Residency for Tuition Purposes Guidelines: <a href="#"><u>Appendix C</u></a>	May only work in the position USCIS approved visa for
<a href="#"><u>R-2 Dependent of R-1</u></a>	Full or Part-time	Yes - See Florida Residency for Tuition Purposes Guidelines: <a href="#"><u>Appendix C</u></a>	No
<a href="#"><u>Refugee</u></a>	Full or Part-time	Yes - See Florida Residency for Tuition Purposes Guidelines: <a href="#"><u>Appendix C</u></a>	Yes – view <a href="#"><u>USCIS website</u></a>
<a href="#"><u>S-Visas Humanitarian Visas and Dependents</u></a>	Full or Part-time	Yes - See Florida Residency for Tuition Purposes Guidelines: <a href="#"><u>Appendix C</u></a>	Yes – view <a href="#"><u>USCIS website</u></a>



## NIV's Eligible to Study

(Must meet all admissions requirements)

NIV Type	Eligible to Study	Eligible for Residency? / NIV Evidence Required	Eligible to Work in US
<b><u>T-1, T-2, T-3, T-4</u></b> <b>Humanitarian Visas and Dependents</b>	Full or Part-time	Yes - See Florida Residency for Tuition Purposes Guidelines: <a href="#">Appendix C</a>	Yes – view <a href="#">USCIS website</a>
<b><u>TD</u></b> <b>Dependent of TN</b>	Full or Part-time	Yes - See Florida Residency for Tuition Purposes Guidelines: <a href="#">Appendix C</a>	No
<b><u>TN</u></b> <b>NAFTA Workers</b>	Full or Part-time	Only if criteria are met as listed in <a href="#">Florida Statute Section 1009.21(10)</a>	May only work in the position USCIS approved visa for
<b><u>Temporary Protected Status (TPS)</u></b>	Full or Part-time	Only if student has Form I-797 with "Approved/Pending Permanent Resident" status – then see Florida Residency for Tuition Purposes Guidelines: <a href="#">Appendix C</a>	Only specific pending applicants determined by USCIS; contact an immigration attorney/professional
<b><u>Temporary Resident</u></b>	Yes, Full/Part-Time	Yes - See Florida Residency for Tuition Purposes Guidelines: <a href="#">Appendix C</a>	Yes – view <a href="#">USCIS website</a>
<b><u>U-1, U-2, U-3, U-4</u></b> <b>Humanitarian Visa and Dependents</b>	Yes, Full/Part-Time	Yes - See Florida Residency for Tuition Purposes Guidelines: <a href="#">Appendix C</a>	Yes – view <a href="#">USCIS website</a>
<b><u>V-1, V-2, V-3</u></b> <b>Dependents of Permanent Residents</b>	Yes, Full/Part-Time	Yes - See Florida Residency for Tuition Purposes Guidelines: <a href="#">Appendix C</a>	Please contact immigration attorney/professional