



Tip of the Month July 2012

Immigration Terms that Every Attorney Should Know

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J.D. 2015

Regardless of the area of practice, immigration terms will likely come up while discussing a client's case. This is a brief overview of some basic immigration statuses that may relate to your client:

Undocumented: The person has no visa or legal status in the U.S. This does not indicate that he/she entered the country without status. The person may have a pending application for legal status. Neither length of residence nor relationship to a US citizen automatically confers any sort of legal status.

Nonimmigrant VISAS/Temporary lawful status: For a temporary stay in the U.S. holders are admitted to the U.S. for a specific purpose and are restricted to the activity consistent with their visas. The visas are issued prior to entry to the U.S. by a U.S. consulate or embassy. Temporary visa holders can obtain permanent status through employment opportunities or family relationships.

- Business Visas: H, L, E, I, O, P, R
 - These visas allow the holder to work in the U.S.
 - Each letter corresponds to a specific type of work/business practice; i.e. film, science, athletes, etc.
- Visitor's Visa
 - B-1: holders can visit U.S for business purpose, but not seek employment or be employed. Intended for conferences, meetings, etc.
 - B-2: Standard tourist visa. Usually holders can stay in the U.S. for 3-6 months at a given time. They cannot seek work.
- Student Visas: F, M, J
 - F: holder must be a full-time student and have proof from school as well as financial support
 - M: holder can pursue nonacademic study (high school, junior colleges, vocational schools)
 - J: Visa for education and cultural exchange programs

- Family Related
 - K1: Nonimmigrant visa for fiancé of US citizen
 - K1 holder and US citizen fiancé must be married within 3 months of immigrant's entry into the country
 - K2: Nonimmigrant visa for a spouse of US citizen
 - V: spouses and children of lawful permanent residents

Refugee, Asylee, Relief visas: A person who has been admitted conditionally to the U.S. due to threat of persecution in home country.

Refugee: Granted to people who apply from outside the U.S. Status is granted and the holder is allowed to entry to the U.S. Allowed to work and can apply for lawful permanent residency after being present continuously for one year in the US. The Refugee could be deported due to criminal conviction.

Asylee: Granted to people after entering the US. Entry can be legal or undocumented. Upon successfully receiving asylum the holder can legally work and can apply for legal permanent residency after one year. Asylee may be deported due to a criminal conviction.

Relief Visas

U Visa: Applicant has suffered from a criminal activity that occurred in the U.S. and is helpful or likely to be helpful to US law enforcement.

S Visa: Issued to people who assist US law enforcement to investigate and prosecute crimes and terrorism. Also known as the "Snitch" Visa.

T Visa: Issued to victims of trafficking.

Temporary Protected Status (TPS): Conferred on an entire nationality based on dire situations such as civil wars, natural disasters, etc. Countries include Burundi, El Salvador, Honduras, and Nicaragua. TPS may only last for specific time periods due to country conditions.

Lawful Permanent Residents (LPR): "Green card" holders. Noncitizen who have been lawfully admitted to live and work permanently. LPRs may travel in and out of the country and may become a U.S. citizen after a certain number of years, usually 5. May be deported or face other immigration consequences due to criminal convictions.

Conditional Permanent Residents: Also have a "green card" but it expires after two years and is usually issued to individuals who received LPR status through a marriage less than two years old (see K1, K3 visas above).

Rights of LPR: work, live, travel in and outside U.S., apply for Social Security/SSI/Medicare benefits, apply for a driver's license, attend public schools and colleges, own property; request a visa for spouse and unmarried children to come to US.

NOTE: Right to vote. LPRs *do not* have the right to vote in US elections. There are some exceptions for local elections

Employment Authorization Document: Document issued to immigrants who have pending applications for other types of statuses. The EAD can usually be filed along with the application for the visa/status. The EAD can be renewed The EAD can be filed for: Asylees/refugees and their spouses and children; TPS applicants; Students (restrictions apply); Specific Nonimmigrant visa holders/applicants; Applicants who have filed for adjustment of status (usually filed for a Green card); Others including U-visas applicants, T-visas, and others.

US Citizens (USC): Citizenship is acquired via:

- 1) Birth in the US, Puerto Rico, US Virgin Islands, Guam, American Samoa and Swains Island.
- 2) Citizenship acquired from US citizen parent: person was born outside of US to USC parent.
- 3) Naturalization: The person is born outside of US; gained citizenship by applying and receiving citizenship through the naturalization process. This usually involves passing a test on civics and English.
- 4) Derivative Citizenship from Naturalized US parent: A person becomes a USC if he or she was a minor when one or both parents became naturalized citizens.