



BIPARTISAN POLICY CENTER  
**IMMIGRATION 101**

## **Most Commonly Used Immigration Terms and Definitions**

### *Adjustment of Status (Immigrant)*

- A process for individuals currently living within the United States on a non-immigrant visa to apply for immigrant status.

### *Alien*

- Legal term for any person who is not a citizen or national of the United States, as defined in the Immigration and Nationality Act (INA).

### *Amnesty or Legalization*

- Various legislative proposals that would grant immigrants without legal status in the United States a process to gain legal status, often with certain conditions attached, such as a financial penalty, and sometimes over a specified period of time and with or without a means to later apply for citizenship.
- The Immigration Reform and Control Act (IRCA) passed in 1986 (see entry below) is commonly referred to as an “amnesty,” while more recent proposals, which include more conditions and/or longer time periods and additional restrictions, may be called “legalization.” There is debate over the appropriate term, as each may have negative connotations to supporters or opponents of the policy.

### *Asylum Seeker/Asylee*

- An individual who comes to the United States seeking protection due to persecution or fear of persecution in their home country on account of: race, religion, nationality, membership in a particular social group or political opinion is an *asylum seeker*. A person approved for this status is referred to as an *asylee*.
- U.S. law allows individuals to apply for asylum at a Port of Entry or while under removal proceedings from the country (for example after attempting to enter without inspection between ports of entry). Individuals previously admitted to the United States on another visa may also apply directly for asylum within one year of entry, or later if conditions in their country have changed since their entry.

### *Birthright Citizenship*

- The legal concept that any individual born within the territory of a country is entitled to citizenship in that country. Legally referred to as “*jus soli*” (literally “right of the soil”) and contrasted with “*jus sanguinis*” (literally “right of the blood”), the legal concept in which citizenship is transmitted only to descendants of citizens of a country.

- The United States recognizes both: children born to U.S. citizens abroad are very often entitled to U.S. citizenship, and children born within U.S. territory, regardless of the citizenship or residence status of their parents, are usually entitled to claim U.S. citizenship.
- The U.S. law of birthright citizenship is based on judicial interpretations of the 14th Amendment to the U.S. Constitution which states: “All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.”

#### *“Catch-and-release”*

- Term used in immigration rhetoric that has adjusted its meaning over time.
- In the 1990s and early 2000s, it was most often used to refer to the practice of returning Mexican citizens apprehended trying to enter the United States illegally immediately back to Mexico, with no penalty. Many of these would very quickly attempt to reenter as soon as possible.
- In recent years, this term has been used to refer to the process by which immigrants accused of unauthorized entry who cannot be immediately returned abroad are released from custody into the United States and given a Notice to Appear (NTA) for immigration court, as opposed to being held in immigration detention.

#### *“Chain migration”*

- Term referring to family-based immigration (see definition below), i.e., an immigrant’s ability to sponsorship other family members to immigrate to the United States.
- Originally used academically, the term has recently become a pejorative, used to express opposition to the ability of immigrants to sponsor extended family members who in turn may later sponsor other family members.

#### *U.S. Customs and Border Protection (CBP)*

- A branch of federal law enforcement within the Department of Homeland Security that oversees and protects the borders and ports of entry for the United States.
- Also charged with regulating trade and commerce across the US borders.
- Includes three uniformed divisions: the U.S. Border Patrol which operates along land and maritime borders between official Ports of Entry (POEs); Office of Field Operations whose CBP Officers are posted official at POEs to inspect and admit persons, conveyances and cargo; and the Office of Air and Marine, whose agents support the operations of Border Patrol and other law enforcement agencies with aviation and maritime assets.

#### *Deferred Action for Childhood Arrivals (DACA) and DREAMers*

- DACA is a program created by executive action under the Obama administration to allow people who arrived in the United States illegally as children to apply for an administrative deferment of

their deportation, as well as a work permit. President Trump tried to end the program but has been stopped by several federal courts in ongoing litigation.

- “DREAMers” is a general term referring not just to those who were eligible to apply for the DACA program, but any unauthorized immigrant in the United States who arrived as a child and has grown up here. Term derives from the Development, Relief, and Education for Alien Minors (DREAM) Act, which has been introduced in various forms since the early 2000s.

#### *Deportation or Removal*

- The process of removal from the United States due to a legal violation that compromises one’s authorization to reside in the United States.
- May apply to individuals who entered without inspection (EWI) at other than a legal port of entry, individuals legally admitted to the United States as a non-immigrant who remained beyond their authorized period of stay or who otherwise violated the terms of their admission (such as by working without authorization), or legal permanent residents who commit certain crimes which would render them removable under immigration law.

#### *Diversity Immigrant Visa*

- A program for receiving a green card administered on an annual basis by the Department of State via a lottery to provide 55,000 permanent resident visas to natives of countries deemed to have low rates of immigration to the United States in recent years.

#### *Employment-based immigration*

- Immigration programs that grant legal status to immigrants based on their special skills, investments in the United States, sponsorship by a U.S. employer, or other economic factors.

#### *Family-based immigration*

- Immigration programs that grant legal status to immigrants based on a familial relationship to a citizen or legal immigrant in the United States.
- U.S. citizens may sponsor their spouse, minor children, parents, adult children (and their families), and their siblings.
- Permanent residents (green card holders) may sponsor their spouse, minor children, and unmarried adult children.

#### *Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRAIRA)*

- An immigration reform bill that became law in 1996 that focused primarily on enforcing and strengthening U.S. immigration laws.
- The Act improved border control by imposing criminal penalties for racketeering, alien smuggling and the use or creation of fraudulent immigration-related documents.

- IIRAIRA also included Employment Verification guidelines, including sanctions for employers who fail to comply with the regulations and restrictions on unfair immigration-related employment practices
- Additionally, IIRAIRA included provisions governing the eligibility or restriction of government aid given to aliens
- Finally, IIRAIRA instituted the 3 and 10-year immigration bars (see entry below).

#### *Immigration and Customs Enforcement (ICE)*

- Agency of the Department of Homeland Security which conducts enforcement and removal operations pertaining to immigration violations, as well as investigating crimes which involve the transit of the U.S. border.

#### *Immigration court and Immigration judges*

- Administrative courts operated by the Executive Office of Immigration Review (EOIR), an agency within the Department of Justice
- Immigration judges make determinations of admissibility, order deportations, and consider asylum and other cases for protection and relief from removal.
- Defendants are not entitled to a government-provided lawyer, there are no juries and there are other limitations on due process protections due to the civil nature of immigration violations.

#### *Immigration and Naturalization Act (INA)*

- The general statute that forms the basis of U.S. immigration law.
- Passed originally in 1952, the act continues to be amended by subsequent legislation.
- Codified at 8 USC Section 1101 *et. seq.*, but immigration practitioners frequently cite to the INA section rather than the USC section when describing immigration provisions.

#### *Immigration Reform and Control Act (IRCA) – Also known as Simpson-Mazzoli Act or the 1986 amnesty*

- Legislation that most believe was the last comprehensive overhaul of the nation's immigration system.
- The legislation required employers to confirm the employment eligibility of their employees, made it illegal to knowingly hire or recruit undocumented immigrants, legalized certain seasonal agricultural illegal immigrants and legalized illegal immigrants who entered the United States before January 1, 1982, and had resided in the United States continuously with the penalty of a fine, back taxes due, and admission of guilt.
- About three million illegal immigrants were granted permanent legal status under these provisions. About 40 percent of these later naturalized to become U.S. citizens.

#### *Three- and 10-year bars*

- IIRAIRA provision that states that immigrants unlawfully present in the United States for 180 days, but less than 365 days must remain outside the United States for three years before applying for any legal reentry to the United States.
- If individuals are unlawfully present in the United States for 365 days or more, they must stay outside the United States for 10 years.
- If they return to the United States without first applying for permission to reenter, they may not apply for a waiver for a period of 10 years.
- The Secretary of Homeland Security can waive either of these bars under certain discretionary authorities and conditions.

#### *Lawful Permanent Resident (LPR) /“Green Card holder”/Resident Alien/Permanent Resident Alien*

- All these terms refer to an individual that is authorized under law to live and work in the United States on a permanent basis.
- The term “Green Card” comes from the color of the identification card that these individuals hold.
- Five years of LPR status makes an individual eligible to apply to naturalize (obtain citizenship), if they meet other qualifications.

#### *“Merit-based” Immigration*

- Term applied to various national immigration systems that select immigrants for permanent residence on the basis of the overall characteristics of the immigrant, rather than specified ties to the receiving country (such as a job offer or familial relationship).
- Frequently includes some form of “points system” that allocates points to a prospective immigrant based on desired characteristics, such as working age, language ability, or skills and education. Those who meet a specified threshold of points may apply to immigrate.
- Although it has not been implemented in the United States, proposed metrics for a merit-based system have included education level, language skills, work experience, and awards received in home countries.

#### *Naturalization*

- The legal process under which an immigrant may become a citizen of the United States, including requirements for continuous legal permanent residence in the United States, periods of actual physical presence, good moral character, and an English and a civics test, among other components.
- Usually available to lawful permanent residents after five years in that status.

#### *Non-Immigrant Visa*

- Category of entry that allows an individual to work and/or travel and visit throughout the United States for a specific purpose and period of time.
- Categories are generally referred to by the section of the INA under which they are authorized.

- Examples include:
  - H-1B Foreign professional worker (INA Section 214(h)(i)(B))

### *Overstay*

- A term for an alien admitted to the United States with a non-immigrant visa who remains longer than their authorized period of admission, or otherwise violates a term of admission, causing them to become an unauthorized (or illegal) immigrant.

### *Refugee*

- An individual who is currently residing outside of the United States, demonstrates that they were persecuted or have a well-founded fear of persecution on account of race, religion, nationality, political opinion, or membership in a particular social group and is admissible to the United States.
- The United States accepts a designated number of refugees each year from locations outside of the United States who are processed in cooperation with the UN High Commission on Refugees. If accepted for resettlement, the Office of Refugee Resettlement of the Department of Health and Human Services works with designated nonprofit refugee agencies in the United States to determine where they will reside in the United States.
- In contrast to an asylee, refugees are only processed while abroad.

### *Sanctuary City*

- A general term with no legal definition but applied often to a city or other jurisdiction where local governmental resources are prohibited, either by law or by policy or practice, from being used to enforce immigration laws or cooperate in certain respects with federal immigration enforcement agencies, such as by honoring requests to hold immigrants in jails for transfer for deportation, or allowing federal agents into jails to interview foreign-born detainees for possible removal.

### *Temporary Protected Status (TPS)*

- The Secretary of Homeland Security can grant TPS to individuals of a country that the secretary has designated as no longer safe for return due to a military conflict, natural disaster or extraordinary and temporary conditions.
- TPS is a temporary status and does not provide for a direct path to a green card but does not specifically prohibit individuals for applying for permanent residency if they are otherwise eligible in a specific immigrant category.

### *Unaccompanied Children (UACs)*

- Children who illegally crossed over the U.S. border without an accompanying adult.
- They are placed into the care of the Office of Refugee Resettlement with the Department of Health and Human Services.

*U.S. Citizenship and Immigration Services (USCIS)*

- Agency of the Department of Homeland Security tasked with overseeing asylum claims, visa and permanent resident applications, naturalization, and other immigration processes.

*Quota system*

- A system in U.S. immigration law that limits by nationality and/or category the number of immigrants who may enter the United States each year.

<b>Immediate Relative Immigrant Visas (uncapped)</b>	
<b>Type</b>	<b>Those Qualified</b>
IR-1	Spouse of a U.S. Citizen
IR-2	Unmarried Children Under 21 Years of Age of a U.S. Citizen
IR-3	Orphan adopted abroad by a U.S. Citizen
IR-4	Orphan to be adopted in the U.S. by a U.S. Citizen
IR-5	Parent of a U.S. Citizen who is at least 21 years old

<b>Family-Sponsored Immigrant Visas</b>		
<b>Type</b>	<b>Those Qualified</b>	<b>Total Allotted Visas per Year</b>
F1	Unmarried sons and daughters of U.S. citizens over the age of 21, and their minor children, if any	23,400
F2	Spouses, minor children, and unmarried sons and daughters (age 21 and over) of green card holders	114,200
F3	Married sons and daughters of U.S. citizens	23,400
F4	Brothers and sisters of U.S. citizens	65,000

<b>Employment-Based Immigrant Visas</b>		
<b>Type</b>	<b>Those Qualified</b>	<b>Percentage of Total Employment Visas (140,000) per Year</b>
EB1	Priority workers Sub-groups: <ul style="list-style-type: none"> <li>• Foreign nationals with extraordinary ability in sciences, arts, education, business or athletics</li> <li>• Foreign nationals that are outstanding professors or researchers with at least three years of experience in teaching or research and who are recognized internationally</li> <li>• Foreign nationals that are managers and executives subject to international transfers to the United States</li> </ul>	28.6%



EB2	Professionals holding advanced degrees (Ph.D., master’s degree, or at least five years of progressive post-baccalaureate experience) or persons of exceptional ability in sciences, arts, or business	28.6%
EB3	Skilled workers, professionals, and other workers	28.6%
EB4	Certain special immigrants – ministers, religious workers, current or former U.S. government workers, etc.	7.1%
EB5	An investor that invests between \$500,000 and \$1,000,000, depending on the employment rate in the geographical area, in a commercial enterprise in the United States which creates at least 10 new full-time jobs for U.S. citizens, permanent resident aliens, or other lawful immigrants, not including the investor and his or her family	7.1%

<b>Commonly Discussed Temporary, Non-Immigrant Worker Visas</b>		
<b>Type</b>	<b>Those Qualified</b>	<b>Total Allotted Visas per Year</b>
H-1B	Person in specialty occupation. Requires a higher education degree or its equivalent	65,000 (6,800 set aside for H-1B1 visas)
H-1B2	DOD researcher and development project worker. Requires a higher education degree or its equivalent	
H-1B3	Fashion models of distinguished merit and ability	
H-1B1 - Chile	Free Trade Agreement work visas – Chile: allows qualified Chilean citizens to live and work in the United States	
H-1B1 - Singapore	Free Trade Agreement work visas – Singapore: allows qualified Singaporean citizens to live and work in the United States	
H-2A	Temporary or seasonal agricultural worker	uncapped
H-2B	Temporary or seasonal non-agricultural worker	66,000
H-3	Trainee or special education exchange visitor	50
H-4	Spouse or children of H-1B visa holders	
O	Individuals with extraordinary ability or achievement Sub-groups: <ul style="list-style-type: none"> <li>• O-1A: individuals with an extraordinary ability in the sciences, education, business, or athletics</li> <li>• O-1B: individuals with an extraordinary ability in the arts or extraordinary achievement in motion picture or television industry</li> </ul>	

	<ul style="list-style-type: none"> <li>• O-2: individuals who will accompany an O-1, artist or athlete, to assist in a specific event or performance</li> <li>• O-3: spouse or children of O-1's and O-2's</li> </ul>	
R-1	Temporary nonimmigrant religious worker	
TN	NAFTA professionals. Permits qualified Canadian and Mexican citizens to seek temporary entry into the United States to engage in business activities at a professional level	

<b>Commonly Discussed Temporary Non-Immigrant Visas</b>		
<b>Type</b>	<b>Those Qualified</b>	
A	Diplomats and foreign government officials	
A-2, NATO 1-6	Foreign military personnel stationed in the United States	
B-1	Business visitors, including athletes (compete for prize money only) and domestic employees or nanny – must be accompanying a foreign national employer	
B-2	Tourism, vacation, pleasure visitors, and visitors for medical treatment	
BCC	Border Crossing Cards are only issued to applicants who are citizens of and resident in Mexico	
F	Academic students	
J	Exchange visitor visas are nonimmigrant visas for individuals approved to participate in exchange visitor programs in the U.S.	
M	Vocational or other nonacademic students	
T	Victims of human trafficking	
U	Victims of criminal activity	