

Immigration Agencies

Customs and Border Protection (CBP) is the immigration agency that enforces immigration laws at points of entry (such as airports and official entry ports along the Mexican and Canadian borders).

Immigration and Customs Enforcement (ICE). ICE is the immigration law enforcement agency generally in charge of deportations and detention. ICE lawyers represent the government in immigration court. ICE also does investigative work.

United States Citizenship and Immigration Services (USCIS or CIS). USCIS is the immigration agency that conducts interviews and processes applications for immigration benefits in the United States.

Department of Homeland Security (DHS). USCIS, CBP, and ICE are all within the Department of Homeland Security. People sometimes use the acronym INS when referring to immigration agencies, but the INS has not existed since 2003.

State Department. The State Department, through its embassies and consulates, conducts interviews and process some visa applications abroad.

Immigration Courts. Immigration courts are part of the Executive Office for Immigration Review, which is part of the Department of Justice. Immigration Judges are employees of the Department of Justice. Immigration Judges conduct deportation hearings.

Common Immigration Statuses

Immigrant Visas are issued to people who are eligible to immigrate to the United States and who intend to stay permanently in the United States. A person who enters on an immigrant visa becomes a permanent resident of the United States. Permanent resident documents are often referred to as “green cards.”

A family-based immigrant visa is based on a familial relationship with a U.S. citizen or U.S. permanent resident.

An employment-based immigrant visa is based on a petition by an employer. (There are also many types of employment based non-immigrant visas, which authorize a temporary stay in the United States.)

It is possible to lose permanent resident status, either because of criminal activity or because of abandonment.

Nonimmigrant Visas. There are many types of visas (such as tourist visas, student visas, and some work visas) that allow someone to remain in the United States for a limited period of time. People can become undocumented by “overstaying” a nonimmigrant visa or by violating the terms of the visa.

Asylum. Asylum is a form of protection granted to a person in the U.S. who has shown a fear of persecution in his or her home country based on political opinion, race, religion, nationality or membership in a particular social group. An asylee is a person who has been granted asylum. Asylum can be granted only to a person who is in the United States. People who are granted asylum can eventually apply for permanent residence and later citizenship.

Refugees. Refugees are people outside of their country who are unable or unwilling to return home because they fear serious harm. Refugee status is granted outside of the U.S.

Temporary Protected Status (TPS). The Department of Homeland Security may designate a country for TPS because of conditions that may prevent safe return to that country. As a practical matter, this means that individuals who are in the U.S. may apply for TPS, which gives them both temporary authorization to remain in the U.S. and temporary authorization to work in the U.S. Nepal, for example, was designated for TPS status because of the earthquake in April 2015.

VAWA. VAWA Stands for *Violence Against Women Act*. Among other things, VAWA allows certain victims of domestic violence to obtain permanent resident status without having to rely on a petition filed by the perpetrator of the abuse. People who are granted a U visa can eventually apply for permanent residence and later citizenship.

U visa. An individual who was the victim of a qualifying crime and who cooperated with law enforcement may be eligible for a U visa. People who are granted a U visa can eventually apply for permanent residence and later citizenship.

T visa. An individual who was the victim of human trafficking may also be eligible for a T Visa. People who are granted a T visa can eventually apply for permanent residence and later citizenship.

DACA. DACA stands for *Deferred Action for Childhood Arrivals*. President Obama issued an executive order that authorizes deferred action for certain undocumented individuals who arrived in the United States before reaching age 16 and before June 12, 2007. A grant of DACA protects an individual from deportation and allows the individual to apply for a work permit.

DAPA. DAPA stands either for *Deferred Action for Parental Accountability* or for *Deferred Action for Parents of Americans and Lawful Permanent Residents*. In November 2014 President Obama issued an executive order to provide deferred action for some parents of U.S. citizens and permanent residents. Court decisions prevented the order from taking effect.

Common Immigration Terms and Concepts

Admissibility and Inadmissibility. In order to receive a visa to enter the United States, a person must be “admissible.” Criminal history and previous immigration violations are common grounds of inadmissibility. Some grounds of inadmissibility are waivable.

Deferred Action. The Department of Homeland Security may grant deferred action to a person who is unlawfully present in the United States. A grant of deferred action protects an individual from deportation and allows him or her to apply for a work permit. (DACA is one form of deferred action.)

E-verify. E-Verify is a system that compares information provided by employees to employers to an immigration data base to determine whether a person is authorized to work in the United States. Some states mandate the use of E-verify for certain types of employers. Employers can choose to use E-verify.

Expedited Removal. Expedited removal is a legal process that allows certain non-citizens to be removed from the United States without an opportunity for a hearing before an Immigration Judge.

Green card. “Green card” is a common term for a Permanent Resident Card. Not all green cards are actually green.

I-9. An I-9 is a form that employees must complete to show that they are eligible to work in the U.S. Employees must make certain documents available in connection with an I-9.

Numerical Limits. For certain visa categories, there is a numerical limit on the number of people who can receive a visa each year. There are also numerical limits on the number of people from a particular country who can receive such visas each year. For example, an adult (over 21) Mexican child of a U.S. citizen is currently eligible (in February 2017) to receive a visa if the petition was initially filed before May 8, 1995.

Removal. Removal is the legal term for what is commonly referred to as deportation.