

General Definitions: U.S. Immigration

Provided by Attorney Mark B. Rhoads, McCandlish Holton Morris, Counsel on Federal Immigration Law.

In general, U.S. immigration law divides all individuals seeking to enter the United States into two categories: immigrants and nonimmigrants. “Immigrants” are individuals who are intending to remain permanently in the United States. “Nonimmigrants” are individuals coming for only a temporary stay. Most international students and visiting scholars initially enter the U.S. in a nonimmigrant status (e.g., F-1, J-1).

- **Immigrant** – A foreign national who intends to reside permanently in the United States
- **Nonimmigrant** – A foreign national who has the right to remain only temporarily in the United States for a specific purpose, and to return to an un-abandoned foreign residence abroad
- **National** – A person who owes allegiance to a particular nation and who is eligible for diplomatic protection by that nation, but not necessarily having full political rights; typically denoted by eligibility to hold a country’s passport.
- **Green Card** – Form I-551 stamp or card which evidences an individual’s permanent residence in the United States.
- **Nonimmigrant Visa** – Form placed in a passport by a U.S. Consulate abroad which allows the visa holder to board passage to the United States and to present him or herself for inspection by an officer of US Customs & Border Protection (CBP) at the port of entry into the U.S. for temporary entry to the U.S.
- **Immigrant Visa** – Form placed in a passport by a U.S. Consulate abroad which allows the visa holder to present him or herself for entry to the US as a permanent resident. A Green Card is issued after arrival.
- **Form I-94 – Arrival/Departure Document** – Document stored electronically by CBP at the port of entry authorizing an individual to enter the United States, stating the immigration status which the person is authorized to hold, and stating the date by which the individual must depart the United States. Individuals should print this document after entry to the US.
- **Immigration Status** – Status authorized by the type of visa used to enter the U.S. (i.e., H1B, F-1, etc.). A person’s immigration status in the U.S. can exceed the validity period of the visa in his or her passport.
- **Citizenship & Immigration Services (CIS)** – The government agency which determines an individual’s eligibility for certain immigration benefits.
- **Customs & Border Protection (CBP)** – The government agency which inspects individuals who apply at ports of entry for entry to the U.S.
- **Immigration & Customs Enforcement (ICE)** – The government agency charged with enforcing immigration law and policy within the U.S.
- **Department of State** – The government agency which operates U.S. embassies and consulates abroad, and is charged with issuing visas to foreign nationals wishing to travel to the United States.

- **Department of Homeland Security (DHS)** – The government agency formed after 9/11 to consolidate many functions related to national security. CIS, CBP, and ICE are agencies within DHS.