



Immigration Task Force

Immigration 101

In an effort to facilitate the ongoing immigration debate, the Bipartisan Policy Center (BPC) compiled the following overview of phrases, terms and information that are commonly used when discussing immigration and immigration reform. This will be a dynamic document that will grow as the debate unfolds; it should be viewed as a politically neutral, informative resource for those involved or interested in the immigration debate.

Commonly Used Immigration Terms and Definitions

Adjustment of Immigrant Status

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

Alien

- Any person who is not a citizen or national of the United States.

Asylee

- An individual who comes to the United States seeking protection due to persecution or fear of persecution in their home countries due to: race, religion, nationality, membership in a particular social group or political opinion.

Birth-Right Citizenship

- Citizenship bestowed at birth on children who are born within the borders of the United States, regardless of status of their parents.

Customs and Border Protection (CBP)

- A branch of federal law enforcement within the Department of Homeland Security that overseas and protects the borders and ports of entry for the United States.
- Also charged with regulating trade and commerce across the U.S. borders.





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Diversity Immigrant Visa

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

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

- Legislation that most believe was the last comprehensive overhaul of the nation's immigration system.
- The legislation required employers to attest to their employees' immigration status, 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 there continuously with the penalty of a fine, back taxes due, and admission of guilt.
- About three million illegal immigrants were granted legal status.

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.
- Additional, IIRAIRA included provisions governing the eligibility or restriction of government aid given to aliens.
- Finally, IIRAIRA instituted the three and ten year immigration bars.





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Three and Ten Year bars

- IIRAIRA 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.
- If individuals are in the United States for 365 days or more, they must stay outside the United States for ten years.
- If they return to the United States without a pardon, they may not apply for a waiver for a period of ten years.
- The Secretary of Homeland Security can waive either of these bars.

Lawful Permanent Resident (LPR) – An Immigrant Visa holder, often referred to as a “Green Card holder,” a Resident Alien or Permanent Resident Alien

- An LPR is an individual who is authorized 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 for citizenship.

Non-Immigrant Visa

- Temporary document allowing an individual to work and/or travel and visit throughout the United States.

Points-based Immigration System – Also known as “Points-System” or “Merit-based Immigration”

- The U.K., Canada, New Zealand and Australia have immigration systems that assign a certain value or number of points to an individual based on skill level, education, etc. allowing the receiving country to calculate the economic benefit of allowing an individual to immigrate to their country.
- Generally, the more points an intending immigrant earns, the more likely it is that that individual will receive a visa to immigrate.





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Refugee

- An individual who currently residing outside of the United States, demonstrates that they were persecuted or fear persecution due to race, religion, nationality, political opinion, or membership in a particular social group and is admissible to the United States.

Sanctuary City

- A term generally given to a city where municipal resources are prohibited, either by law or by practice, from being used to enforce immigration laws.

Temporary Worker

- An individual who come into the United States on a worker visa (ex: H-2A, H-2B) to perform a specific function.
- Some temporary work visas (E, H, and L) allow an individual the opportunity to petition to adjust to a permanent immigrant status through an existing category while within the United States, also known as allowing for “dual intent.”

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.

Quota system

- A system of limiting by nationality the number of immigrants who may enter the United States each year.





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Family and Employment-based Immigrant Visas

IMMEDIATE RELATIVE IMMIGRANT VISAS (UNCAPPED THOUGH SUBTRACTED FROM FAMILY TOTAL OF 480,000)

Type	Those Qualified
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.

FAMILY-SPONSORED IMMIGRANT VISAS (MINIMUM OF 226,000 PER YEAR OF THE 480,000 TOTAL)

Type	Those Qualified	Total Allotted Visas per Year
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



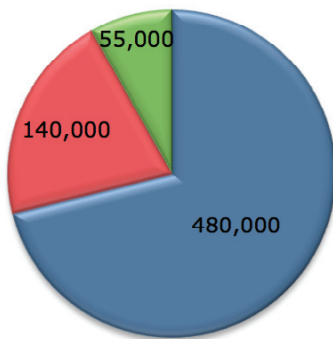


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EMPLOYMENT-BASED IMMIGRANT VISAS

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

Numerical Caps on Legal Permanent Residents



- Family-sponsored Immigrants*
- Employment-based Immigrants
- Diversity

Worldwide Level: 675,000

**Immediate relatives of U.S. citizens, refugees, and asylees are exempt from numerical caps.*





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Non-Immigrant Visas

COMMONLY DISCUSSED TEMPORARY, NON-IMMIGRANT WORKER VISAS		
Type	Those Qualified	Total Allotted Visas per Year
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	<p>Individuals with extraordinary ability or achievement.</p> <p>Sub-groups:</p> <ul style="list-style-type: none"> • O-1A: individuals with an extraordinary ability in the sciences, education, business, or athletics. • O-1B: individuals with an extraordinary ability in the arts or extraordinary achievement in motion picture or television industry. • O-2: individuals who will accompany an O-1, artist or athlete, to assist in a specific event or performance. • O-3: spouse or children of O-1s and O-2s. 	
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.	





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COMMONLY DISCUSSED TEMPORARY NON-IMMIGRANT VISAS

Type	Those Qualified
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, 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 United States.
M	Vocational or other nonacademic students.
U	Victims of criminal activity.
T	Victims of human trafficking.

