

## **DEFINITIONS**

**Lawful permanent residents**, also known as **legal permanent residents**, and informally known as **green card holders**, are immigrants under the Immigration and Nationality Act (INA), with rights, benefits, and privileges to reside in the United States permanently. Generally Green card applications are decided by the United States Citizenship and Immigration Services (USCIS).

**Immigrants granted asylum (not yet eligible for green card):** The United Nations 1951 Convention and 1967 Protocol define a refugee as a person who is unable or unwilling to return to his or her home country, and cannot obtain protection in that country, due to past persecution or a well-founded fear of being persecuted in the future “on account of race, religion, nationality, membership in a particular social group, or political opinion.”

**Temporary visa (worker, student, tourist):** Generally, a citizen of a foreign country who wishes to enter the United States must first obtain a visa, either a nonimmigrant visa for temporary stay, or an immigrant visa for permanent residence. Temporary worker visas are for persons who want to enter the United States for employment lasting a fixed period of time, and are not considered permanent or indefinite. Each of these visas requires the prospective employer to first file a petition with U.S. Citizenship and Immigration Services (USCIS). An approved petition is required to apply for a work visa.

**Those with expired visas:** Sometimes understanding the difference between the visa expiration date and the length of time you have permission to remain in the United States can be confusing. Upon arriving at a port of entry, the Customs Border Patrol (CBP) official will determine the length of your visit. On the admission stamp or paper Form I-94, the U.S. immigration inspector records either an admitted-until date or "D/S" (duration of status). If your admission stamp or paper Form I-94 contains a specific date, then that is the date by which you must leave the United State. If you have D/S on your admission stamp or paper Form I-94, you may remain in the United States as long as you continue your course of studies, remain in your exchange program, or qualifying employment. The admitted-until date or D/S notation, shown on your admission stamp or paper Form I-94 is the official record of your authorized length of stay in the United States. You cannot use the visa expiration date in determining or referring to your permitted length of stay in the United States.

**Immigrants without visas:** It is a violation of federal law for a non-citizen to enter the US without authorization, such as a Visa.

**Those who have applied for Citizenship:** To become a U.S. citizen, you must:

- Be at least 18 years old (exception for children of applicant)
- Permanent resident for at least 5 years unless spouse of citizen, then 4 years
- Not been out of the US for 30 months during the above period, nor more than 1 year, and resident of a state or DC for last 3 months
- Able to read and write basic English
- Know the fundamentals of U.S. history and the form and principles of the U.S. government
- Be a person of good moral character
- If a male, satisfy questions of military service
- Be prepared to support the Constitution of the US and take a pledge of allegiance to US

**Deferred Action for Childhood Arrivals (DACA)** is an American immigration policy that allows some individuals with unlawful presence in the United States after being brought to the country as children to receive a renewable two-year period of deferred action from deportation and become eligible for a work permit in the U.S. To be eligible for the program, recipients cannot have felonies or serious misdemeanors on their records. DACA does not provide a path to citizenship for recipients.

**TPS (Temporary Protected Status)** is a temporary status given to eligible nationals of designated countries who are present in the United States. The status, afforded to nationals from certain countries affected by armed conflict or natural disaster, allows persons to live and work in the United States for limited times. It also does not provide a path to citizenship.