



Glossary of Visa and Immigration Terms

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Accompanying: A type of visa in which family members travel with the principal applicant, (in immigrant visa cases, within six months of issuance of an immigrant visa to the principal applicant).

Adjust Status: 1) To change from a nonimmigrant visa status or other status
2) To adjust the status of a permanent resident (green card holder).

Admission: Entry into the United States is authorized by a Department of Homeland Security, Customs and Border Protection (CBP) officer. When you come from abroad and first arrive in the U.S, the visa allows you to travel to the port-of entry and request permission to enter the U.S. Admission or entering the U.S., by non-United States citizens must be authorized by a CBP officer at the port-of-entry, who determines whether you can enter and how long you can stay here, on any particular visit. If you are allowed to enter, how long you can stay and the immigration classification you are given is shown as a recorded date or Duration of Status (D/S) on Form I-94, Arrival Departure Record, or Form I-94W, if arriving on the Visa Waiver Program. If you want to stay longer than the date authorized, you must request permission from the Department of Homeland Security, United States Citizenship and Immigration Services (USCIS).

Adopted Child: An unmarried child under age 21, who was adopted while under the age of sixteen, and who has been in legal custody and lived with the adopting parent(s) for at least two years. These rules do not apply to orphans adopted by American Citizens. The adoption decree must give the child all the rights of a natural born child.

Advance Parole: Permission to return to the United States after travel abroad granted by DHS prior to leaving the U.S. The following categories of people may need advance parole: people on a K-1 visa, asylum applicants, parolees, people with Temporary Protected Status (TPS) and some people trying to adjust status, while in the U.S. If these people do not apply for advance parole before they leave the United States, they may be unable to return.

Advisory Opinion: An opinion regarding a point of law from the Office of Visa Services in the Department of State, Washington, D.C. This opinion would be in answer to a question from an embassy or consulate about interpretation of immigration law or in response to a request of review of the legal correctness of a visa refusal of an applicant or his/her representative.

Advisory Opinion (“J” Visa) Waiver of Foreign Residence Requirement, INA 212(e): A J-1 visa /DS 2019 or IAP 66 form will have a statement in the bottom left hand corner of the form, as follows: “Bearer is or is not subject to section 212(e). Two year rule (does or does not) apply (name of country)” This is a preliminary endorsement of the Consular Officer or Immigration Officer regarding Section 212(e) of the INA. When a J-1 visa holder (or his/her attorney) inquires whether

the Foreign Residence Requirement under INA 212(e) applies to a particular J-1 visa holder, then a request for an Advisory Opinion request is mailed to the Waiver Review Division at the Department of State.

Affidavit of Support: A document promising that the person who completes it will support an applicant financially in the United States. Family and certain employment immigration cases require the I-864 Affidavit of Support, which is legally binding. All other cases use the I-134 Affidavit of Support. (Reference I-864 information; all other cases use the I-134 Affidavit of Support.)

Affiliated: Associated or controlled by the same owner or authority.

Agent: In immigrant visa processing the applicant selects a person who receives all correspondence regarding the case and pays the immigrant visa application processing fee. The agent can be the applicant, the petitioner or another person selected by the applicant.

Alien: A foreign national who is not a United States citizen.

AOS: Affidavit of Support, Form I-864. A document promising that the person who completes it will support an applicant financially in the United States. Family and certain employment immigration cases require the I-864 Affidavit of Support, which is legally binding. All other cases use the I-134 Affidavit of Support. (Reference I-864 information; all other cases use the I-134 Affidavit of Support.)

Applicant (Visa): A foreign citizen who is applying for a nonimmigrant or immigrant U.S. visa. The visa applicant may also be referred to as a beneficiary for petition based visas

Appointment Package: The letter and documents that tell an applicant of the date of the immigrant visa interview. It includes forms that the applicant must complete before the interview and instructions for how to get everything ready for the interview.

Approval Notice: A Department of Homeland Security, United States Citizenship and Immigration Services (USCIS) immigration form, Notice of Action, Form I-797 that says that USCIS has approved a petition, or request for extension of stay or change of status.

Asylee: A person who cannot return to his home country because of a well-founded fear of persecution. An application for asylum is made in the United States to the DHS.

Arrival-Departure Card: Also known as Form I-94, Arrival-Departure Record. The Department of Homeland Security, Customs and Border Protection official at the port-of-entry gives foreign visitors (all non-U.S. citizens) an Arrival-Departure Record, (a small white card) when they enter the United States. Recorded on this card is the immigrant classification and the authorized period of stay in the U.S. This is either recorded as a date or the entry of D/S, meaning duration of status. It is important to keep this card safe because it shows the length of time you are permitted and authorized by the Department of Homeland Security to stay in the U.S. It is best kept stapled with your passport, kept in a safe place. The visitors return the I-94 card when they leave the country. The I-94W, Nonimmigrant Visa Waiver Arrival-Departure Record (green card) is for travelers on the Visa Waiver Program.

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Beneficiary: An applicant for a visa as named in a petition from the Department of Homeland Security, United States Citizenship and Immigration Services (USCIS).

Biometrics: Biologically unique information used to identify individuals. This information can be used to verify identity or check against other entries in the database. The best known biometric is the fingerprint, but others include facial recognition and iris scans.

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Cancelled Without Prejudice: A stamp an embassy or consulate puts on a visa when there is a mistake in the visa or the visa is a duplicate visa (two of the same kind). It does not affect the validity of other visas in the passport. It does not mean that the passport holder will not get another visa.

Case Number: The National Visa Center (NVC) gives each immigrant petition a case number. This number has three letters followed by ten digits (numbers). The three letters are an abbreviation for the overseas embassy or consulate that will process the immigrant visa case (for example, GUZ for Guangzhou, CDJ for Ciudad Juarez).

The digits tell us exactly when NVC created the case. For example a case with the number MNL2001747003 would be a case assigned to the U.S. Embassy in Manila. 2001 is the year in which NVC received the case from the USCIS (formerly INS). The Julian date is 747 plus 500, so this case was created on September 4, 2001, the 247th day of the year. The 003 shows that it was the third case created for Manila on that day. This case number is not the same as the USCIS receipt number, which is written on the Notice of Action, Form I-797, from the USCIS. A consular section abroad cannot find a case if all you have is the USCIS receipt number.

Certificate of Citizenship: A document issued by the Department of Homeland Security as proof that the person is a U.S. citizen by birth (when born abroad) or derivation (not from naturalization). The Child Citizenship Act of 2001 gives American citizenship automatically to certain foreign-born children of American citizens. These children can apply for certificates of citizenship.

Certificate of Naturalization: A document issued by the Department of Homeland Security as proof that the person has become a U.S. citizen (naturalized) after immigration to the United States .

Change Status: Changing from one nonimmigrant visa status to another nonimmigrant visa status while a person is in the U.S. is permitted for some types of visas, if approved by USCIS. Requests for change of status must be made by the visa holder to the Department of Homeland Security, United States Citizenship and Immigration Services (USCIS). USCIS determines whether the request is approved or denied.

Charge/Chargeable: There are numerical limits on the number of immigrant visas that can be granted to aliens from any one foreign country. This limit is the

same for all countries. The limit is based on place of birth, not citizenship. Where the immigrant is "charged", means that person is counted towards a given country's numerical limit. For example, an immigrant born in Ethiopia is "charged" to Ethiopia, and therefore counted towards reaching the numerical limit for that country. The person would be "charged" to Ethiopia, even if the immigrant born in Ethiopia was born of Yemeni parents and has a passport from Yemen.

Although immigrants are normally "charged" to their country of birth, and immigrant is sometimes able to claim another for the sake of immigration. You would do this if it helps the immigrant in reaching the "cut-off date" date faster. For example, suppose you were born in India, but your spouse was born in Sudan. The "cut-off date" for a person born in India is earlier in family fourth preference immigration category than the "cut-off date" for a person born in Sudan. We can "charge" you to Sudan, rather than India, and you can use the more favorable cut-off date for Sudan. Therefore, you would be able to immigrate years earlier with chargeability to Sudan than chargeability to India.

Child: Unmarried child under the age of 21 years. A child may be natural born, step or adopted. If the child is a stepchild, the marriage between the parent and the American citizen must have occurred when the child was under the age of 18. If the child is adopted, he/she must have been adopted with a full and final adoption when the child was under the age of 16, and the child must have lived with and been in the legal custody of the parent for at least two years. An orphan may qualify as a child if he/she has been adopted abroad by an American citizen or if the American citizen parent has filed an immediate-relative (IR) visa petition for him/her to go to the United States for adoption by the American citizen.

In certain visa cases a child continues to be classified as a child after he/she becomes 21, if the petition was filed for him/her when he/she was still under 21 years of age. For example, an IR-2 child of an American citizen remains a child after the age of 21 if a petition was filed for him/her on or after August 6, 2002, when he/she was still under 21 years old. The child must meet other requirements of a child as listed above.

Cohabit: To live together without a legal marriage ceremony.

Common-law marriage: An agreement between a man and woman to enter into marriage without a civil or religious ceremony. It may not be recognized as a marriage for immigration purposes.

Conditional residence visa: If you have been married for less than two years when your husband or wife (spouse) gets lawful permanent resident status (gets a green card), then your spouse gets residence on a conditional basis. After two years you and your spouse must apply together to the Department of Homeland Security to remove the condition to the residence.

The investor visa (EB5 or T5/C5) is also a conditional residence. It requires an application procedure after two years to remove the condition on the permanent residence.

Current/non-current: There are numerical limits on the number of immigrant visas that can be granted to aliens from any one foreign country. The limit is based on place of birth, not citizenship. Because of the numerical limits, this

means there is a waiting time before the immigrant visa can be granted. The terms current/non-current refer to the priority date of a petition in preference immigrant visa cases in relationship to the immigrant cut-off date. If your priority date is before than the cut-off date according to the monthly Visa Bulletin, your case is current. This means your immigrant visa case can now be processed. However, if your priority date is later/comes after the cut-off date, you will need to wait longer, until your priority date is reached (becomes current). To find out whether a preference case is current, call telephone (202) 663 1541.

Immediate relative immigrant visa cases do not have country numerical limits, with waiting times as a result of the country limits. The terms priority date, cut-off date and current/non-current does not apply for immediate relative cases.

Cut-off Date: The date that determines whether a preference immigrant visa applicant can be scheduled for an immigrant visa interview in any given month. The cut-off date is the priority date of the first applicant who could not get a visa interview for a given month. Applicants with a priority date earlier than the cut-off date can be scheduled. However, if your priority date is on or later than the cut-off date, you will need to wait longer, until your priority date is reached (becomes current). To find out whether a preference case is current, call telephone (202) 663-1541.

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Denomination/Sect: A religious group or community.

Department of Homeland Security (DHS): DHS is comprised of three main organizations responsible for immigration policies, procedures, implementation and enforcement of U.S. laws, and more. These DHS organizations include United States Citizenship and Immigration Service (USCIS), Customs and Border Protection (CBP), and Immigration and Customs Enforcement (ICE). Together they provide the basic governmental framework for regulating the flow of visitors, workers and immigrants to the United States. USCIS is responsible for the approval of all immigrant and nonimmigrant petitions, the authorization of permission to work in the U.S., the issuance of extensions of stay, change or adjustment of an applicant's status while the applicant is in the U.S, and more. CBP is responsible for admission of all travelers seeking entry into the U.S., and determining the length of authorized stay, if the traveler is admitted. Once in the United States the traveler falls under the jurisdiction of DHS.

Department of Labor: A cabinet level unit/ministry of United States Government that has responsibility for labor issues. It has responsibility for deciding whether certain foreign workers can work in the United States.

Derivative Status: Getting a status (visa) through another applicant, as provided under immigration law for certain visa categories. For example, the spouse and children of an exchange visitor (J Visa holder), would be granted derivative status as a J-2 Visa holder. Derivative status is only possible if the principal applicant is issued a visa.

Diversity Visa Program: The Department of State has an annual lottery for immigration to the United States. Up to 55,000 immigrants can enter the United States each year from countries with low rates of immigration to the United States.

Documentarily Qualified: Refers to an immigrant visa applicant who has: 1) returned Form DS 2001 (from the Instruction Package) to visa-issuing post (or in some cases, to the National Visa Center), OR 2) informed post in another way that he/she has all the documents for his/her immigrant visa application, and the post has completed its clearance procedures.

DOL: Department of Labor. Hiring foreign workers for employment in the U.S. normally requires approval from several government agencies. First, employers must seek labor certification through the US Department of Labor (DOL). Once the application is certified (approved), the employer must petition the U.S. Citizenship and Immigration Services (USCIS) for approval of the petition before applying for a visa.

Domicile: Place where a person has his or her principal residence. The person must intend to keep that residence for the foreseeable future. The sponsor of an immigrant must have domicile in the United States before the visa can be issued. This generally means that the sponsor must be living in the United States. In certain circumstances, however one can be considered to have a domicile while living temporarily living overseas.

Duration of Status: In certain visa categories such as diplomats, students and exchange visitors, the alien may be admitted into the U.S. for as long as the person is still doing the activity for which the visa was issued, rather than being admitted until a specific departure dates. This is called admission for "duration of status". For students, the time during which a student is in a full course of study plus any authorized practical training, and following that, authorized time to depart the country, is duration of status. The length of time depends upon the course of study. For an undergraduate degree this is commonly four years (eight semesters). Normally the immigration officer gives a student permission to stay in the U.S. for "duration of status." Duration of Status (or D/S) is recorded on Form I-94, Arrival-Departure Record. The Department of Homeland Security U.S immigration inspector at port-of-entry gives foreign visitors (all non-U.S citizens) an Arrival-Departure Record, (a small white card) when they enter the United States. Recorded on this card is the visa classification and the authorized period of stay in the U.S. This is either recorded as a date or the entry or D/S, meaning duration of status. The I-94 is a very important card to make sure you keep, because it shows the length of time you are permitted and authorized by the Department of Homeland Security to stay in the U.S.

DV: See **Diversity Visa**.

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Exchange Visitor: A foreign citizen coming to the United States to participate in a particular program in education, training, research, or other authorized exchange visitor program.

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Family First Preference: A category of family immigration (F1) for unmarried sons and daughters of American citizens, and their children.

Family Second Preference: A category of family immigration (F2) for spouses, children and unmarried sons and daughters of lawful permanent residents.

Family Third Preference: A category of family immigration (F3) for married sons and daughters of American citizens and their spouses and children. Before 1992 this was known as fourth preference (P-4).

Family Fourth Preference: A category of family immigration (F4) for brothers and sisters of American citizens and their spouses and children. The American citizen must be 21 years of age or older before he/she can file the petition. Before 1992 this was known as fifth preference (P-5).

Federal Poverty Guidelines: See Poverty Guidelines. The Department of Health and Human Services publishes a list every year giving the lowest income acceptable for a family of a particular size so that the family does not live in poverty. Consular officers use these figures in immigrant visa cases to determine whether a sponsor's income is sufficient to support a new immigrant, in accordance with U.S. immigration laws.

Fiancé(e): A person who plans or is contracted to marry another person. The foreign fiancé(e) of an American citizen may enter the United States on a K-1 visa to marry the American citizen.

First Preference: A category of family immigration (F1) for unmarried sons and daughters of American citizens and their children.

Fiscal Year: The budget year for the United States Government. It begins on October 1 and ends on September 30 of the following year.

Following to Join: A type of derivative visa status when the family member gets a visa after the principal applicant.

Foreign Affairs Manual (9 FAM): Foreign Affairs Manual Chapter 41 relates to nonimmigrant visas. Chapter 42 covers immigrant visas. 9 FAM Chapter 40 relates to visa ineligibilities and waivers.

Fourth Preference: A category of family immigration (F4) for brothers and sisters of American citizens and their spouses and children. The American citizen must be 21 years of age or older before he/she can file a petition. Before 1992 this was known as fifth preference (P-5).

Full and Final Adoption: A legal adoption in which the child receives all the rights of a natural born, legitimate child.

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Green card: A wallet-sized card showing that the person is a lawful permanent resident (immigrant) in the United States. It is also known as a permanent resident card (PRC), an alien registration receipt card and I-551. It was formerly green in color.

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Homeless: Persons from countries that do not have an American Embassy or Consulate where they can apply for immigrant visas are “homeless.” For example, the United States Government does not have an embassy in Iran. Residents of Iran are “homeless” for visa purposes.

Household income: The income used to determine whether a sponsor meets the minimum income requirements under Section 213A of the Immigration and Nationality Act (INA) for some immigrant visa cases.

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I-551 (Green Card): Permanent residence card or alien registration receipt card or "green card." See Lawful Permanent Resident.

Immediate Relative: Spouse, widow(er) and unmarried children under the age of 21 of an American citizen. A parent is an immediate relative if the American citizen is 21 years of age or older. There are no numerical limits to immigration of immediate relatives.

Immigrant visa: A visa for a person who plans to live indefinitely and permanently in the United States.

Immigration and Nationality Act (INA): American immigration law. The Immigration and Nationality Act, or INA, was created in 1952, Public Law No. 82-414. The INA has been amended many times over the years, but is still the basic body of immigration law. See INA for additional information.

Immigration and Naturalization Service (INS): A branch of the Department of Justice that formerly existed and had responsibility for immigration and naturalization. INS was renamed and became part of Department of Homeland Security (DHS) on March 1, 2003.

INA: See **Immigration and Nationality Act**.

Ineligible/Ineligibility: Immigration law says that certain conditions and actions prevent a person from entering the United States. These conditions and activities are called ineligibilities, and the applicant is ineligible for (cannot get) a visa. Examples are selling drugs, active tuberculosis, being a terrorist, and using fraud to get a visa.

In status: It's important to understand the concept of immigration status and the consequences of violating that status. Being aware of the requirements and possible consequences will make it more likely that you can avoid problems with maintaining your status. Every visa is issued for a particular purpose and for a specific class of visitor. Each visa classification has a set of requirements that the visa holder must follow and maintain. Those who follow the requirements maintain their status and ensure their ability to remain in the United States. Those who do not follow the requirements violate their status and are considered “out of status.” For more information see “Out of Status” below. In Status means you are in compliance with the requirements of your visa type under immigration law. For example, you are a foreign student who entered the United States on a student visa. If you are a full time student and pursuing your course of study, and are not

engaged in unauthorized employment, you are "in status." If you work full time in your uncle's convenience store and do not study, you are "out of status."

IV: Immigrant Visa.

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Joint Sponsor: A person who accepts legal responsibility for supporting an immigrant with an I-864 Affidavit of Support along with the sponsor. The joint sponsor must be at least 18 years of age, an American citizen or lawful permanent resident and have a domicile in the United States. The joint sponsor and his/her household must have the 125 percent income requirement by itself for the immigrant that he/she sponsors.

Jurisdiction: Authority to apply the law in a given territory or region. For example, the INS district office in the area where a person lives has jurisdiction or authority to decide on a fiancé(e) petition.

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Kentucky Consular Center (KCC): A U.S. Department of State facility located in Williamsburg, Kentucky. It gives domestic (U.S.) support to the worldwide operations of the Bureau of Consular Affairs Visa Office. It manages the Diversity Visa (DV) Program.

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Labor Certification: The initial stage of the process by which certain foreign workers get permission to work in the United States. The employer is responsible for getting the labor certification from the Department of Labor. In general the process works to make sure that the work of foreign workers in the U.S. will not adversely affect job opportunities, wages and working conditions of U.S. workers.

Labor Condition Application (LCA): A request to the Department of Labor for a foreign worker to work in the United States.

Lawful Permanent Resident (LPR): A person who has immigrated legally but is not an American citizen. This person has been admitted to the U.S. as an immigrant and has a Permanent Resident Card, Form I-551 also known as *green card*. It is a wallet-sized card showing that the person is a lawful permanent resident (immigrant) in the United States. This person is also called a legal permanent resident, a green card holder, a permanent resident alien, a legal permanent resident alien (LPRA) and resident alien permit holder.

Lawful Permanent Resident Alien (LPRA): Lawful permanent resident.

Lay Worker: A person who works in a religious organization but is not a member of the formal clergy.

LEA: See local educational agency.

Legitimation: The legal process that a natural father can use to acknowledge legally his children who were born out of wedlock (outside of marriage). A legitimated child can be a "child" under immigration law under these conditions:

the legitimation took place according to the law of the child's residence or the father's residence;

the father proved (established) that he is the child's natural father;

the child was under the age of 18; and

the child was in the legal custody of the father who legitimated the child when the legal process of legitimation took place.

LIFE Act: Legal Immigration Family Equity (LIFE) Act and amendments. This act of Congress allows foreign spouses of American citizens, the children of those foreign spouses, and spouses and children of certain lawful permanent residents (LPR) to come to the United States to complete the processing for their permanent residence. This Act became effective on December 21, 2000.

Local Educational Agency: School or school district. Also called LEA. This term is used for deciding tuition charges for secondary school students in F-1 visa status.

Lose status: To stay in the United States longer than the period of time which Department of Homeland Security (DHS) gave to a person when he/she entered the United States, or to fail to meet the requirements or violate the terms of the visa classification. The person becomes "out of status."

For example, you entered the U.S. on a student visa to study at a university. You work at your uncle's convenience store without authorization, and do not study. You have lost status. You are out of status.

Lottery: See **diversity visa program**.

LPR or LPRA: See **lawful permanent resident (LPR)**.

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Machine Readable Passport (MRP): A passport that has biographic information entered on the data page according to international specifications. A machine-readable passport is required to travel with a visa on the Visa Waiver Program. See the **Visa Waiver Program (VWP)** to learn more about the requirements.

Machine Readable Visa (MRV): A visa that contains biometric information about the passport holder. A visa that immigration officers read with special machines when the applicants enter the United States. It gives biographic information about the passport holder and tells the Department of Homeland Security (DHS) information on the type of visa. It is also called MRV.

Maintain status: To follow the requirements of the visa status and comply with any limitations on duration of stay.

Means-tested Public Benefits: Assistance from a government unit. Benefits include food stamps, Medicaid, Supplemental Security Income (SSI), Temporary Assistance for Needy Families (TANF), and State Child Health Insurance Program (CHIP).

Missionary Work: Work performed for a religious organization to spread the faith (religion) and advance the principles and doctrines of the religion. Such work may include religious instruction, help for the elderly and needy and proselytizing.

MRV: See **Machine Readable Visa**.

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NAFTA: North American Free-Trade Agreement.

National Interest Waiver: This is for physicians and doctors who work in an area without adequate health care workers or who work in Veterans Affairs' facilities. These physicians and doctors can file immigrant visa petitions for themselves without first applying for a labor certification.

National Visa Center (NVC): A Department of State facility located in Portsmouth, New Hampshire. It supports the worldwide operations of the Bureau of Consular Affairs Visa Office. The NVC processes immigrant visa petitions from the Department of Homeland Security (DHS) for people who will apply for their immigrant visas at embassies and consulates abroad. It also collects fees associated with immigrant visa processing.

Native: A person born in a particular country is a native of that country.

Naturalization: A citizen who acquires nationality of a country after birth. That is, the person did not become a citizen by birth, but by a legal procedure.

Nonimmigrant Visa (NIV): A U.S. visa allows the bearer, a foreign citizen, to apply to enter the United States temporarily for a specific purpose. Nonimmigrant visas are primarily classified according to the principal purpose of travel. With few exceptions, while in the U.S., nonimmigrants are restricted to the activity or reason for which their visa was issued. Examples of persons who may receive nonimmigrant visas are tourists, student, diplomats and temporary workers.

Notice of Action: A Department of Homeland Security, United States Citizenship and Immigration Services (USCIS) immigration form, Notice of Action, Form I-797 that says that USCIS has received a petition you submitted, taken action, approved a petition or denied a petition.

NVC: See **National Visa Center**.

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Orphan: A child who has no parents because of death, disappearance, desertion or abandonment of the parents. A child may also be considered an orphan if the child has an unwed mother, or a single living parent who cannot care for the child and has released him/her irrevocably (permanently) for adoption and emigration. Adoptive parents must make sure that a child meets the legal definition of an "orphan" before adopting a child from another country.

Orphan Petition: Form I-600

Out of status: A U.S. visa allows the bearer to apply for entry to the U.S. in a certain classification, for a specific purpose. For example, student (F), visitor (B), temporary worker (H). Every visa is issued for a particular purpose and for a specific class of visitor. Each visa classification has a set of requirements that the visa holder must follow and maintain. When you arrive in the U.S., a Department of Homeland Security (DHS) Customs and Border Protection (CBP) inspector determines whether you will be admitted, length of stay and conditions of stay in, the U.S. When admitted you are given a Form I-94 (Arrival/Departure Record),

which tells you when you must leave the U.S. The date granted on the I-94 card at the airport governs how long you may stay in the U.S. If you do not follow the requirements, you stay longer than that date, or you engage in activities not permitted for your particular type of visa, you violate your status and are considered be "out of status". It is important to understand the concept of immigration status and the consequences of violating that status. Failure to maintain status can result in arrest, and violators may be required to leave the U.S. Violation of status also can affect the prospect of readmission to the U.S. for a period of time, by making you ineligible for a visa. Most people who violate the terms of their status are barred from lawfully returning to the United States for years.

Overstay: An "Overstay" occurs when a visitor stays longer than permitted as shown on his/her Arrival/Departure (I-94) card. A violation of the CBP defined length of admission may make you ineligible for a visa in the future. See Out of status.

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Panel Physician: Embassies and consulates which issue immigrant visas have selected certain doctors to do the medical examinations for immigrant visa applicants.

Physical Presence: The place where a person is actually, physically located.

Polygamy: Having more than one husband or wife at the same time. Polygamy is illegal under American law.

Port of Entry: Place (often an airport) where a person requests admission to the U.S. by the Department of Homeland Security, Customs and Border Protection officer.

Post: American Embassy, consulate or other diplomatic mission abroad. Not all American embassies, consulates and missions are visa-issuing posts.

Poverty Guidelines: The Department of Health and Human Services publishes a list every year giving the lowest income acceptable for a family of a particular size so that the family does not live in poverty. Consular officers use these figures in immigrant visa cases to determine whether a sponsor's income is sufficient to support a new immigrant, in accordance with U.S. immigration laws.

Preference Immigration: A system for determining which and when people can immigrate to the United States within the limits of immigration set by Congress. In family immigration preference is based on the status of the petitioner (American citizen or lawful permanent resident) and his/her relationship to the applicant. In employment immigration it is based on the qualifications of the applicant and labor needs in the United States.

Principal Applicant: The person named in the petition. For example, an American citizen may file a petition for his married daughter to immigrate to the United States. His daughter will be the principal applicant, and her family members will get visas from her position. They will get derivative status. Or a company may file a petition for a worker. The worker is the principal applicant. Family members get derivative status.

Priority Date: The priority date decides a person's turn to apply for an immigrant visa. In family immigration the priority date is the date when the petition was filed at a Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services office or submitted to an Embassy or Consulate abroad. In employment immigration the priority date may be the date the labor certification application was received by the Department of Labor (DOL).

Public Charge: Refers to becoming dependent upon the government for the expenses of living (food, shelter, clothing, etc.). Following U.S. immigration law, an applicant is ineligible for a visa if he/she will be a public charge.

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Qualifying date: The date that the Visa Office of the Department of State uses the qualifying date to determine when to send the Instruction Package to an immigrant visa applicant. The Instruction Package tells the applicant what documents need to be prepared for the immigrant visa application.

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Rank Order Number: The number that Kentucky Consular Center gives to the entries of DV Program (lottery) as the computer selects them. The first entries chosen have the lowest numbers. The Visa Office of the Department of State gives winning entries a chance to apply for immigration according to their rank order number for their region.

Receipt Notice: A Department of Homeland Security (DHS), U.S. Citizenship and Immigration Service (USCIS) form Notice of Action, I-797, which says that the DHS has received a petition.

Re-entry Permit: A travel document that the Department of Homeland Security (DHS) U.S. Citizenship and Immigration Services issues to lawful permanent residents (LPRs) who want to stay outside of the U.S. for more than one year and less than two years. LPRs who cannot get a passport from their country of nationality can also apply for a re-entry permit. You can put visas for foreign countries in a re-entry permit.

Refugee: A person who has a well-founded fear of persecution if he/she should return to his/her home country. He/she applies to come to the United States in another country and enters the United States as a refugee.

Retrogression: Sometimes a case that is current one month will not be current the next month. This occurs when the annual numerical limit has been reached. This usually happens near the end of a fiscal year (October 1 to September 30 of the next year). When the new fiscal year begins, the Visa Office gets a new supply of visa numbers and usually brings back the cut-off dates to where they were before retrogression.

Returning Residents: Lawful permanent residents who want to return to the United States after staying abroad more than one year or beyond the expiration of their re-entry permits.

Revalidation or Renewal of a Visa: Nonimmigrant visa applicants who currently have a visa, and are seeking renewal or revalidation of their visa for future travel to the U.S. must apply abroad, generally in their country of residence. The exception is renewal or revalidations of A, G, and NATO diplomatic and official visas (except A-3, G-5 and NATO-7), which continue to be processed in Washington and at the U.S. Mission to the United Nations in New York.

Revocation of a Visa: Cancellation of a visa. The visa is no longer good (valid) for travel to the United States.

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SAW: See **Special Agricultural Worker**.

Schedule "A" Occupations: The Department of Labor (DOL) has given the DHS, U.S. Citizenship and Immigration Services authority to approve labor certifications for these occupations. These occupations are physical therapists, professional nurses and people of exceptional ability in the sciences or arts.

Second Preference: A category of family immigration (F2) for spouses, children and unmarried sons and daughters of lawful permanent residents.

Section 213A: A section of the Immigration and Nationality Act (INA) which establishes that sponsors have a legal duty to support immigrants they want to bring (sponsor) to the United States. They must complete Form I-864 Affidavit of Support.

Sibling: Brother or sister.

Son/daughter: In immigration law a child becomes a son or daughter when he/she turns 21 or marries. A son or daughter must have once met the definition of a child in immigration law.

Special Agricultural Worker: Farm workers in perishable products who worked for a specified period of time and were able to adjust status to lawful permanent resident according to the Immigration Reform and Control Act of 1986.

Special Immigrant: A special category of immigrant visas for persons who lost their citizenship by marriage; persons who lost citizenship by serving in foreign armed forces; certain foreign medical school graduates; Panama Canal immigrants; and certain others.

Sponsor: 1) A person who fills out and submits an immigration visa petition. Another name for sponsor is petitioner, OR 2) a person who completes an affidavit of support (I-864) for an immigrant visa applicant.

Sponsored Immigrant: An immigrant who has had an affidavit of support filed for him/her.

Spouse: Legally married husband or wife. A co-habiting partner does not qualify as a spouse for immigration purposes. A common-law husband or wife may or may not qualify as a spouse for immigration purposes, depending on the laws of the country where the relationship occurs.

State Workforce Agency: The agency or bureau in each State that deals with employment and labor issues. For the address of the <http://www.foreignlaborcert.doleta.gov/> **State Workforce Agency** in each State go to the U.S. Department of Labor, Foreign Labor Certification site.

Stepchild: A spouse's child from a previous marriage or other relationship. In order for a stepchild to be able to immigrate as a "child," the marriage creating the stepchild/stepparent relationship must have happened before the stepchild was 18 years of age.

Surviving Parent: A child's living parent when the child's other parent is dead, and the living parent has not remarried.

SWA: See **State Workforce Agency**.

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Tax-exempt: A condition of the law in which an organization or people in some kinds of work do not have to pay taxes that regular citizens or businesses must pay. Religious organizations are often tax-exempt.

Temporary Worker: A foreign worker who will work in the United States for a limited period of time. Some visas classes for temporary workers are H, L, O, P, Q and R. If you are seeking to come to the U.S. for employment as a temporary worker in the U.S. (H, L, O, P, and Q visas), your prospective employer must file a petition with the Department of Homeland Security (DHS), USCIS. This petition must be approved by USCIS before you can apply for a visa.

Termination of a Case: If the applicant fails to reply to the inquiry correspondence sent by their embassy or consulate, termination of their visa application will begin. The embassy or consulate will first send a Follow-up Letter and Instruction Package to the applicant. If the applicant does not answer within one year, a termination letter is sent. At this point the applicant has one more year to activate the immigrant visa case. If there is no answer in one year, the case is terminated. You can stop termination of a case by notifying the embassy or consulate before the prescribed time period has lapsed, that the applicant does not want the case to be closed (terminated).

Third Country National: Someone who is not an American and not a citizen of the country in which you are applying for a visa. Suppose you are a Kenyan visiting Mexico. If you apply for a visa to visit the United States while you are in Mexico, we will consider you a third country national.

Third Preference: A category of family immigration (F3) for married sons and daughters of American citizens and their spouses and children. Before 1992 this was known as fourth preference (P-4).

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Upgrade a petition: If you naturalize (become an American citizen) you may ask the U.S. Citizenship and Immigration Services to change the petitions you filed for family members when you were a lawful permanent resident (LPR) from one category to another. This is called upgrading. For example, a petition for a spouse will be changed/upgraded from F2 to IR1. That is, the petition changes from a preference category with numerical limits to an immediate relative category without numerical limits. The applicant no longer has to wait for her/his priority date to be reached.

Upgrading a petition sometimes has consequences. A preference petition for a spouse permits derivative status for children. An immediate relative petition does not. You, the petitioner, would need to file separate petitions for each of your children.

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Visa: A citizen of a foreign country, wishing to enter the U.S., generally must first obtain a visa, either a nonimmigrant visa for temporary stay, or an immigrant visa for permanent residence. Visa applicants will need to apply overseas, at the U.S. Embassy or Consulate, generally in their country of permanent residence. The type of visa you must have is defined by immigration law, and relates to the purpose of your travel. A visa allows a foreign citizen to travel to the United States port-of entry, and request permission of the U.S. immigration inspector to enter the U.S. Issuance of a visa does not guarantee entry to the United States. The CBP Officer at the port-of-entry determines whether you can be admitted and decides how long you can stay for any particular visit.

Visa Expiration Date: The visa expiration date is shown on the visa. This means the visa is valid, or can be used from the date it is issued until the date it expires, for travel for the same purpose, when the visa is issued for multiple entries. This time period from the visa issuance date to visa expiration date as shown on the visa, is called visa validity. If you travel frequently as a tourist for example, with a multiple entry visa, you do not have to apply for a new visa each time you want to travel to the U.S. As an example of travel for the same purpose, if you have a visitor visa, it cannot be used to enter at a later time to study in the U.S. The visa validity is the length of time you are permitted to travel to a port-of-entry in the United States to request permission of the U.S. immigration inspector to permit you to enter the U.S. The visa does not guarantee entry to the U.S. The Expiration Date for the visa should not be confused with the authorized length of your stay in the U.S., given to you by the U.S. immigration inspector at port-of-entry, on the Arrival-Departure Record, Form I-94, or I-94W for the Visa Waiver Program. The visa expiration date has nothing to do with the authorized length of your stay in the U.S. for any given visit.

There are circumstances that can serve to void or cancel the period of time your visa is valid. If you overstay the end date of your authorized stay, as provided by the Department of Homeland Security's U.S. immigration officer at port of entry, or United States Citizenship and Immigration Services (USCIS), then this action on your part generally will automatically void or cancel your visa. However, if you have filed an application in a timely manner for extension of stay or a change of status, and that application is pending and not frivolous, and if you did not engage in unauthorized employment, then this normally does not automatically cancel your visa. If you have applied for adjustment of status to become a permanent resident alien ("green card" holder), you should contact USCIS regarding obtaining Advance Parole before leaving the U.S.

Visa Numbers: Congress establishes the amount of immigration each year. Immigration for immediate relatives is unlimited; however, preference categories

are limited. To distribute the visas fairly among all categories of immigration, the Visa Office in the Department of State distributes the visas by providing visa numbers according to preference and priority date.

Visa Validity: This generally means the visa is valid, or can be used from the date it is issued until the date it expires, for travel for the same purpose for visas, when the visa is issued for multiple entries. The visa expiration date is shown on the visa. Depending on the alien's nationality, visas can be issued for any number of entries, from as little as one entry to as many as multiple (unlimited) entries, for the same purpose of travel. If you travel frequently as a tourist for example, with a multiple entry visa, you do not have to apply for a new visa each time you want to travel to the U.S. As an example of travel for the same purpose, if you have a visitor visa, it cannot be used to enter at a later time to study in the U.S. The visa validity is the length of time you are permitted to travel to a port-of-entry in the United States to request permission of the U.S. immigration inspector to permit you to enter the U.S. The visa does not guarantee entry to the U.S. The Expiration Date for the visa should not be confused with the authorized length of your stay in the U.S., given to you by the U.S. immigration inspector at port-of-entry, on the Arrival-Departure Record, Form I-94, or I-94W for the Visa Waiver Program. The visa expiration date has nothing to do with the authorized length of your stay in the U.S. for any given visit.

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Visa Waiver Program (VWP): Citizens of participating countries meeting the Visa Waiver Program requirements to may be allowed to enter the United States as visitors for pleasure or business without first getting a visa. Visitors can stay only 90 days and cannot extend their stay.

Voluntary Service Program: An organized project that a religious or nonprofit charitable organization does to provide help to the poor or needy or to further a religious or charitable cause. Participants may be eligible for B visas.

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Waiver of Ineligibility: In immigration law certain foreign nationals are ineligible for visas to enter the United States for medical, criminal, security or other conditions and activities. Some applicants for visas are able to apply for permission to enter the United States despite the ineligibility. The applicant must apply for permission to enter the United States (waiver).

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