

I. KINDS OF IMMIGRATION STATUS

A. U.S. Citizen - cannot be deported/removed

1. Birth in the U.S., U.S. protectorate (Guam, Puerto Rico)
2. Foreign birth to U.S. citizen parent(s) - additional requirements
3. Naturalization

B. NON-Citizen - Always potentially subject to removal under immigration law, status biggest factor in determining which law applies. Some examples of non-citizens are:

1. Lawful Permanent Resident - LPR

- May petition to become LPR if “sponsored” by USC or LPR spouse or employer, after refugee/asylee, or through cancellation of removal in Immigration court
- Entitled to live, work indefinitely in U.S., apply for naturalization after 3/5yrs.

2. Refugee/Asylee

- Admitted to U.S. due to persecution
- Can live and work legally in U.S.
- Can apply for LPR status after a year of admission

3. Non-immigrant Visa holder

- Temporary visa for specific purposes (study, investment, travel etc).

4. Deferred Action Status (DAS)

- Person is not “admitted”, does not have permanent lawful status, recognized as not being a priority for removal, DAS can function as protection against removal
- Based on deferred action, non-citizen can request work authorization
- Approved VAWA self-petitioners, U Visa applicants for interim relief get DAS

5. Undocumented Non-citizens

- Persons who enter U.S. without permission/visa
- Persons who are admitted with visa, but who overstay or violate terms of visa
- Undocumented non-citizen is not necessarily prohibited from becoming LPR

II. FEDERAL IMMIGRATION AGENCIES

A. Department of Homeland Security

1. USCIS - U.S. Citizenship and Immigration Services

- Adjudicates applications for immigration status

2. ICE - U.S. Immigration & Customs Enforcement

- Enforcement of immigration laws (internally, vs. border enforcement)
- Initiates removal proceedings, issues administrative orders of removal
- Oversees detention of non-citizens during removal proceedings
- Effectuates removal/deportation orders

3. CBP - U.S. Customs and Border Protection

- Enforcement of immigration law at ports of entry and border area

B. Department of Justice

1. EOIR - Executive Office of Immigration Review

- Immigration Court where removal proceedings etc. conducted

2. BIA - Board of Immigration Appeals

- Reviews decisions of Immigration Courts

3. OIL - Office of Immigration Litigation

- Represents government in federal district and circuit court immigration litigation