

THE ABC'S OF U.S. IMMIGRATION

Who Is an Immigrant?

According to U.S. law, an immigrant is a foreign-born individual who has been admitted to reside permanently in the United States as a Lawful Permanent Resident (LPR).

How Do Immigrants Get Admitted to Permanently Reside Here?

Typically, a foreign-born individual seeking to become an LPR can do so in one of three ways:

- Through **family-sponsored immigration**, a U.S. citizen can sponsor his or her foreign-born spouse, parent (if the sponsor is over the age of 21), minor and adult married and unmarried children, and brothers and sisters. A Lawful Permanent Resident can sponsor his or her spouse, minor children, and adult unmarried children.
- Through **employment-based immigration**, a U.S. employer can sponsor an individual for a specific position where there is a demonstrated absence of U.S. workers.
- By winning one of a limited number of immigrant visas available in the annual **diversity visa lottery** that is open to immigrants from certain countries.

Who Is a Refugee?

A refugee is a person *outside* of the United States who seeks protection on the grounds that he or she fears persecution in his or her homeland. To obtain refugee status, a person must prove that he or she has a "well-founded fear of persecution" on the basis of at least one of five specifically-enumerated and internationally-recognized grounds. Those grounds include the person's *race, religion, membership in a social group, political opinion, or national origin*.

A person who has *already entered* the United States, and who fears persecution if sent back to his or her country, may apply for asylum here. Once granted **asylum**, the person is called an "**asylee**." Like a refugee, an asylum applicant must also prove that he or she has a "well-founded fear of persecution" based on the same enumerated grounds. Both refugees and asylees may apply to become LPRs after one year.

Who Is an Undocumented Immigrant?

An undocumented immigrant is a person who is present in the United States without the permission of the U.S. government. Undocumented immigrants enter the U.S. either illegally, without being inspected by an immigration officer, or by using false documents, or legally, with a temporary visa, and then remain in the U.S. beyond the expiration date of the visa.

Who Is a Non-immigrant?

A non-immigrant is an individual who is permitted to enter the U.S. for a period of limited duration. Non-immigrants include: students, tourists, temporary workers, business executives, diplomats, artists and entertainers, and reporters. Depending on where they are from and the purpose of their visit, non-immigrants may be required to apply for and obtain a visa from the U.S. government. The application process entails an interview with a U.S. consular official in the nearest U.S. consulate, who has the sole authority to grant or deny a visa. Even if granted, the visa is merely a travel document. All non-

immigrants—regardless of whether they have a U.S. visa—must also pass immigration inspection upon arrival in the U.S.

Who Is a Naturalized Citizen?

Lawful Permanent Residents are eligible to apply for U.S. citizenship through a process called **naturalization**. To qualify for naturalization, applicants generally must reside in the U.S. for five years (three if they are married to a U.S. citizen) without having committed any serious crimes, show that they have paid their taxes and are of "good moral character," and demonstrate a knowledge of U.S. history and government as well as an ability to understand, speak, and write ordinary English.