

IMMIGRATION BASICS¹



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).

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 unlawfully, without being inspected by an immigration officer, or by using false documents, or lawfully, with a temporary visa, and then remain in the U.S. beyond the expiration date of the visa.

Non-immigrant Visas

“Non-immigrants” are tourists, students, and other persons who come temporarily to the U.S. for pleasure, business, study, diplomacy, or other purposes. The vast majority of people coming to the U.S. temporarily do so for tourism or business. In reviewing an application for a temporary visa, U.S. immigration law requires consular officers to ensure that the applicant does not intend to stay permanently.

Visas for Students

A person is considered a student if he or she comes to the U.S. to enroll in coursework of 18 hours or more per week. To obtain a student visa (F-1), a person must first apply to a U.S. academic institution, be accepted, and receive an immigration form (I-20) from the school. The student must then apply for a visa at a U.S. Consulate in his or her home country.

Students with F-1 visas are usually allowed to remain in the U.S. for the duration of their studies. If there is any change in the student’s status — that is, if his or her coursework drops below the minimum requirement, or if the student changes his or her field of study, the school is required to report this information to the government.

Most U.S. colleges and universities have been approved by the government to enroll foreign students. With the requisite permission, other institutions—including vocational schools, junior colleges, public high schools, and language training schools—may also enroll foreign students.

Are Undocumented Immigrants Entitled to Any Federal Government Services?

While undocumented immigrants are ineligible for nearly all federal benefits, they are still eligible for certain very basic kinds of assistance, including: emergency Medicaid, immunizations, testing and treatment for the symptoms of communicable diseases, short-term non-cash disaster relief, school lunches and breakfasts, and certain other programs essential to public health and safety.

¹ The information in this section is taken from Justice for Immigrants [<http://www.justiceforimmigrants.org/immigration-basics.shtml>]