Immigration Status & Categories

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1) Big Picture: How U.S. Immigration Categories Fit Together

1.1 Three main "buckets"

- **U.S. Citizens** (USC)
- **Noncitizens**
  - **Lawful Permanent Residents (LPRs)** (green card holders)
  - **Nonimmigrants** (temporary visas/status)
  - **Other/temporary protections** (asylum, TPS, parole, etc.)
- **Undocumented / out of status** (no valid status or overstayed/violated terms)

1.2 Key concepts assistants must know

- **Status vs visa**
  - *Visa* = entry document (often in passport) to request admission
  - *Status* = legal classification after admission (or after change/adjustment)
- **Admission vs parole**
  - *Admitted* = lawful entry in a status
  - *Paroled* = allowed in temporarily without "admission" (still lawful presence while parole valid)
- **Duration of status (D/S)** vs fixed end date on I-94
- **Maintaining status** (complying with terms: work/school/employer/sponsor/location)

1.3 Common agencies and what they handle

- **USCIS**: benefits (petitions, green cards, EADs, naturalization)
- **CBP**: ports of entry, admissions, I-94, inspections
- **ICE**: enforcement/removal
- **EOIR (Immigration Court)**: removal cases, some relief (judge)
- **DOS**: visas at consulates + immigrant visa processing

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2) Core Immigration Status Types (Definitions + Practical ID)

2.1 U.S. Citizen (USC)

- How citizenship is obtained:
    - Birth in U.S. (with exceptions)
    - Derived/acquired through parents (varies)
    - Naturalization
- Typical proof: U.S. passport, birth certificate, naturalization certificate, certificate of citizenship

2.2 Lawful Permanent Resident (LPR)

- What it means: authorized to live and work permanently (with obligations)
- Proof: green card (Form I-551), I-551 stamp, immigrant visa packet stamp, some I-94 codes
- Key issues: abandonment, removability for crimes, long trips, conditional residence

2.3 Conditional Permanent Resident (CPR)

- Two common categories:
    - Marriage-based green card within 2 years at time of approval
    - EB-5 investors (less common for assistants)
- Proof: green card with 2-year expiration
- Major concept: **must remove conditions** (I-751 or I-829) within the correct window

2.4 Nonimmigrant (Temporary) Status

- People admitted for a specific purpose/time (study, work, tourism, etc.)
- Proof: **I-94 record** + passport/visa + status documents (I-20, DS-2019, approval notices)

2.5 Refugee / Asylee

- Protected status due to persecution fear (different entry paths)
- Proof: I-94 with refugee/asylee class, USCIS approval, EAD category, travel document
- Key: eligible for LPR after meeting requirements (timelines vary; don't advise—just know the pathway exists)

2.6 Parole (Humanitarian or other)

- Temporary permission to be in U.S. (not "admitted")
- Proof: I-94 showing parole, parole document
- Key: limited duration; often used for urgent humanitarian reasons or specific programs

2.7 Temporary Protected Status (TPS)

- Temporary protection for designated countries
- Proof: TPS approval notice + EAD category (often), sometimes I-94 depending on scenario
- Key: re-registration windows; travel authorization nuances

2.8 Deferred Action (e.g., DACA)

- Prosecutorial discretion: defers removal; can allow work authorization
- Proof: deferred action notice + EAD category
- Key: not a "status" but affects lawful presence and work authorization

2.9 Pending Applications (not a status by itself)

- Pending asylum, pending adjustment, pending extension/change
- Proof: receipt notices; sometimes EAD while pending
- Key: "pending" can or cannot grant authorized stay—case-specific

2.10 Out of Status / Unlawful Presence (overview)

- Overstay, status violation, entry without inspection, expiration
- Key concepts assistants must recognize:
    - status expiration vs visa expiration
    - unlawful presence triggers and consequences (don't advise—flag for attorney)

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3) Immigrant Categories (Paths to Permanent Residence)

3.1 Family-based immigration (high level)

- **Immediate relatives** (spouse/parent/child under 21 of U.S. citizen)
- **Family preference categories** (adult children/siblings; longer waits)
- Key concepts: visa availability, priority date, quotas

3.2 Employment-based immigration (overview)

- EB-1, EB-2, EB-3 (broad buckets)
- PERM labor certification concept (for many EB-2/EB-3 cases)
- Employer sponsorship vs self-petition (some categories)

3.3 Humanitarian-based permanent residence

- Refugee/asylee adjustment
- VAWA self-petitions (concept)
- Special Immigrant Juvenile Status (SIJS) (concept)
- U visa / T visa pathways (concept)

3.4 Diversity Visa (DV)

- Lottery-based immigrant visas (high-level)

3.5 Special immigrant categories (examples)

- Religious workers, certain international organization employees, etc. (overview only)

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4) Nonimmigrant Categories (Temporary Visas/Statuses)

For assistants, the goal is recognition: **purpose, key limits, typical documents, and common "status maintenance" tasks**.

4.1 Visitors

- **B-1/B-2**: business/pleasure; no unauthorized employment
- **Visa Waiver (ESTA/WT/WB)**: strict limits; limited extension/change options

4.2 Students and exchange visitors

- **F-1** (academic student) + **I-20**; D/S
- **M-1** (vocational) + I-20; often fixed
- **J-1** exchange + **DS-2019**; possible 2-year home residency requirement (flag)

4.3 Temporary workers (examples)

- **H-1B** specialty occupation (employer-specific; LCA concept)
- **H-2A/H-2B** seasonal/agriculture/non-ag
- **L-1** intracompany transferee
- **O-1** extraordinary ability
- **E-1/E-2** treaty trader/investor
- **TN** (Canada/Mexico professionals)
- **P** (athletes/entertainers), **R-1** (religious), etc.

4.4 Dependents

- Common dependent statuses: H-4, L-2, F-2, J-2, O-3, etc.
- Key concept: some dependents may have work authorization (varies—flag for attorney)

4.5 Transit/Crew

- **C**, **D** categories (overview)

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5) Documents That Prove Status (Assistant Must-Know)

5.1 The "status proof toolkit"

- **Passport** + **visa foil** (if any)
- **I-94** (most important for status/class and admit-until date)
- **Approval notice (I-797)** for extensions/changes
- **Green card (I-551)**
- **EAD card (I-766)** + category code
- **I-20 / DS-2019**
- **Travel documents**: advance parole, refugee travel document, reentry permit
- **Court documents** (EOIR): hearing notices, orders (for those in proceedings)

5.2 How to read an I-94 (practice focus)

- Class of admission (e.g., B2, F1, H1B)
- Admit until date or D/S
- I-94 number; entry date; port of entry

5.3 Work authorization vs status

- Some statuses authorize work incident to status (e.g., LPR, many nonimmigrant work categories)
- Others require an **EAD** (certain categories)
- Assistants should **collect documents** and **flag uncertainties**—not decide eligibility.

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6) Status Maintenance & Common Compliance Issues

6.1 Status maintenance principles

- Follow purpose of admission
- Don't work without authorization
- Keep address updated where required
- Follow school/employer reporting requirements (SEVIS for students)

6.2 Typical violations to spot and flag

- Overstay (I-94 expired)
- Unauthorized employment
- Dropping below full-time student load without authorization
- Working for a different employer (employer-specific statuses)
- Criminal charges (even without conviction—flag)
- Extended international travel impacting residence (LPR issues)

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7) Status Changes Inside the U.S. (High-Level Recognition)

7.1 Extension of stay (EOS)

- Same status, longer time (e.g., extend B-2, H-1B)
- Often requires filing before I-94 expires

7.2 Change of status (COS)

- Switch from one nonimmigrant status to another (e.g., F-1 → H-1B)
- Not always possible; timing matters

7.3 Adjustment of status (AOS)

- Noncitizen applies for LPR inside U.S.
- Common in family/employment/humanitarian pathways
- "Pending adjustment" and related EAD/AP documents (recognize)

7.4 Consular processing

- Immigrant visa processing abroad through DOS/consulate
- NVC steps (concept)

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8) Removal Proceedings Categories (Intro for Assistants)

8.1 If a person is in immigration court

- EOIR case number, hearing notices
- Judge schedules, deadlines, filing requirements (court-specific)
- Distinction: USCIS cases vs EOIR cases—different forms/processes

8.2 Common case posture terms

- NTA (Notice to Appear)
- Master Calendar vs Individual hearing
- Bond proceedings
- Orders: removal, voluntary departure, termination, administrative closure (varies)

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9) Intake Framework: Categorizing a Client Correctly

9.1 Intake "status snapshot" checklist

- Country of citizenship
- Date and manner of last entry (admitted/paroled/EWI)
- Current I-94 class and expiration / D/S
- Any prior immigration filings
- Work authorization docs (if any)
- Prior removals/NTAs or court dates
- Criminal history (collect facts; don't assess)
- Family relationships and key documents
- Address history and travel history (for LPR issues)

9.2 Red flags requiring immediate attorney review

- Expired I-94 / long overstay
- Prior removal order or missed court date
- Criminal arrest/charge/conviction
- Fraud/misrepresentation concerns
- Multiple entries/exits and inconsistent information
- Any request for "what should I do?" legal strategy questions

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10) Professional Boundaries (UPL Safety for Assistants)

10.1 What assistants can do

- Gather documents, complete drafts from client-provided facts
- Explain what forms ask for (not how to answer)
- Track deadlines, schedule biometrics/interviews
- Translate/organize supporting evidence (if qualified)
- Provide status updates from receipt numbers

10.2 What assistants must not do

- Recommend a category/strategy (e.g., "You should apply for asylum/TPS")
- Predict outcomes or give legal opinions
- Coach on answers that change facts
- Interpret complex inadmissibility/waivers

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11) Skills Labs and Assignments (Highly Practical)

1. **Status ID drill:** Given a packet (passport visa, I-94, I-797, EAD), identify:
   - current status, expiration/D/S, work authorization proof, next action to flag
2. **Category sorting:** Match 25 scenarios to "immigrant vs nonimmigrant vs humanitarian vs out of status"
3. **Document request checklist:** Build a tailored list for:
   - visitor overstay, F-1 student, H-1B worker, LPR with long travel
4. **Timeline creation:** last entry → filings → notices → deadlines
5. **Role-play intake:** practice asking neutral fact questions without giving advice

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12) Quick Study "Must Memorize" List

- Status vs visa vs I-94
- Admitted vs paroled vs EWI
- LPR vs conditional LPR
- D/S meaning (F/J often)
- Common nonimmigrant categories (B, F, J, H, L, O, E, TN)
- Proof documents for each category (I-94, I-20, DS-2019, I-551, EAD)
- Red flags requiring attorney review