

## Common Types of Immigration Status

<b>Lawful Status (permanent or long-term):</b> <ul style="list-style-type: none"> <li>▪ Lawful Permanent Resident (green card holder)</li> <li>▪ Refugee</li> <li>▪ Asylee</li> </ul>	<b>Non-immigrant Visas:</b>		<b>No Lawful Status (Undocumented):</b> <ul style="list-style-type: none"> <li>▪ Crossed the border without permission (EWI)</li> <li>▪ Overstayed a temporary non-immigrant visa</li> <li>▪ Had status but lost it</li> </ul>
	<ul style="list-style-type: none"> <li>▪ U visa</li> <li>▪ T visa</li> </ul>	<ul style="list-style-type: none"> <li>▪ Student visa</li> <li>▪ Tourist visa</li> <li>▪ Work</li> </ul>	
	<b>Deferred action / Quasi status:</b> <ul style="list-style-type: none"> <li>▪ DACA</li> <li>▪ TPS</li> <li>▪ Pending U application</li> <li>▪ Order of Supervision</li> </ul>		

**Citizen** – A citizen cannot be deported or removed unless there is proof of fraud in the original application. Anyone born in the U.S. is automatically a citizen, but a person may also be or become a citizen through having US citizen parents or going through the naturalization process.

**Lawful Permanent Resident** (green card holder) – a person with continuing permission to live and work in the U.S. This status can easily be lost if the person is convicted of crimes, even minor ones. An LPR with criminal convictions may be deported or denied re-entry into the U.S. An LPR can apply for citizenship after five years with LPR status.

**Refugee / Asylee** – a person who has been given permission to live and work in the United States due to fear of persecution in his/her home country. This status does not expire, but can be lost based on criminal convictions. After a year, a refugee or asylee can apply for LPR status.

**Non-immigrant visa holder** – a person who has *temporary* permission to be in the U.S. for a specific purpose. In most cases these visas cannot be used as a basis to apply for permanent status. These visas all expire after a given amount of time and can also be lost through non-compliance with the conditions. A few of these (U and T visas) can be used as a basis to apply for LPR status after a certain period of time

**Undocumented** – no current permission to live or work in the United States. An undocumented person is automatically deportable unless she or he qualifies for a defense to deportation. Criminal convictions can make undocumented people ineligible for deportation defenses or for future avenues to lawful status.

**Deferred Action for Childhood Arrivals (DACA)** – Temporary quasi-status that grants eligibility for a work permit and deferred action from deportation. DACA must be renewed every two years and is not a basis upon which to seek permanent status. The future of DACA is unclear.

**Temporary Protected Status (TPS)** – A temporary quasi-status that grants eligibility for a work permit and deferred action from deportation. TPS is only available to people from certain designated countries and will be terminated when circumstances in those countries improve. See [www.uscis.gov/humanitarian/temporary-protected-status](http://www.uscis.gov/humanitarian/temporary-protected-status). The future of TPS is unclear.

**Order of Supervision (OSup)** – When a final order of removal has been issued, but the person cannot be physically deported because the home country refuses to issue travel documents. The alien must report periodically to ICE and is subject to deportation whenever diplomatic relations change. Eligible for a work permit.