

PRESENTED AT

Fundamentals of Immigration and Nationality Law

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Fundamentals of Business Immigration

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FUNDAMENTALS OF BUSINESS IMMIGRATION

I. Intro to Immigration

A. Definitions

Alien: Foreign national. Someone who is not a citizen or national of the United States.

Beneficiary: Alien on whose behalf a U.S. citizen, lawful permanent resident, or employer has filed a petition for that alien to receive immigration benefits.

Form I-94: Admission Record issued by U.S. Customs and Border Protection (CBP) when admitting an alien to the U.S. Indicates the alien's status and period of authorized stay in the U.S. (available at <https://i94.cbp.dhs.gov>). The validity dates of a visa and a Form I-94 may not always match, so it is critical that the alien access and verify the Form I-94 information upon each entry to the U.S.

Immigrant: Lawful Permanent Resident Alien (aka has a "green card").

Lawful Permanent Resident (LPR) Card: document issued by U.S. Citizenship and Immigration Services (USCIS) as evidence of LPR status in the U.S.

Petitioner: the person or company who files an immigration petition or application.

Naturalization: Procedure in which a person not born in the U.S. voluntarily becomes a U.S. citizen.

Nonimmigrant: Alien who is admitted to the U.S. for a specific, temporary period of time.

Visa: Stamp that the U.S. consulate prints in alien's passport. Allows bearer to travel to the U.S. border and apply for entry in a certain classification. While an alien will be admitted into the U.S. based on the visa, his or her period of authorized stay and immigration status is controlled by the Form I-94 (Admission Record). The period of authorized stay is determined at the port of entry and made available online (see definition of Form I-94 above).

B. Agencies

1. Department of Homeland Security (DHS)

The Department of Homeland Security's mission is: "With honor and integrity, we will safeguard the American people, our homeland, and our values." DHS is responsible for anti-terrorism, border security, immigration and customs, cyber security, and disaster prevention and management. Three of its agencies involved with immigration include:

U.S. Citizenship and Immigration Services (USCIS)

www.uscis.gov

USCIS is the federal agency that oversees lawful immigration to the U.S. USCIS adjudicates immigration benefits (e.g., lawful permanent resident (LPR or “green”) cards, nonimmigrant status, naturalization, etc.).

U.S. Customs and Border Protection (CBP)

<https://www.cbp.gov/>

CBP’s priority mission is to keep terrorists and their weapons out of the U.S. CBP also secures and facilitates trade and travel while enforcing regulations, including immigration laws. CBP officers inspect goods and persons arriving at the border (e.g., land, sea, and air ports of entry). They determine the admission, length of stay, and conditions of stay at the port of entry.

U.S. Immigration & Customs Enforcement (ICE)

<https://www.ice.gov>

ICE promotes homeland security and public safety through the criminal and civil enforcement of federal laws governing border control, customs, trade, and immigration. ICE investigates violations of immigration law, identifies, and apprehends any persons who may be subject to removal from the U.S.

2. Department of State (DOS)

<https://www.state.gov>

The U.S. Department of State’s mission is “To protect and promote U.S. security, prosperity, and democratic values and shape an international environment in which all Americans can thrive.” DOS, through its Bureau of Consular Affairs, is responsible for the welfare and protection of U.S. citizens abroad, for the issuance of passports and other documentation to citizens and nationals, and for the protection of U.S. border security and the facilitation of legitimate travel to the U.S. The DOS operates U.S. consulates worldwide and adjudicates visa applications.

3. Department of Labor (DOL)

<https://www.dol.gov/>

The U.S. Department of Labor’s mission is “To foster, promote, and develop the welfare of the wage earners, job seekers, and retirees of the United States; improve working conditions; advance opportunities for profitable employment; and assure work-related benefits and rights.” DOL administers labor certification and attestation programs that are designed to ensure that the admission of foreign workers into the U.S. will not adversely affect the job opportunities, wages, and working conditions of U.S. workers.

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