



IMMIGRATION BASICS: KEY PLAYERS AND TERMS

Understanding the basics of immigration requires understanding some fundamental key players and terms. Below you will find two key players and five key terms. Additional resources on immigration law and policy can be found on the Center for Immigrants' Rights Clinic webpage at <https://pennstatelaw.psu.edu/practice-skills/clinics/center-immigrants-rights>.

KEY PLAYERS

- **Department of Homeland Security (DHS):** Part of the Executive Branch, DHS is the agency responsible for enforcement of immigration laws. Within the agency are several sub-agencies including¹:
 - **Immigration and Customs Enforcement (ICE):** responsible for investigation, intelligence gathering, detention, and certain elements of the deportation procedure. For example, ICE enforces the departure of unauthorized non-U.S. citizens present in the U.S.²
 - **Customs and Border Protection (CBP):** responsible for managing, securing, and controlling the nation's border. For example, CBP inspects individuals and any goods they bring along while crossing the border into the U.S. through any of the ports of entry.³
 - **United States Citizenship and Immigration Services (USCIS):** responsible for processing applications such as applications for citizenship and asylum. For example, USCIS will grant green cards to individuals applying for lawful permanent residence.⁴
- **Department of Justice (DOJ):** Led by the Attorney General, DOJ is part of the Executive Branch and is responsible for enforcing the laws and defending the United States.⁵ The DOJ through the Attorney General oversees different offices, such as the Executive Office for Immigration Review (EOIR).
 - **EOIR:** All decisions involving removals of foreign nationals from the U.S. and appeals of removals are made by the courts under the EOIR.⁶ EOIR has more than 235 immigration judges (IJ) and 57 immigration courts nationwide.⁷
 - **Board of Immigration Appeals (BIA):** BIA is an administrative body within the EOIR.⁸ All appeals of IJ decisions will go to the BIA.⁹

KEY TERMS

- **Immigration and Nationality Act (INA) of 1952:** The INA is the primary legal source of immigration law in the United States¹⁰ and sets the framework for the current immigration system.¹¹ The INA does the following:
 - Establishes the procedure by which foreign nationals may seek entry into the U.S.¹²
 - Establishes a system of visa allotment, including immigrant and nonimmigrant visas.¹³
 - Lists the grounds under which an individual may be barred from entry or deported.¹⁴

- Establishes the procedures for relief from deportation.¹⁵
- **Alien:** “any person not a citizen or national of the United States.”¹⁶ However, please note that the use of the term is often considered culturally-insensitive.¹⁷
- **Nonimmigrant:** a person who can establish that he or she resides outside of the United States and is coming to the United States temporarily.¹⁸ Examples of nonimmigrants include “students, tourists, treaty investors, and foreign government officials.”¹⁹
- **Immigrant:** Any immigrant not listed in the above category; a person who intends to remain in the United States permanently.²⁰ This includes people with visas based on family relationships, employment, or the diversity lottery.²¹
- **Lawful Permanent Resident (LPR):** A person who has been admitted to the United States on a permanent basis.²² LPRs obtain authority to work but may not vote in U.S. elections.²³ LPRs are commonly known as green card holders.²⁴

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¹ See *Organizational Chart*, U.S. DEPARTMENT OF HOMELAND SECURITY (Aug. 16, 2017), www.dhs.gov/organizational-chart.

² RICHARD A. BOSWELL, *ESSENTIALS OF IMMIGRATION LAW 2* (Am. Immigr. Law. Ass’n, 2006-2016 4th ed. 2016).

³ *Id.* at 2.

⁴ *Id.*

⁵ *About DOJ*, U.S. Department of Justice, <https://www.justice.gov/about> (last visited Sept. 27, 2017).

⁶ BOSWELL, at 3.

⁷ *EOIR at a Glance*, U.S. Department of Justice, <https://www.justice.gov/eoir/eoir-at-a-glance> (last visited Oct. 1, 2017).

⁸ BOSWELL, at 3.

⁹ *Board of Immigration Appeals*, U.S. DEPARTMENT OF JUSTICE (Aug. 24, 2017), <https://www.justice.gov/eoir/board-of-immigration-appeals> (describing the duties of the BIA); see also BOSWELL, at 3.

¹⁰ See Title 8 in the United States Code for the provisions of the Act.

¹¹ BOSWELL, at 9.

¹² *Id.*

¹³ 8 U.S.C. § 1151(a); 8 U.S.C. § 1153 (a), (b), (c)

¹⁴ 8 U.S.C. § 1182; 8 U.S.C. § 1227

¹⁵ BOSWELL, at 9.

¹⁶ 8 U.S.C.S. § 1101 (a) (3); see also BOSWELL, at 209.

¹⁷ See Gene Demby, *In Immigration Debate, ‘Undocumented’ v. ‘Illegal’ is More Than Just Semantics*, NATIONAL PUBLIC RADIO (NPR) (Jan. 30, 2013), <http://www.npr.org/sections/itsallpolitics/2013/01/30/170677880/in-immigration-debate-undocumented-vs-illegal-is-more-than-just-semantics>; see also *Top 10 Ways to Support Undocumented Students*, EDUCATORS FOR FAIR CONSIDERATION, http://www.e4fc.org/images/E4FC_EducatorTop10.pdf (last visited Oct. 1, 2017); Andrew O’Reilly, *Undocumented or Illegal: Media Outlets Battle Over Immigration Terms*, Fox News (Sept. 25, 2017), <http://www.foxnews.com/world/2012/09/25/undocumented-or-illegal-media-outlets-battle-over-immigration-terms.html> (describing different sources that think the use of “illegal alien” is offensive, including 46% of Latinx voters).

¹⁸ 8 U.S.C.S. § 1101 (a) (15) (A).

¹⁹ BOSWELL, at 215.

²⁰ *Id.* at 214. See also 8 U.S.C.S. § 1101 (a) (15).

²¹ 8 U.S.C. § 1153 (a), (b), (c)

²² BOSWELL, at 215.

²³ *Id.*

²⁴ *Id.*