

[Employees](#)[Self-Employed](#)[International Taxpayers](#)[Military](#)[Parents](#)[Seniors & Retirees](#)[Students](#)

Immigration Terms and Definitions Involving Aliens



A general summary of U.S. immigration terminology follows. Any references below to USCIS refer to the United States Citizenship and Immigration Services.

Alien

An individual who is not a U.S. citizen or U.S. national.

U.S. National

An individual who owes his sole allegiance to the United States, including all U.S. citizens, and including some individuals who are not U.S. citizens. For tax purposes the term "U.S. national" refers to individuals who were born in American Samoa or were born in the Commonwealth of the Northern Mariana Islands who have made the election to be treated as U.S. nationals and not as U.S. citizens.

U.S. Citizen

1. An individual born in the United States.
2. An individual whose parent is a U.S. citizen.*
3. A former alien who has been naturalized as a U.S. citizen
4. An individual born in Puerto Rico.
5. An individual born in Guam.
6. An individual born in the U.S. Virgin Islands.

*The Child Citizenship Act, which applies to both adopted and biological children of U.S. citizens, amends Section 320 of the Immigration and Nationality Act (INA) to provide for the automatic acquisition of U.S. citizenship when certain conditions have been met. Specifically, these conditions are:

1. One parent is a U.S. citizen by birth or through naturalization;
2. The child is under the age of 18;
3. The child is residing in the United States as a lawful permanent resident alien and is in the legal and physical custody of the U.S. citizen parent; and
4. If the child is adopted, the adoption must be final.

Compacts of Free Association

The following countries are independent republics, which were once part of the Trust Territory of the Pacific administered by the United States on behalf of the United Nations;

- Federated States of Micronesia
- Republic of Marshall Islands
- Republic of Palau

Upon reaching independence, each of the above nations has signed a Compact of Free Association (CFA) with the United States. Under the terms of each CFA, the United States undertakes the responsibility for the external defense of each republic, and undertakes certain responsibilities involving financial aid and support for each republic. As stipulated by each CFA, citizens of the above-named republics may freely enter the United States without a visa, may remain in the United States for an indefinite period of time, and may be employed in the United States without restriction. A citizen of one of the above republics who enters the United States should be issued a U.S. Citizenship and Immigration Services (USCIS) Form I-94 Arrival Departure Record bearing one of the following stamps:

- CFA/FSM for the Federated States of Micronesia
- CFA/MIS for the Republic of Marshall Islands
- CFA/PAL for the Republic of Palau

However, even without an I-94 as noted above, a citizen of one of the republics named above may still reside, travel, and work in the United States without restriction.

Immigrant

An alien who has been granted the right by the USCIS to reside permanently in the United States and to work without restrictions in the United States. Also known as a Lawful Permanent Resident (LPR). All immigrants are eventually issued a "green card" (USCIS Form I-551), which is the evidence of the alien's LPR status. LPR's who are awaiting the issuance of their green cards may bear an I-551 stamp in their foreign passports.

Immigrant visas are available for aliens (and their spouses and children) who seek to immigrate based on their job skills. If an alien has the right combination of skills, education, and/or work experience and are otherwise eligible, the alien may be able to live permanently in the United States. Per USCIS, there are five employment-based immigrant visa preferences (categories): EB-1, EB-2, EB-3, EB-4 and EB-5. Refer to the USCIS [Permanent Worker](#) web site for more details.

Nonimmigrant

An alien who has been granted the right by the USCIS to reside temporarily in the United States. Each nonimmigrant is admitted into the United States in the nonimmigrant status, which corresponds to the class of visa with which, or purpose for which, he entered the United States (e.g., a foreign student may enter the United States on an F-1 visa, which corresponds to the F-1 student status in which he was admitted to the United States).

Aliens in some nonimmigrant statuses are allowed to be employed in the United States, and others are not. Some nonimmigrant statuses have rigid time limits for the alien's stay in the United States, while others do not.

Each nonimmigrant status has rules and guidelines, which must be followed in order for the nonimmigrant to remain "in status." A nonimmigrant who violates one of these rules or guidelines will fall "out of status." An nonimmigrant who remains "out of status" for at least 180 days is deportable and will be unable to re-enter the United States for 3 years. A nonimmigrant who remains "out of status" for at least 365 days is deportable and will be unable to re-enter the United States for 10 years.

For more information on the types of visas available, refer to the Department of State's [Travel](#) web page.

Illegal Alien

Also known as an "Undocumented Alien," is an alien who has entered the United States illegally and is deportable if apprehended, or an alien who entered the United States legally but who has fallen "out of status" and is deportable.

Nonimmigrant Visas

A nonimmigrant visa allows a nonimmigrant to enter the United States in one of several different categories, which correspond to the purpose for which the nonimmigrant is being admitted to the United States. For example, a foreign student will usually enter the United States on an F-1 visa, a visitor for business on a B-1 visa, an exchange visitor (including students, teachers, researchers, trainees, alien physicians, au pairs, and others) on a J-1 visa, a diplomat on an A or G visa, etc. The categories of nonimmigrant visas correspond exactly to the "nonimmigrant status" assigned to each nonimmigrant upon his arrival, based on the purpose for which the nonimmigrant was admitted to the United States. For example, a foreign student who enters the United States on an F-1 visa is considered to be in F-1 student status after he enters the United States; and he will remain in that status until he violates the conditions prescribed for that status, or until he changes to another nonimmigrant or immigrant status with USCIS permission, or until he leaves the United States.

An undocumented or "illegal alien" is an alien who entered the United States illegally without the proper authorization and documents, or is an alien who once entered the United States legally and has since violated the terms of the status in which he entered the United States or has overstayed the time limits of his original status.

Approximately 95% of the foreign academic students in the United States have entered the country on F-1 (student) or J-1 (Exchange Visitor) visas. Foreign vocational students usually enter the United States on M-1 visas. Foreign students and faculty members might also enter the United States on Q (Cultural Exchange Visitor) visas; however, the number who do so is small. A large number of foreign teachers and researchers have entered the United States on J-1 (Exchange Visitor) visas; but a great many of the foreign faculty members have also entered the United States on H-1b visas (Specialty Occupation), O-1 visas (Alien with Extraordinary Ability), and TN visas (NAFTA Professional from Canada or Mexico).

Most students in F-1 or J-1 status have no specific time limits imposed on their stay in the United States (evidenced by the notation D/S (Duration of Status) on their immigration Form I-94), while aliens in most other nonimmigrant statuses have various time limits imposed on their stay in the United States. Aliens in some nonimmigrant statuses are allowed to be employed in the United States, while nonimmigrants in other statuses are not. Nonimmigrants who are allowed to be employed in the United States can usually get a United States social security number.

Foreign Students in F-1 or J-1 status are usually allowed to be employed for no more than 20 hours per week during the academic year, but are allowed to work 40 hours per week during the summer and other vacations. Certain students may be allowed to work off campus with permission from USCIS or from the Designated School Official (usually the foreign student advisor). Certain students in hardship situations are issued Employment Authorization Documents (EAD) and are allowed to work off campus with no hour limitations. F-1 students are allowed to be employed for a maximum of 12 months in "practical training" jobs both on and off campus. These are jobs which are related to the student's subject area of study.

See [Taxation of Aliens by VISA Type and Immigration Status](#) for a summary of visa types. Details on the types of nonimmigrant visas may be found on the [U.S. Citizenship and Immigration Services](#) web site.

A list of the nonimmigrant visas, along with the corresponding employment authorization provisions, may be viewed at the [Social Security Administration's Employment Authorization for Non-immigrants](#) web site.

Visa Waiver Program (VWP)

The Visa Waiver Program (VWP) enables citizens of participating countries to travel to the United States for tourism or business for 90 days or less without obtaining a United States visa. The VWP is administered by the Attorney General in consultation with the Secretary of State. The Visa Waiver Program (VWP) was created by an act of Congress as a pilot program in 1986 and implemented in 1988. Congress passed legislation to make the program permanent in October 2000, and the President signed the legislation on October 30, 2000.

For a list of the participating countries and for further information on VWP, please visit the [U.S. Department of State](#).

References/Related Topics

- [Alien Taxation - Certain Essential Concepts](#)
- [Determining Alien Tax Status](#)
- [U.S. Federal Agencies and Aliens](#)

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