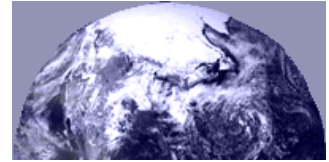


Thompson Immigration Law Associates

Providing U.S. & Global Immigration Solutions
to Businesses Around the World



U.S. Immigration: Who Regulates What?

The United States has one of the most structured and detailed immigration codes in the world, with many government agencies regulating various parts of the immigration process. U.S. immigration laws are implemented by the following government agencies:

- U.S. Department of Justice:
- Immigration and Naturalization Service (INS) (now the USCIS and related agencies).
- U.S. Department of Homeland Security:
 - Citizenship and Immigration Services (CIS or USCIS).
 - Immigration and Customs Enforcement (ICE or USICE).
 - Customs and Border Protection (CBP or USCBP).
- U.S. Department of State.
- U.S. Department of Labor.

1.1 WHAT IS THE DIFFERENCE BETWEEN A "VISA" AND "STATUS"?

A "visa" or "visa stamp" is issued by the U.S. Department of State at a U.S. Embassy or consulate. A visa allows a foreign national to *enter* the United States. This is because the State Department has jurisdiction everywhere outside of the United States. In other words, a foreign national with valid nonimmigrant status may exit the United States at any time. However, he or she may not re-enter without a valid State Department visa stamp.

Nonimmigrant "status" is what a foreign national receives when his or her nonimmigrant petition is approved by USCIS. This status is only valid within the United States. This is because the USCIS only has jurisdiction within the United States. In other words, if a foreign national has valid nonimmigrant status, he or she may remain in the United States for the duration of that status without having to worry about obtaining a visa stamp from the U.S. State Department.

A foreign national's I-94 card determines how long an individual may remain in the United States. This card is completed by a foreign national when they enter the United States, and is stamped with the appropriate visa type and duration of stay on the actual card by the immigration officer at the port of entry. It is important to note that the I-94 card controls over all other immigration documents issued by the USCIS – including an individual's "official" status approval.

There are a few exceptions to the rule with regard to needing a visa stamp to enter the United States. Specifically:

- If a foreign national travels to either Canada or Mexico for less than 30 days, the foreign national may use his or her I-94 card as a re-entry document.
- For prospective immigrants (*i.e.*, for those foreign nationals who have filed to become a permanent resident or green card holder), a visa is not required to re-enter the United States so long as the individual has been issued an "advance parole" travel authorization from the USCIS.