



Appendix H: Immigration Status: Legality of Status

Category	Legality of Status	Simplified Categories	Simplified Categories (Level 2)
Other	?	?	?
Unknown or not reported	?	?	?
Withdrawal	?	?	?
Without Inspection	Illegally present	Illegally present	Illegally present
Stowaway	Illegally present	Illegally present	Illegally present
Immigrant	Legally present, no time limit on stay, can naturalize to US citizen	Legally present	Legally present, no time limit on stay, renewable / adjustable status
Refugee	Legally present, no time limit on stay, renewable / adjustable status	Legally present	Legally present, no time limit on stay, renewable / adjustable status
Athlete or Entertainer	Legally present, no time limit on stay and renewable status	Legally present	Legally present, no time limit on stay, renewable / adjustable status
Spouse or Child of Athlete or entertainer, Exchange artist/entertainer or Un	Legally present, no time limit on stay and renewable status	Legally present	Legally present, no time limit on stay, renewable / adjustable status
Unique Artist/Entertainer	Legally present, no time limit on stay and renewable status	Legally present	Legally present, no time limit on stay, renewable / adjustable status
Other Government Official and Family	Legally present, no time limit on stay or renewable status	Legally present	Legally present, no time limit on stay, renewable / adjustable status
Ambassador, minister, diplomat and family	Legally present, no time limit on stay, and renewable status	Legally present	Legally present, no time limit on stay, renewable / adjustable status
Treaty Investor, spouse or child	Legally present, no time limit on stay and renewable status	Legally present	Legally present, no time limit on stay, renewable / adjustable status
Treaty Trader, spouse	Legally present, no time	Legally present	Legally present, no time

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or child	limit on stay and renewable status		limit on stay, renewable / adjustable status
Govt. Official's Atten[dant], Serv[ant], Emp[loyee]	Legally present, no time limit on stay and renewable status	Legally present	Legally present, no time limit on stay, renewable / adjustable status
Int'l Org Officer or Employee and Family	Legally present, no time limit on stay and renewable status	Legally present	Legally present, no time limit on stay, renewable / adjustable status
Prin[cipal] Res[ident] Rep[resentative] for Mem[ber] Gov't and Family [UN]	Legally present, no time limit on stay and renewable status	Legally present	Legally present, no time limit on stay, renewable / adjustable status
Rep[resentative] of Foreign Media and Family	Legally present, no time limit on stay (as long as remains in that profession), and renewable status	Legally present	Legally present, no time limit on stay, renewable / adjustable status
NAFTA Professional/Principal seeking entry to US	Legally present, no time limit on stay and renewable status	Legally present	Legally present, no time limit on stay, renewable / adjustable status
All NATO admissions	Legally present, no time limit on stay and renewable status	Legally present	Legally present, no time limit on stay, renewable / adjustable status
Spouse/USC [US citizen] living abroad Dec. 2000	Legally present, no time limit on stay with adjustable renewable status	Legally present	Legally present, no time limit on stay, renewable / adjustable status
NATO Admission	Legally present, no time limit on stay with renewable status	Legally present	Legally present, no time limit on stay, renewable / adjustable status
Asylee	Legally present, no time limit on stay and adjustable / renewable status	Legally present	Legally present, no time limit on stay, renewable / adjustable status
Canada Free Trade	Legally present, no time limit on stay or renewable status	Legally present	Legally present, no time limit on stay, renewable / adjustable status
Govt. Official, Family &	Legally present, no time	Legally present	Legally present, no time

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Employees	limit on stay or renewable status		limit on stay, renewable / adjustable status
Expedited Removal Alien Removed	Legally present, with time limit on stay pending resolution of asylum claim	Legally present	Legally present, with time limit on stay
RAW [Replacement Agricultural Worker] applied for at a Port	Legally present, time limit on stay pending resolution of claim	Legally present	Legally present, with time limit on stay
Visitor for Pleasure	Legally present, with time limit on stay	Legally present	Legally present, with time limit on stay
Visitor for Business	Legally present, with time limit on stay	Legally present	Legally present, with time limit on stay
Student	Legally present, with time limit on stay (until studies complete)	Legally present	Legally present, with time limit on stay
Visitor without Visa 90 days	Legally present, with time limit on stay	Legally present	Legally present, with time limit on stay
Alien in Transit	Legally present, with time limit on stay	Legally present	Legally present, with time limit on stay
29 Days or less vessel	Legally present, with time limit on stay	Legally present	Legally present, with time limit on stay
Exchange Visitor	Legally present, with time limit on stay	Legally present	Legally present, with time limit on stay
Spouse or Child of Student	Legally present, with time limit on stay	Legally present	Legally present, with time limit on stay
Visitor without Visa 15 DA[y] – Tourist	Legally present, with time limit on stay	Legally present	Legally present, with time limit on stay
Visitor without Visa 90 DA[y] – Business	Legally present, with time limit on stay	Legally present	Legally present, with time limit on stay
Transit without Visa	Legally present, with time limit on stay	Legally present	Legally present, with time limit on stay
Student at Voc[ational] or Nonacademic Inst[itution]	Legally present, with time limit on stay	Legally present	Legally present, with time limit on stay
29 Days or less, not vessel	Legally present, with time limit on stay	Legally present	Legally present, with time limit on stay
Spouse of Exchange	Legally present, with	Legally present	Legally present, with time

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Visitor	time limit on stay		limit on stay
Alien in transit to United Nations	Legally present, with time limit on stay	Legally present	Legally present, with time limit on stay
Spouse or Child of Student at Voc[ational] or Nonacademic Inst[itution] Immigrant	Legally present, with time limit on stay	Legally present	Legally present, with time limit on stay
Industrial trainee	Legally present, with time limit on stay	Legally present	Legally present, with time limit on stay
Visitor without Visa 15 days	Legally present, with time limit on stay	Legally present	Legally present, with time limit on stay
Visa Waiver Pilot Program refusal	Legally present, with time limit on stay	Legally present	Legally present, with time limit on stay
Spouse or Child of Exchange Visitor	Legally present, with time limit on stay	Legally present	Legally present, with time limit on stay
Cultural Exchange Program	Legally present, with time limit on stay	Legally present	Legally present, with time limit on stay
Expedited Rem[oval] Pend[ing] Credible Fear	Legally present, pending resolution of asylum claim	Legally present	Legally present, with time limit on stay, but can adjust status if court finds in favor
Expedited Rem[oval] Pend[ing] Other	Legally present, pending resolution of asylum / Convention against Torture claim	Legally present	Legally present, with time limit on stay, but can adjust status if court finds in favor
Illegal entry prior to 01/01/81 applicant, temporary LPR [lawful permanent resident]	Legally present, pending resolution of claim	Legally present	Legally present, with time limit on stay, but can adjust status if court finds in favor
Child/LPR 3 yr + wait Immigrant Visitor Life Act 2000	Legally present, with time limit on stay until claim is resolved	Legally present	Legally present, with time limit on stay, but can adjust status if court finds in favor
Spouse/LPR 3 yr + wait Immigrant Visitor Life Act 2000	Legally present, with time limit on stay until claim is resolved	Legally present	Legally present, with time limit on stay, but can adjust status if court finds in favor
Dependants of	Legally present, with	Legally present	Legally present, with time

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Spouse/LPR 3 yr + wait Immigrant Visitor Life Act 2000	time limit on stay until claim is resolved		limit on stay, but can adjust status if court finds in favor
Parolee	Legally present, with time limit on stay, but renewable / adjustable status	Legally present	Legally present, with time limit on stay, but renewable / adjustable status
Exchange Artist/Entertainer	Legally present, with time limit on stay, but renewable / adjustable status	Legally present	Legally present, with time limit on stay, but renewable / adjustable status
Temp[orary] Worker perform services unavailable U.S.	Legally present, with time limit on stay, but renewable up to 3 years	Legally present	Legally present, with time limit on stay, but renewable / adjustable status
Spouse or child of Alien in Religious Occupation	Legally present, with time limit on stay, but renewable status	Legally present	Legally present, with time limit on stay, but renewable / adjustable status
Parolee (District/POE [port of entry] Authorized)	Legally present, with time limit on stay but renewable status	Legally present	Legally present, with time limit on stay, but renewable / adjustable status
Special Agricultural Worker	Legally present, with time limit on stay but renewable status	Legally present	Legally present, with time limit on stay, but renewable / adjustable status
Parolee (public interest)	Legally present, with time limit on stay but renewable status	Legally present	Legally present, with time limit on stay, but renewable / adjustable status
Temp[orary] Worker w/Specialty Occupation	Legally present, with time limit on stay but renewable status	Legally present	Legally present, with time limit on stay, but renewable / adjustable status
Fiancée of USC to marry	Legally present, 90-day time limit, with adjustable / renewable	Legally present	Legally present, with time limit on stay, but renewable / adjustable

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	status		status
Aliens in Religious Occupation	Legally present, 5-year time limit on stay with renewable status	Legally present	Legally present, with time limit on stay, but renewable / adjustable status
Deferred Inspection	Legally present, with time limit on stay, but renewable / adjustable status	Legally present	Legally present, with time limit on stay, but renewable / adjustable status
Intra-Company Transferee	Legally present, up to 7-year time limit on stay, but adjustable / renewable status	Legally present	Legally present, with time limit on stay, but renewable / adjustable status
Paroled for Medical or Legal Reasons	Legally present, time limit on stay, but with renewable status	Legally present	Legally present, with time limit on stay, but renewable / adjustable status
Spouse or Child of Intra-Company Transferee	Legally present, up to 7-year time limit on stay, but adjustable / renewable status	Legally present	Legally present, with time limit on stay, but renewable / adjustable status
H2A Emergency Farm Worker	Legally present, 3-year time limit on stay, renewable status after 6 months out of country	Legally present	Legally present, with time limit on stay, but renewable / adjustable status
Advance Parolee-District Authority	Legally present, with time limit on stay, but renewable status	Legally present	Legally present, with time limit on stay, but renewable / adjustable status
Principal	Legally present, may or may not have time limit on stay	Legally present	Legally present, with time limit on stay, but renewable / adjustable status
Bering Strait Entrant	Legally present, with time limit on stay and renewable status	Legally present	Legally present, with time limit on stay, but renewable / adjustable status
Temporary Resident	Legally present, time	Legally present	Legally present, with time

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	limit on stay but renewable status		limit on stay, but renewable / adjustable status
Child of alien entering as Fiancé fiancée of USC to marry	Legally present, with time limit on stay but renewable / adjustable status	Legally present	Legally present, with time limit on stay, but renewable / adjustable status
Parolee (Humanitarian-Headquarters Authorization)	Legally present, with time limit on stay, but renewable status	Legally present	Legally present, with time limit on stay, but renewable / adjustable status
Mass Migration, Cuban Parolees	Legally present, with time limit on stay but adjustable / renewable status	Legally present	Legally present, with time limit on stay, but renewable / adjustable status
Non-immigrant pre 01/01/1981, overstay, temporary LPR	Legally present, with time limit on stay but adjustable / renewable status	Legally present	Legally present, with time limit on stay, but renewable / adjustable status
Spouse or child of Temp Worker	Legally present, with time limit on stay but renewable status	Legally present	Legally present, with time limit on stay, but renewable / adjustable status
Parolee - Overseas or sub office auth[orized]	Legally present, time limit on stay but renewable status	Legally present	Legally present, with time limit on stay, but renewable / adjustable status
Other representative of/for member government	Legally present, with time limit on stay but renewable status	Legally present	Legally present, with time limit on stay, but renewable / adjustable status
Atten[dant], serv[ant], empl[oyee] and family of gov't official	Legally present, with time limit on stay but renewable status	Legally present	Legally present, with time limit on stay, but renewable / adjustable status
Accompanying alien	Legally present, may or may not have time limit on stay, may or may not	Legally present	Legally present, with time limit on stay, but renewable / adjustable

Category	Legality of Status	Simplified Categories	Simplified Categories (Level 2)
	be renewable		status
Returning H2B worker not subject to cap	Legally present, with time limit on stay, but renewable status	Legally present	Legally present, with time limit on stay, but renewable / adjustable status
Australian Free Trade Agreement	Legally present, 2-year time limit on stay, renewable indefinitely	Legally present	Legally present, with time limit on stay, but renewable / adjustable status