Glossary

**Academic Field**

Academic field means a body of specialized knowledge offered for study at an accredited United States university or institution of higher education. 8 C.F.R. § 204.5(i)(2)

The actual wage is the wage rate paid by the employer to all other individuals with similar experience and qualifications for the specific employment in question. In determining such wage level, the following factors may be considered: Experience, qualifications, education, job responsibility and function, specialized knowledge, and other legitimate business factors. "Legitimate business factors," for purposes of this section, means those that it is reasonable to conclude are necessary because they conform to recognized principles or can be demonstrated by accepted rules and standards. Where there are other employees with substantially similar experience and qualifications in the specific employment in question--i.e., they have substantially the same duties and responsibilities as the H-1B nonimmigrant--the actual wage shall be the amount paid to these other employees. Where no such other employees exist at the place of employment, the actual wage shall be the wage paid to the H-1B nonimmigrant by the employer. Where the employer's pay system or scale provides for adjustments during the period of the LCA--e.g., cost of living increases or other periodic adjustments, or the employee moves to a more advanced level in the same occupation--such adjustments shall be provided to similarly employed H-1B nonimmigrants (unless the prevailing wage is higher than the actual wage). 20 C.F.R. § 655.731(a)(1)

**Advanced Degree**

Advanced degree means any United States academic or professional degree or a foreign equivalent degree above that of baccalaureate. A United States baccalaureate degree or a foreign equivalent degree followed by at least five years of progressive experience in the specialty shall be considered the equivalent of a master's degree. If a doctoral degree is customarily required by the specialty, the alien must have a United States doctorate or a foreign equivalent degree. 8 C.F.R. § 204.5(k)(2)

**Advance Parole**

A special travel authorization necessary for individuals who must travel while an application for adjustment of status is pending. An adjustment applicant who departs the United States without first obtaining advance parole is considered to have abandoned the adjustment application. 8 C.F.R. § 245.2(a)(4)(ii)
**Alien**

Any person not a citizen or national of the United States.  
INA § 101(a)(3)

**Case Number**

The National Visa Center (NVC) gives each immigrant petition a case number. This number has three letters followed by ten digits (numbers). The three letters are an abbreviation for the overseas embassy or consulate that will process the immigrant visa case.

**Change Status**

Changing from one nonimmigrant visa status to another nonimmigrant visa status while a person is in the US. This is permitted for some types of visas if approved by USCIS. Requests for change of status must be made by the visa holder to the DOHS – USCIS

**Curricular Practical Training (CPT)**

Curricular practical training is defined to be alternative work/study, internship, cooperative education, or any other type of required internship or practicum that is offered by sponsoring employers through cooperative agreements with the school. Students who have received one year or more of full time curricular practical training are ineligible for post-completion academic training. Exceptions to the one academic year requirement are provided for students enrolled in graduate studies that require immediate participation in curricular practical training. A request for authorization for curricular practical training must be made to the DSO. A student may begin curricular practical training only after receiving his or her Form I-20 with the DSO endorsement.

8 C.F.R. § 214.2(f)(10)(i)(A)

**Department of Homeland Security (DOHS)**

Authority of the Secretary of Homeland Security. All authorities and functions of the Department of Homeland Security to administer and enforce the immigration laws are vested in the Secretary of Homeland Security. The Secretary of Homeland Security may, in the Secretary's discretion, delegate any such authority or function to any official, officer, or employee of the Department of Homeland Security, including delegation through successive re-delegation, or to any employee of the United States to the extent authorized by law. Such delegation may be made by regulation, directive, memorandum, or other means as deemed appropriate by the Secretary in the exercise of the Secretary's discretion. A delegation of authority or function may in the Secretary's discretion be published in the Federal Register, but such publication is not required.

8 C.F.R. § 2.1

**Dual Intent**

An alien (H-1B) that is not subject to the presumption of immigrant intent
Employment Authorization Document (EAD)  
A work permit issued by USCIS that provides legal documentation for a US citizen or permanent resident to work in the US.

An H-1B classification applies to an alien who is coming temporarily to the United States:

8 CFR § 214.2 (h)(1)(ii)(B)(1)

(1) To perform services in a specialty occupation (except agricultural workers, and aliens described in section 101(a)(15) (O) and (P) of the Act) described in section 214(i)(1) of the Act, that meets the requirements of section 214(i)(2) of the Act, and for whom the Secretary of Labor has determined and certified to the Attorney General that the prospective employer has filed a labor condition application under section 212(n)(1) of the Act;

8 CFR § 214.2 (h)(1)(ii)(B)(2)

(2) To perform services of an exceptional nature requiring exceptional merit and ability relating to a cooperative research and development project or a coproduction project provided for under a Government-to-Government agreement administered by the Secretary of Defense;

8 CFR § 214.2 (h)(1)(ii)(B)(3)

(3) To perform services as a fashion model of distinguished merit and ability and for whom the Secretary of Labor has determined and certified to the Attorney General that the prospective employer has filed a labor condition application under section 212(n)(1) of the Act.

H-1B Classification

Immigrant Visa

The term “immigrant visa” means an immigrant visa required by this Act and properly issued by a consular officer at his office outside of the United States to an eligible immigrant under the provisions of this Act. 
INA § 101(a)(16)

Immigration Laws

The term "immigration laws" includes this Act and all laws, conventions, and treaties of the United States relating to the immigration, exclusion, deportation, expulsion, or removal of aliens.
INA § 101(a)(17)
The Immigration and Nationality Act, or INA, was created in 1952. Before the INA, a variety of statutes governed immigration law but were not organized in one location. The McCarran-Walter bill of 1952, Public Law No. 82-414, collected and codified many existing provisions and reorganized the structure of immigration law. The Act has been amended many times over the years, but is still the basic body of immigration law.

The INA is divided into titles, chapters, and sections. Although it stands alone as a body of law, the Act is also contained in the United States Code (U.S.C.). The code is a collection of all the laws of the United States. It is arranged in fifty subject titles by general alphabetic order. Title 8 of the U.S. Code is but one of the fifty titles and deals with "Aliens and Nationality". When browsing the INA or other statutes you will often see reference to the U.S. Code citation. For example, Section 208 of the INA deals with asylum, and is also contained in 8 U.S.C. 1158. Although it is correct to refer to a specific section by either its INA citation or its U.S. code, the INA citation is more commonly used.

**Institution of Higher Education**

*Institution of higher education* means an institution of higher education as defined in section 101(a) of the Higher Education Act of 1965. Section 101(a) of that Act, 20 U.S.C. 1001(a)(2000), provides an institution of higher education is an educational institution in any state that:

(A) Admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate;

(B) Is legally authorized within such state to provide a program of education beyond secondary education;

(C) Provides an educational program for which the institution awards a bachelor's degree or provides not less than a two-year program that is acceptable for full credit toward such a degree;

(D) Is a public or other nonprofit institution; and

(E) Is accredited by a nationally recognized accrediting agency or association or, if not so accredited, is an institution that has been granted preaccreditation status by such an agency or association that has been
recognized by the Secretary of Education for the granting of preaccreditation status, and the Secretary of Education has determined there is satisfactory assurance the institution will meet the accreditation standards of such an agency or association within a reasonable time.

20 C.F.R. § 656.40(e)(1)(i)

<table>
<thead>
<tr>
<th><strong>Labor Condition Application (LCA)</strong></th>
<th>Attestation by an employer when filing for H-1B that there will be no adverse impact on the wages and working conditions of US workers.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Lawful Permanent Residency (LPR)</strong></td>
<td>A foreign national who has immigrated to the US and has been authorized to live and work permanently in the United States.</td>
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<tr>
<td><strong>Maintaining Legal Status</strong></td>
<td>Abiding by the rules and regulations pertaining to a particular nonimmigrant visa application.</td>
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<tr>
<td><strong>Non-Immigrant</strong></td>
<td>Nonimmigrant is also a subset of alien. A nonimmigrant can be defined as an alien who wishes to be admitted to the United States for a limited, temporary purpose, and who plans to depart the United States after completing that purpose.</td>
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<tr>
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<td>INA § 101(a)(15)</td>
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<tr>
<td><strong>Non-Immigrant Visa</strong></td>
<td>The term &quot;nonimmigrant visa&quot; means a visa properly issued to an alien as an eligible nonimmigrant by a competent officer as provided in this Act.</td>
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<td>INA § 101(a)(26)</td>
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<td><strong>Optional Practical Training (OPT)</strong></td>
<td>Optional practical training (OPT) is defined in the regulations as &quot;temporary employment for practical training directly related to the student's major area of study.&quot;</td>
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<td>8 C.F.R. § 214.2(f)(10)(ii)</td>
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<tr>
<td><strong>Permanent</strong></td>
<td>The term &quot;permanent&quot; means a relationship of continuing or lasting nature, as distinguished from temporary, but a relationship may be permanent even though it is one that may be dissolved eventually at the instance either of the United States or of the individual, in accordance with law.</td>
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<td>INA § 101(a)(31)</td>
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**Port of Entry**

A designated location in the US or its territories for aliens and US citizens that acts as an entry point into the US. Locations also serve as location for aliens to adjust immigrant status. Locations also serve other functions as well.

INA § 235; 8 C.F.R. Part 235

**Premium Processing**

Premium Processing Service provides faster processing for certain employment-based petitions and applications. Specifically, USCIS guarantees 15 calendar day processing to those petitioners or applicants who choose to use this service or USCIS will refund the Premium Processing Service fee. If the fee is refunded, the relating case will continue to receive expedited processing.

The 15 calendar day period will begin when the current version of Form I-907, Request for Premium Processing Service, is received by USCIS at the correct filing address noted on the form. USCIS will issue and serve on the petitioner or applicant an approval notice, a denial notice, a notice of intent to deny, a request for evidence or open an investigation for fraud or misrepresentation within the 15 calendar day period. If the petition or application requires the submission of additional evidence or a response to a notice of intent to deny, a new 15 calendar day period will begin upon receipt by USCIS of a complete response to the request for evidence or notice of intent to deny.

**Prevailing Wage**

The prevailing wage for the occupational classification in the area of intended employment must be determined as of the time of filing the application. The employer shall base the prevailing wage on the best information available as of the time of filing the application. Except as provided in this section, the employer is not required to use any specific methodology to determine the prevailing wage and may utilize a wage obtained from an OFLC NPC (OES), an independent authoritative source, or other legitimate sources of wage data.

20 C.F.R. § 655.731(a)(2)

**Specialty Occupation**

A "specialty occupation" for H-1B purposes is an occupation that requires "(A) theoretical and practical application of a body of highly specialized knowledge, and (B) attainment of a bachelor's or higher degree in the specific specialty (or its equivalent) as a minimum for entry into the occupation in the United States.

INA § 214(i)(1)
An occupation which requires theoretical and practical application of a body of highly specialized knowledge in fields of human endeavor including, but not limited to, architecture, engineering, mathematics, physical sciences, social sciences, medicine and health, education, business specialties, accounting, law, theology, and the arts, and which requires the attainment of a bachelor's degree or higher in a specific specialty, or its equivalent, as a minimum for entry into the occupation in the United States.

8 CFR § 214.2(h)(4)(ii)

<table>
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<tr>
<th><strong>US Department of State (DOS)</strong></th>
<th>The State Department is responsible for administering the Exchange Visitor Program and overseeing diplomatic affairs and foreign relations for the US including the US consulates that issue visas to visitors to travel to the US</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>USCIS (United States Citizenship and Immigration Services)</strong></td>
<td>U.S. Citizenship and Immigration Services (USCIS) is the government agency that oversees lawful immigration to the United States.</td>
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