

GLOSSARY OF IMMIGRATION TERMS

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A

- “A” Number:** An eight digit number (or nine digit, if the first number is a zero) beginning with the letter "A" that the DHS gives to some non-citizens.
- Adjustment of Status:** A process by which a non-citizen in the United States becomes a lawful permanent resident without having to leave the U.S.
- Administrative Order of Removal:** A removal order pursuant to 8 U.S.C. § 1228. Non-lawful permanent residents with aggravated felony convictions can be removed pursuant to these orders, without any right to see an immigration judge.
- Admission:** The decision of the DHS to allow a non-citizen at the United States border or international airport or seaport to enter the United States.
- Admissible:** A non-citizen who may enter the U.S. because he/she is not excludable for any reason or has a waiver of excludability.
- Aggravated Felony:** Defined at INA § 101(a)(43). An aggravated felony includes many crimes that can be categorized into charged-based and sentence-based aggravated felonies.
- Alien:** A person who is not a citizen or national of the United States.
- Alien Registration Receipt Card:** The technical name for a "green card," which identifies an immigrant as having permanent resident status.
- Aliens Previously Removed:** Ground of inadmissibility, for persons previously removed for anywhere from five years to twenty years depending on prior circumstances.

Aliens Unlawfully Present: Ground of inadmissibility for three years for one unlawfully present in the U.S. for more than 180 days but less than one year commencing April 1, 1997 or for ten years if unlawfully present for one year or more.

Asylee: A person who is granted asylum in the United States.

Asylum: A legal status granted to a person who has suffered harm or who fears harm because of his/her race, religion, nationality, political opinion or membership in a particular social group.

B

Board of Immigration Appeals (BIA): The highest administrative body for immigration appeals and for interpretation of the immigration law. Immigration Court decisions are appealed to the BIA. Published BIA decisions are often subject to *Chevron* deference by the circuit courts and Supreme Court.

Bond: A person in immigration custody may be eligible for immigration bond. However, most non-citizens with certain crimes are subject to mandatory detention under 8 USC § 1226(c).

C

Cancellation of Removal: Discretionary remedy for an LPR who has been a permanent resident for at least five years and has resided continuously in the United States for at least seven years after having been admitted in any status and has not been convicted of an aggravated felony, or anyone physically present in the United States for a continuous period of not less than ten years immediately preceding the date of such application, who has been a person of good moral character during such period, has not been convicted of certain offenses and who establishes that removal would result in extreme hardship to the U.S. citizen or LPR spouse, parent, or child.

Citizen (USC): Any person born in the fifty United States, Guam, Puerto Rico, or the U.S. Virgin Islands; or a person who has naturalized to become a U.S. citizen. Some people born abroad are also citizens if their parents were citizens (either acquired or derived citizenship).

Convention Against Torture (CAT):

International treaty that prevents the United States from returning a person to a country where he/she will be tortured by the government or with the government's acquiescence.

Conviction:

Formal judgment of guilt entered by a court or, if adjudication of guilt was withheld, if a judge or jury has found the person guilty or the person has entered a plea of guilty or *nolo contendere* and has admitted sufficient facts to warrant a finding of guilt and the judge has ordered some form of punishment, penalty or restraint.

Crime of Violence:

Under 8 USC § 1182(a)(2), crime of violence for immigration purposes is an offense that meet the definition of a crime of violence under 8 USC § 16. However, the definition of a crime of violence for immigration purposes is constantly evolving due to new litigation.

Criminal Ground of Inadmissibility:

Found at 8 USC § 1182(a)(2), reasons that a person with criminal convictions may be inadmissible to the United States.

Criminal Ground of Deportability:

Found at 8 USC § 1227(a)(2), reasons that a person with criminal convictions may be removed from the United States.

Criminal History:

Any contact that a person has had with any law enforcement agency, even if contact did not result in a conviction.

Crime Involving Moral Turpitude (CIMT):

There is no statutory definition for what constitutes a CIMT. Generally, any crime that involves deceit, and/or theft, intended violence or serious bodily harm.

D

Department of Homeland Security (DHS):

The federal department charged, in part, with implementing and enforcing immigration law and policy.

Deportable:

Being subject to removal from the U.S. for violating an immigration law, such as entering without inspection,

overstaying a temporary visa, or being convicted of certain crimes.

Deportation:

The removal of a non-citizen from the United States. A deported person cannot ordinarily reenter the United States for five years, ten years, twenty years, or permanently, if deported for certain crimes. A non-citizen cannot be deported without a hearing, unless he/she has been convicted of an aggravated felony and is not an LPR, or has a prior removal order.

E

Entry:

Being physically present in the U.S. after inspection by the DHS or after entering without inspection.

Entry Without Inspection (EWI):

Entering the United States without being inspected by the DHS, such as a person who crosses across the border between the U.S. and Mexico or Canada without permission. This is a violation of the immigration laws.

Executive Office for Immigration Review (EOIR):

The Immigration Court and the Board of Immigration Appeals, within the Department of Justice which decides immigration cases.

Expedited Order of Removal:

Removal order pursuant to 8 U.S.C. § 1225(b)(1), for a non-citizen who is apprehended near or at the border and is not eligible to be admitted to the United States.

I

Immigration and Customs Enforcement (ICE):

The agency within the Department of Homeland Security responsible for overseeing detention and release of immigrants and the investigation of immigration-related administrative and criminal violations.

Immigration and Nationality Act (INA):

The immigration law that Congress originally enacted in 1952 and has modified repeatedly.

Immigration and Naturalization Service (INS):	Former branch of the United States Department of Justice charged with enforcing the immigration laws. On March 1, 2003, the INS ceased to exist. Responsibility for immigration policy and immigration functions is now shared between the Department of Justice and the Department of Homeland Security.
Immigration History:	Any contact that a person has had with immigration authorities.
Immigration Hold:	A detainer that is placed on a person in criminal custody which will result in the person being transferred to federal immigration custody either when the person attempts to post criminal bond or when criminal proceedings are completed.
Immigration Judge:	Administrative judge who presides over removal proceedings.
Inspection:	The DHS process of inspecting a person's travel documents at the U.S. border or international airport or seaport.

L

Lawful Permanent Resident (LPR):	A person who has received a "green card" and whom the DHS has decided may live permanently in the U.S. LPRs eventually may become citizens, but if they do not, they could be deported from the U.S. for certain activities, such as crimes described under INA § 237(a)(2).
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N

Naturalization:	The process by which an LPR becomes a United States citizen. A person must ordinarily have been an LPR for five years before applying for naturalization. A person who became an LPR through marriage to a U.S. citizen and is still married to that person in most cases may apply for naturalization after three years as an LPR.
Non-citizen:	Any person who is not a citizen of the U.S., whether legal or undocumented. Referred to in the INA as an "alien."

O

Order of Supervision: Individuals in immigration detention may be released on an order of supervision if they cannot be removed from the United States within a certain time period.

P

Parole: To permit a person to come into the U.S. who may not actually be eligible to enter--often granted for humanitarian reasons, such as to allow a person to seek asylum within the U.S.

Petty Offense Exception: If a non-citizen is convicted of a single misdemeanor crime involving moral turpitude, with less than 6 months jail time, the non-citizen may avoid removal (deportation) or at least qualify for immigration relief.

R

Reasonable Fear Interview: An interview with the Asylum Office that determines whether a non-citizen expresses a reasonable fear of returning to his home country. Non-citizens who are not otherwise eligible to see an immigration judge because they are subject to administrative removal orders or reinstatement of removal and who are afraid to return to their home country can request this interview upon transfer to immigration custody.

Refugee: A person who is granted permission while outside the U.S. to enter the U.S. legally because of harm or feared harm due to his/her race, religion, nationality, political opinion or membership in a particular social group.

Reinstatement of Removal: The process under 8 U.S.C. § 1231(a)(5) by which a previously carried out removal order (i.e., the person was physically deported and then returned) is reused against a non-citizen. Non-citizens subject to reinstatement do not have the right to see an immigration judge except in limited circumstances.

Relief:	Term used for a variety of grounds to avoid deportation or exclusion.
Removal Order:	An order, either by the Immigration Court/Board of Immigration Appeals, or by the DHS, that a non-citizen depart from the United States. All removal orders carry a bar to re-entry.
Removal Proceedings:	Proceedings to enforce departure of persons seeking admission to the US who are inadmissible or persons who have been admitted who are removable.
Respondent:	The term used for the non-citizen in removal proceedings.

S

Stipulated Order of Removal:	A removal entered pursuant to a signed “stipulation” by a non-citizen that he does not have permission to reside in the United States, waives his right to see an immigration judge, and agrees to deportation.
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U

Undocumented:	A non-citizen whose presence in the U.S. is not known to the DHS and who is residing here without legal immigration status. Undocumented persons include those who originally entered the U.S. legally for a temporary stay and overstayed, and those who entered without inspection.
United States Citizenship and Immigration Services (USCIS):	The agency within the Department of Homeland Security responsible for adjudicating affirmative applications for immigration benefits.

V

Voluntary Departure:	Permission granted to a non-citizen to leave the U.S. voluntarily. The person must have good moral character and must leave the U.S. at his/her own expense, within a specified time. A non-
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citizen granted voluntary departure can reenter the U.S. legally in the future.

W

Withholding of Removal:

Relief granted to a person who demonstrates that he/she has or will suffer harm because of his/her race, religion, nationality, political opinion or membership in a particular social group by an individual or group that the government is unable or unwilling to control.