

IMMIGRATION TERMS YOU MAY ENCOUNTER

Adjustment of Status (AOS) A process for gaining *legal permanent residency* (a “*green card*”), usually through a close family member or employer, while remaining in the U.S. To do it, a person must be *admissible*. AOS is NOT the same as the more general term, “change of status” i.e. moving from one legal immigration category to another.

Admission, (admissible) Admission is the process of allowing someone to legally enter the U.S. or to legally gain a new status in the United States. Admission involves being inspected, either by airport or border or consular officials, or by Immigration officers deciding an application for status. Committing certain criminal or immigration offenses can make a person *inadmissible* so that their entry into the U.S. from outside or their application for status within the U.S. will be denied.

Affidavit of Support A legally binding long-term contract promising to provide a fixed minimum of financial support, for a fixed period to a noncitizen seeking *legal permanent residence* in the U.S. Must be filed by a U.S. citizen or legal permanent resident. The person filing an Affidavit of Support is often called a *Sponsor*.

Aggravated Felonies A large category of crimes, defined by Immigration, whose convictions can subject a non-citizen to mandatory detention, mandatory deportation and life-time bar from returning to the U.S. Category can include State crimes that are both misdemeanors and felonies.

Alien A person who is not a U.S. citizen and who is subject to immigration laws. This is an official but not a favored term. A better term is *non-citizen*.

Asylum, Asylee, Asylum-seeker *Asylum* is a benefit granted to some persons who have entered the U.S. who can prove a well-founded fear of persecution if returned to their home country. An *asylee* is a person whose asylum application has been **granted**. An *asylum-seeker* is a person who has not yet filed an asylum application, or whose asylum application is not yet decided and is *pending*.

Crimes of Moral Turpitude (CIMTs) A very broad category of crimes, defined largely by constantly changing immigration case law. Convictions can cause a person to become *inadmissible* or *deportable* or both. Category includes State crimes that are both misdemeanors and felonies.

Deportation, deportable Now officially called **Removal**. Deportation is the ejection of a person from the U.S. on legal grounds. It is a civil action and not considered a criminal punishment. Some non-citizens who are legally subject to deportation or who are *deportable*, may be eligible for and ask for relief from deportation in Immigration Court. Such relief is usually discretionary and has many narrow eligibility requirements.

Derivative Broadly, a term for close family members, usually spouses or children, who acquire a legal immigration status through their relationship to a person who has been granted status already, who is sometimes called the Principal. Refugee, asylee and many other immigration statuses may be derived from the Principal by children and spouses in this way. Derivative status can also be lost if the relationship with the Principal or the status of the Principal changes.

Children not born in the U.S. can sometimes derive U.S. citizenship from a parent automatically, and without filing any paperwork, if they meet certain conditions.

Employment Authorization Document (EAD) Also known as a **Work Permit**. A plastic card, widely used by persons in many immigration statuses, that shows they may legally work in the U.S. for a fixed amount of time. Usually held by persons who do not have a “green card.” Some examples of those who may have EADs are asylum seekers, seasonal workers, and those with Temporary Protected Status (TPS), DACA (“dreamers”), or Orders of Supervision.

“Green Card “ Widely used to mean *legal permanent resident* status. Also the common term for the plastic card issued to *legal permanent residents* by Immigration. The actual card may be one of several colors, including pink, tan or green. The card is officially known as an I-551. Although the plastic card expires and needs to be renewed or may get lost, a person’s legal permanent residence status does not depend on the card, and does not expire or get lost.

Immigration, Immigration Services (formerly, the INS) Term broadly used to cover the services and agencies of the U.S. government that handle immigration matters. Most are now part of the Department of Homeland Security. This includes U.S. Customs and Immigration Services (U.S.C.I.S), which handles applications, Immigrations and Customs Enforcement (ICE) and Customs and Border Protection (CBP), which together handle enforcement operations. Immigration Court, which holds deportation and detention proceedings, is part of the U.S. Department of Justice. U.S. consulates abroad, which issue visas to the U.S., are part of the Department of State.

Immigrant Term used broadly to describe anyone in the U.S. who is not originally from the U.S.. Technically, it should be used only to describe people who are coming to the U.S. or are in the U.S. seeking or holding long-term status. The term “Nonimmigrant” is still used to describe someone coming to or in the U.S. temporarily, usually for a fixed period of time, and typically on a visa, (for example as a student, seasonal worker, or tourist). It often causes confusion.

Inadmissibility (please see *Admission*)

“Illegals” Unfavored term for 10+ million non-citizens who are in the U.S. without status either because they had it and lost it (40%) or never had it. Preferred term is “out of status” or “undocumented.” Being present in the U.S. without status is a civil violation, not a crime.

I-94 A white paper card, often stapled in a passport, sometimes but not always issued to refugees and others upon entering the U.S., giving information about their date of entry, *status*, and how long they are allowed to stay.

Legal (or Lawful) Permanent Residence (LPR) Also known as a “green card.” An immigration status that may be granted to a person wishing to live and work in the U.S. for an extended time, even for life. An LPR may first enter the U.S. as a refugee or asylee or some other status, and then apply to *adjust status* to LPR status. People living outside the U.S. may have an employer or close family member file immigration paperwork of their behalf that results in their coming to the U.S. in LPR status. An LPR can lose their status however, including by having criminal convictions, by leaving the U.S. for too long, and even for evidence of certain conduct or medical conditions.

Naturalization One way of gaining U.S. citizenship for persons who are not U.S. citizens at birth. Typically it involves first getting legal resident status, residing in the U.S for a fixed period of time, filing an application, paying a fee, passing English and U.S. history and government tests, being vetted by Immigration officers, and finally, being sworn in as a new U.S. citizen.

Non-citizen Preferred term for a person who is not a U.S. citizen and who is subject to U.S. immigration laws. (please also see *Alien*).

Pending Term for an immigration application that is filed but not yet decided. Also a term for the current status of the person who filed the application and is waiting for the decision. A person with a valid “pending” application was typically allowed to remain in the U.S. until the application was decided but now may be put into removal proceedings (for being out of status) and forced to apply for status in Immigration Court.

Petition A term broadly used for paperwork filed by a person in the U.S. either to bring a close family member to the U.S. to join them, or to have a close family member in the U.S. be granted legal residency. Other *petitions* can be filed independently by certain vulnerable immigrants (unaccompanied minors, victims of crimes or domestic violence, trafficking victims, for example) to allow them to independently ask for legal residency.

Refugee A person outside the U.S., who is vetted, supported and sometimes relocated by the United Nations and its contracted agencies, because that person has a well-founded fear of persecution if returned to their home country. The fixed number of U.S. refugee admissions each year is decided by each administration. Refugees arriving in the U.S. are helped by refugee resettlement agencies, like Catholic Charities and Lutheran Services when they enter the United States. After one year in the U.S., refugees may apply to *adjust status* (become permanent residents with “green cards”).

Removal (please see *Deportation*)

Sponsor A term used loosely for persons who filed a petition for a close family member or employee to come to the U.S. or become a permanent resident here. Also used to speak of the person who files an *Affidavit of Support* (see) for an immigrant who is applying to become a legal permanent resident.

Status In the Immigration context, the particular legal category that applies to a given person. The following are examples of status: Refugee, Asylee, Legal Permanent Resident, Conditional Resident, T.P.S. (temporary protected status), Pending, Nonimmigrant visa (i.e. here on a time limited visa, like a student, tourist or seasonal worker visa,) DACA (“dreamers”). There are many more. A person may change status, that is, move from one category of status to another. A person may violate a status, fall out of status altogether, never have status, or gain (or re-gain) status after not having it.

Visa Broadly used to describe a document issued by a U.S. consulate abroad, allowing a person to seek admission into the U.S. There are nonimmigrant and immigrant visas, depending on whether the person is seeking a temporary or permanent stay in the U.S. (please also see *Immigrant*) Visa holders must also be inspected and found admissible at a U.S. border, port or airport before they are allowed to enter the U.S. Visas are often identified by a letter of the alphabet, such as B (tourist visas), F (student visas), H (seasonal and skilled worker visas), and J (trainee visas).

Waiver Discretionary grant by Immigration that excuses certain actions that made a person inadmissible or deportable. Also the term for grants made by Immigration that excuse certain fees or other application requirements.

Work Permit Often a term for an *Employment Authorization Document* (please see)

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