

GLOSSARY OF KEY IMMIGRATION TERMS

AGGRAVATED FELONY

An aggravated felony is a crime as specifically defined by Federal immigration law. Conviction of an aggravated felony makes a lawful permanent resident deportable. The mere classification of a crime as an aggravated felony by state law does not make it an aggravated felony for purposes of Federal immigration law. On the other hand, some crimes classified as misdemeanors under state law may qualify as aggravated felonies under Federal immigration law.

ALIEN

An alien is defined in Federal immigration law as any person who is not a citizen or national of the United States.

ASYLEE (SEE ALSO REFUGEE)

An alien may qualify for asylee status if the individual has a well-founded fear of persecution on the basis of race, religion, nationality, membership in a particular social group, or political opinion if returned to the home country or country of last permanent residence. Once admitted the alien will be allowed to stay in the U.S. as long as expulsion from the U.S. would put them at a safety risk, unless he or she meets one of the grounds for loss of status. An asylee is eligible to apply for lawful permanent resident status one year after admission to the U.S. Technically, refugee status is adjudicated while the individual is outside the U.S., while asylee status is adjudicated while the individual is in the U.S.

CONDITIONAL PERMANENT RESIDENT

Conditional permanent residents include alien spouses and their children who applied for lawful permanent resident status based on a marriage to a citizen that occurred less than two years before entry as a conditional resident. The conditional status expires on the second anniversary of obtaining conditional status unless the alien and his or her spouse have jointly applied for lawful permanent resident status prior to that time and USCIS has removed the condition.

CONVICTION

For the purposes of Federal immigration law, the term “conviction” means one of the following, arising from a criminal proceeding with appropriate constitutional protections and required proof beyond a reasonable doubt:

- A formal judgment of guilt of the alien entered by a court, or
- If adjudication of guilt has been withheld, where (1) a judge or jury has found the alien guilty or the alien has entered a plea of guilty or nolo contendere or admitted sufficient facts to warrant a finding of guilt, and (2) the judge has ordered some form of punishment, penalty, or restraint on the alien’s liberty to be imposed.

CRIME INVOLVING MORAL TURPITUDE

A crime involving moral turpitude is one that shocks the public conscience as being inherently base, vile, or depraved, contrary to the rules of morality and the duties owed between persons, either to individuals or society in general. The crime must involve evil or malicious intent or inherent depravity. This includes crimes that include an element of fraud, so that some routine crimes such as theft can be a crime of moral turpitude. Conviction of a crime involving moral turpitude often makes a LPR deportable.

GOOD MORAL CHARACTER

Good moral character is a measure of a person’s character measured by the sum of all his or her actions. The statute contains a list of actions that negate good moral character. Good moral character is a condition for the following immigration privileges.

- Eligibility for naturalization.
- Eligibility of a VAWA Self-Petitioner for lawful permanent resident status.
- Eligibility of a T Visa holder for lawful permanent resident status.
- Eligibility of a non-permanent resident for cancellation of a deportation order or adjustment to lawful permanent resident status.
- Eligibility of a non-permanent resident battered child or spouse for cancellation of a deportation order or adjustment to lawful permanent resident status.

ICE

Immigration and Customs Enforcement.

ICE HOLD

An ICE hold (or ICE detainer) is a custody hold placed on an individual determined by ICE to be a possible subject for removal. It is a notice to a local jail or state prison that the person should not be released without notifying ICE first. The person under such a hold may or may not actually be placed in ICE detention on release from the local jail or state prison.

ILLEGAL ALIEN

This refers to aliens who are in the United States without legal permission. See also undocumented alien/undocumented immigrant/unauthorized immigrant.

IMMIGRANT

The term “immigrant” in federal Immigration law is used as a term of art referring to every alien who does not fall into a non-immigrant category.

IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE)

Immigration and Customs Enforcement is the division of the Department of Homeland Security responsible for finding and removing unauthorized immigrants. It is the former Immigration and Naturalization Service.

LAWFUL PERMANENT RESIDENT (LPR)

A grant of lawful permanent resident (LPR) status allows an alien to reside and work permanently in the United States. LPRs are also known as green card holders, although the card has not always been green. To be eligible for LPR status, the applicant must indicate an intention to reside permanently in the US.

NATURALIZED CITIZEN

A naturalized citizen is a foreign born individual who has been granted full rights as a United States citizen other than through birth to a U.S. citizen parent.

NON-IMMIGRANT ALIEN

An alien who is in the United States legally on a temporary basis is defined in Federal immigration law as a non-immigrant alien. The non-immigrant visa has an expiration date, and overstaying the visa without permission makes the alien an illegal alien.

NON-IMMIGRANT VISA

A non-immigrant visa is a visa issued to an alien for permission to enter the United States on a temporary basis for a specified purpose. The visas apply to vacationers, students, certain classes of temporary workers, and a variety of specialized categories. The authorized length of stay is specified in the visa. This is also called a temporary visa.

PAROLE INTO THE UNITED STATES

This is a temporary entry into the United States of a person who is applying for admission, granted by the Secretary of the Department of Homeland Security for humanitarian reasons or to achieve a public benefit.

REFUGEE (SEE ALSO ASYLEE)

An alien may qualify for refugee status if the individual has a well-founded fear of persecution on the basis of race, religion, nationality, membership in a particular social group, or political opinion if returned to the home country or country of last permanent residence. Once admitted the alien will be allowed to stay in the U.S. as long as expulsion from the U.S. would put them at a safety risk, unless he or she meets one of the grounds for loss of status. Refugee status is adjudicated while the individual is outside the U.S. while asylee status is adjudicated while the individual is in the U.S.

SENTENCE

The term of a jail or prison sentence includes the full length of the sentence ordered by a court even if the imposition or execution of the sentence is suspended and the individual is sent to probation.

SPECIAL IMMIGRANT JUVENILE (SIJ) STATUS

Special Immigrant Juvenile status is available for an unmarried alien under the age of 21 for whom a juvenile court has made the following findings: (1) the child has been declared dependent on a juvenile court; (2) the child's reunification with one or both parents is not viable due to abuse, neglect, abandonment, or a similar basis under state law; and (3) it is not in the best interest of the juvenile to be returned to the juvenile's or parent's previous country of nationality or country of last habitual residence.

T VISA

The T visa is a non-immigrant visa available for individuals who have been the victims of severe human trafficking and have assisted in the investigation or prosecution of traffickers. The maximum length of stay under the T visa status is four years unless extended. The holder of a T visa is eligible to apply for lawful permanent resident status if he or she is of good moral character and has been continuously in the U.S. for three years.

TEMPORARY PROTECTED STATUS

An alien from a select list of countries can get temporary protected status, which includes the right to work, without showing that he or she would be a target of persecution.

TEMPORARY VISA

Non-immigrant visitors may legally enter the United States on a temporary visa for a limited period of time. The visas apply to vacationers, students, certain classes of temporary workers, and a variety of specialized categories. The authorized length of stay is specified in the visa. This is also called a non-immigrant visa.

U VISA

The U visa is a non-immigrant visa available to non-immigrant aliens who: (1) have suffered severe physical or mental abuse as a result of being a victim of criminal activity; (2) have been, are being, or are likely to be of help to a Federal, state, or local investigation of the criminal activity causing the abuse; and (3) have certification from a Federal, state, or local judge, prosecutor, law enforcement officer, or other justice system official involved in prosecuting the criminal activity that he or she has been, is being, or is likely to be of help to a Federal, state, or local investigation of the criminal activity causing the abuse. The maximum length of the "U" visa is four years unless extended. The holder of a U visa is eligible to apply for lawful permanent resident status with three years of continuous residence after receiving U visa status.

VAWA (VIOLENCE AGAINST WOMEN ACT) SELF-PETITIONER

An alien who is the victim of severe domestic violence married to or a child of a citizen or LPR may petition for LPR status without the cooperation of the abusing spouse under the self-petitioning provisions of the VAWA. The law specifies the conditions under which a person is eligible, including the requirement of good moral character.

UNDOCUMENTED ALIEN/UNDOCUMENTED IMMIGRANT/UNAUTHORIZED IMMIGRANT

These are terms for an alien who is in the United States without legal permission through an officially issued visa or as otherwise provided in Federal immigration law.

