

# IMMIGRATION ENFORCEMENT GLOSSARY OF TERMS

## I want to learn more, but I don't understand some of the words used by advocates.

The immigration system can appear complex and convoluted with plenty of jargon. This glossary of terms may help make the system more understandable.

**Adjustment of Status:** Process whereby non-citizens already in the United States seek to change their immigration status to lawful permanent resident (aka green card holder).

**Admission:** Any non-citizen seeking to gain entry into the U.S. at a port of entry by going through official channels is deemed to be seeking admission to the United States.

**Aggravated felony:** Any criminal conviction that falls within a long list of categories defined in the Immigration and Nationality Act, ranging from murder and rape to perjury, failing to appear in court, or filing a false tax return.

**Alien:** A legal term referring to any person who is not a citizen of the U.S. We prefer to use the term non-citizen to refer to anyone who is not a citizen or national of the United States.

**Asylee:** A person granted asylum after coming to the U.S.

**Citizen:** A person who has the right—through birth or naturalization—to live in the United States permanently without being subject to immigration law.

**Conviction:** A criminal disposition that is broader in the immigration context and may include expunged convictions, deferred adjudications, and judgments not regarded as convictions under state law.

**Crime Involving Moral Turpitude:** An ambiguous category of crimes, including theft and fraud, that involve some sort of “evil intent” or are deemed contrary to contemporary social mores. A conviction for a crime involving moral turpitude can make any non-citizen deportable.

**Deferred Action:** An act of discretion on the part of the DHS to not deport a non-citizen without lawful status. An individual who has received deferred action is authorized by DHS to be present in the U. S., and is therefore considered by DHS to be lawfully present (see definition), but not have lawful status.

**Deportable:** When a non-citizen has been admitted to the United States and is subject to one of the many grounds for deportation, including overstaying a visa.

**Detainer:** A request from ICE that a law enforcement agency should maintain custody of a non-citizen who would otherwise be released, in order to provide ICE time to assume custody of the non-citizen.

**EWI (Entry without Inspection):** A non-citizen who enters the U.S. without being lawfully admitted.

**Expedited Removal:** This is a process by which a non-U.S. citizen can be denied entry and physically removed from the United States at a port of entry or within 100 miles of the border without being admitted. Usually, this occurs in cases where the intending immigrant is deemed to not possess a valid entry document, or commits fraud or misrepresentation.

**Fugitive alien:** An individual with an unexecuted order of removal.

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**Good moral character:** The Immigration and Nationality Act never defines this term, though uses it for naturalization, where it generally means that someone without a conviction.

**Immigrant:** Legally, this term refers to a lawful permanent resident or green-card holder, though it has been used more broadly to describe everyone not born in the U.S. or a U.S. territory or possession.

**Inadmissibility:** A non-citizen can be deemed to not qualify for admission to the United States based on numerable factors, such as communicable disease, criminal background, terrorism, and security reasons.

**Lawful presence:** Any non-citizen who resides in the United States with official permission, i.e. an unexpired visa or deferred action status, is deemed to be lawfully present.

**National:** Certain persons born in outlying territories of the U.S., such as American Samoa, who are not subject to removal from the United States.

**Naturalization:** Process by which a lawful permanent resident applies for and becomes a U.S. citizen.

**Non-immigrant:** A non-citizen who seeks entry to the United States on a temporary basis for a specific purpose.

**Overstay:** A non-immigrant whose visa has expired, or who has had her visa revoked after violating its conditions.

**Refugee:** A person eligible to receive asylum and, generally, granted asylum outside the United States.

**Removal:** This is a formal order to leave the country issued after the conclusion of immigration court proceedings. A non-citizen who removable and is removed is ineligible to immigrate to the United States for at least ten years, and subject to criminal penalties if s/he re-enters without authorization.

**Return:** The non-judicial process of returning a non-citizen to her country of origin who is deemed inadmissible or deportable from the United States, but one where there is no formal order of removal issued by a judge.

**Temporary Protected Status:** A non-citizen protected from removal because her country is designated on a list of countries suffering from natural disasters or political strife.

**Undocumented:** An informal term to describe non-citizens who have no legal authorization to remain in the United States.

**Unlawful presence:** A non-citizen who does not have lawful non-immigrant status and who is not in the period of authorized stay, such as deferred action, is generally unlawfully present in the U.S. Accruing more than a year of unlawful presence in the U.S. as an adult bars individuals from admission to the U.S. for ten years.

**Visa waiver program:** A program that allows noncitizens from certain designated countries to enter the United States temporarily without a visa.