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# Immigration Terms

## Immigration Terminology

These are terms used within the U.S. immigration law and therefore used on this site. You can use the search function to search for a specific term or scroll down to review the list in alphabetical order below.

### **Adjustment**

Adjustment of status to obtain legal permanent residency in the United States.

### **Admissibility**

Eligibility of an alien to lawfully enter the United States after inspection and authorization by an immigration officer.

### **Affidavit of Support**

An affidavit of support is a legally enforceable contract, and the sponsor's responsibility usually lasts until the family member or other individual either becomes a U.S. citizen, or is credited with 40 quarters of work (usually)

### **Alien**

Any person not a citizen or national of the United States as the term "alien" is defined in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3)). This term may include a stateless person and is synonymous with "noncitizen" and "foreign national."

## **Application Support Center**

USCIS offices where applicants usually have their biometrics (such as fingerprints, photograph and signature) taken.

## **Beneficiary**

An alien who is sponsored by a relative or a business, or has self-petitioned for an immigration benefit. A “principal beneficiary” is an alien who is named on an immigrant or nonimmigrant petition or application. A “derivative beneficiary” is an immediate family member of the principal beneficiary who may be eligible to receive the same immigration status as the principal beneficiary based on their family preference category.

## **Biometrics**

The processes used to identify people based on their physical traits, including fingerprints, photograph and signature. [[How to reschedule a biometrics appointment](#)]

## **Civil Surgeon**

A medically trained and licensed physician having no less than 4 years’ experience who is designated by USCIS to perform immigration medical exams in a state where the physician is licensed and practicing medicine.

## **Conditional Resident**

Any alien granted permanent resident status on a conditional basis (for example, a spouse of a U.S. citizen who married less than two years prior to the approval of their case) who must petition to remove the conditions of their status before the second anniversary of the approval date of their conditional status.

## **Cut-Off Date**

The date the U.S. Department of State uses to determine whether a preference immigrant visa applicant can be scheduled for an immigrant visa interview in any given month. When “C” (meaning Current) is listed instead of a specific date, that means all priority dates are eligible for processing. The cut-off date is the priority date of the first applicant who could not be scheduled for a visa interview for a given month. Applicants with a priority date earlier than the cut-off date can

be scheduled. However, if your priority date is on or later than the cut-off date, you will need to wait until your priority date is reached (becomes current).

### **Defensive Asylum Application**

This is an asylum application filed with an immigration judge during removal proceedings in immigration court as a defense against removal from the United States. Immigration courts are part of the Executive Office for Immigration

### **Deferred Action**

A type of prosecutorial discretion that allows an individual to remain in the United States for a set period of time, unless the deferred action is terminated for some reason. Deferred action is determined on a case-by-case basis and only establishes lawful presence. It does not provide immigration status or benefits of any kind. DACA is one type of deferred action.

### **Deferred Enforced Departure (DED)**

The president may authorize DED as part of his power to conduct foreign relations and is not a specific immigration status. Individuals covered by DED are not subject to removal from the United States, usually for a designated period.

### **Derivatives**

This is the primary applicant's spouse and/or children who will obtain status from the primary applicant.

### **Discretion**

USCIS' ability to decide the outcome of a request by weighing positive and negative factors in the applicant's case, based on the facts and circumstances the applicant describes in the benefit application.

### **Executive Office for Immigration Review**

This is the part of the Department of Justice that is responsible for immigration courts and the Board of Immigration Appeals.

### **Freedom of Information Act**

The Freedom of Information Act (FOIA) is a federal statute that:

- Says people generally have a right to request access to federal agency records; and
- Establishes a presumption that records from agencies and departments of the Executive Branch of the U. S. government are accessible to the people, except when the records are protected from disclosure by any of nine exemptions contained in the law or by one of three special law enforcement record exclusions.

## **Humanitarian Parole**

Individuals who are outside of the United States may be able to request parole into the United States based on humanitarian or significant public benefit reasons. See [Parole](#).

## **Immediate Relative**

Immediate relatives include:

The spouses of U.S. citizens,

The children (unmarried and under 21 years of age) of U.S. citizens,

The parents of U.S. citizens at least 21 years old, and

Widows or widowers of U.S. citizens if the U.S. citizen filed a petition before his or her death or if the widow(er) files a petition within 2 years of the citizen's death.

## **Inadmissibility**

Not being allowed to lawfully enter the United States or obtain a visa abroad based on acts or conduct that is listed as an inadmissibility ground in section 212 of the Immigration and Nationality Act.

## **Mandatory Detention**

Mandatory immigrant detention, is the requirement that certain categories of migrants remain detained throughout the entirety of their immigration proceedings, is a creation of Congress. In 1996, lawmakers passed the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA),

which expanded the definition of what is known as an aggravated felony and exponentially increased the use of mandatory detention, with limited opportunities for judicial review and without the opportunity to seek bond. Under IIRIRA, all noncitizens—including asylum seekers and lawful permanent residents—are subject to mandatory detention and placed in expedited removal proceedings if they are convicted of an aggravated felony: any crime of violence, theft, or burglary for which the term of imprisonment is at least one year, as well as illegal trafficking in drugs, firearms, or destructive devices.

### **Naturalization**

The manner in which a person not born in the United States voluntarily becomes a U.S. citizen.

### **Nonimmigrant**

An alien who is admitted to the United States for a specific temporary period of time. There are clear conditions on their stay.

### **Ombudsman**

The Office of Citizenship and Immigration Services Ombudsman is an impartial resource that makes recommendations to us on how to improve services, increase efficiencies, and provide a more meaningful experience. We take these recommendations seriously, review them thoroughly, and, where possible, implement them.

### **Respondent**

A noncitizen in removal proceedings

### **Parole**

The discretionary decision that allows inadmissible aliens to leave an inspection facility freely so that, although they are not admitted to the United States, they are permitted to be physically present in the United States. Parole is granted on a case-by-case basis for urgent humanitarian reasons or significant public benefit. Parole is not an “admission” or “entry.” The paroled alien is treated as an applicant for admission. Parole falls under INA section 212(d)(5)(A).

### **Parole in Place**

Discretion that allows aliens who are already physically present in the U.S. without inspection or admission an opportunity to stay in U.S. for urgent humanitarian reasons or significant public benefit. Parole in place falls under INA section 21

### **Petitioner**

The US citizen or legal permanent resident who is petitioning for a relative to receive an immigrant visa, or a company petitioning for an employee to obtain an immigrant or non-immigrant visa, or a self-petitioner petitioning for themselves to obtain a special immigrant visa in the context of VAWA and SIJS.

### **Port of entry**

Any location in the United States or its territories that is designated as a point of entry for aliens and U.S. citizens. All district offices and service centers are also considered ports, because they become locations of entry for aliens adjustment.

### **Priority Date**

The priority date determines when it's a person's turn to apply for an immigrant visa. In family immigration, the priority date is the date when a person files a petition at a DHS office or submitted to a U.S. Embassy or Consulate abroad. In employment immigration, the priority date may be the date the Department of Labor receives a labor certification application.

### **Prosecutorial discretion**

The legal authority to choose whether or not to take action against an individual for committing an offense.

### **Provisional Waiver**

Waiver for individuals who are otherwise inadmissible due to more than 180 days of unlawful presence in the United States, based on a showing of extreme hardship to certain U.S. citizen or lawful permanent resident family members, which allows the individual to return after departure for an immigrant visa interview at a U.S. embassy or consulate. For more information, go to the [Provisional Unlawful Presence Waivers](#) page.

### **Refugee**

Generally, any person outside his or her country of nationality who is unable or unwilling to return to that country because of persecution or a well-founded fear of persecution based on the person's race, religion, nationality, membership in a particular social group, or political opinion. For a legal definition of refugee, see section 101(a)(42) of the Immigration and Nationality Act (IN

## **Removal**

The expulsion of an alien from the United States. This expulsion may be based on grounds of inadmissibility or deportability.

## **Request for Evidence (RFE)**

We may send you a request for additional evidence if:

- You did not submit all the required evidence;
- The evidence you submitted is no longer valid; or
- The officer needs more information to determine your eligibility.

## **Special Immigrant Juveniles Status (SIJS)**

Some children who are here in the U.S. without legal immigration status may need humanitarian protection because they have been abused, abandoned, or neglected by a parent. SIJ status is an immigration classification that may allow these vulnerable children to apply immediately for lawful permanent resident status, commonly known as having a Green Card.

## **Special immigrants**

This refers to:

- Certain categories of immigrants who were exempt from numerical limitation before fiscal year 1992 and subject to limitation under the employment-based fourth preference beginning in 1992;
- Persons who lost citizenship by marriage;
- Persons who lost citizenship by serving in foreign armed forces;
- Ministers of religion and other religious workers, and their spouses and children;
- Certain employees and former employees of the U.S. government abroad, and their spouses and children;
- Panama Canal Act immigrants;

- Certain foreign medical school graduates, and their spouses and children;
- Certain retired employees of international organizations, and their spouses and children;
- Juvenile court dependents; and
- Certain noncitizens serving in the U.S. armed forces, and their spouses and children.

### **Subject to the numerical limit**

These are categories of legal immigrants subject to annual limits under the provisions of the flexible numerical limit of 675,000 set by the Immigration Act of 1990. The largest categories are family-sponsored preferences, employment-based preferences, and diversity immigrants.

### **Stay of Removal**

A stay of removal or stay of deportation is an order that temporarily blocks the execution of a removal order and prevents a person from being deported for a period of time. A stay of removal can be granted by the Department of Homeland Security (known as an Administrative Stay of Removal) or a Court (EOIR, BIA, or Federal Court).

### **T Nonimmigrant Status (T Visa)**

T nonimmigrant status provides immigration protection to victims of trafficking. The T visa allows victims to remain in the United States and help law enforcement authorities in the investigation or prosecution of human trafficking cases.

### **Temporary protected status (TPS)**

The secretary of the Department of Homeland Security may designate a foreign country for TPS due to conditions in that temporarily prevent the country's nationals from returning safely, or in certain circumstances, where the country is unable to handle the return of its nationals adequately.

We may grant TPS to eligible nationals of certain countries (or parts of countries), who are already in the United States. Eligible individuals without nationality who last lived in the designated country may also be granted TPS. The secretary may designate a country for TPS due to the following temporary conditions in the country: ongoing armed conflict (such as civil war); an environmental disaster (such as earthquake or hurricane); or other extraordinary and temporary conditions. Grants of TPS are initially made for periods of 6 to 18 months and may be extended.

## **Travel Documents**

We issue four types of travel documents:

- Advance parole;
- Refugee travel document;
- Re-entry permit; and
- Carrier documentation.

## **U Nonimmigrant Status (U Visa)**

U nonimmigrant status provides immigration protection to crime victims who have suffered substantial mental or physical abuse as a result of the crime. The U visa allows victims to remain in the United States and help law enforcement authorities in the investigation or prosecution of the criminal activity.

## **USCIS Immigrant Fee**

The USCIS Immigrant Fee recovers USCIS costs related to immigrant visas issued by the U.S. Department of State at U.S. Embassies and Consulates abroad. The fee covers the cost of USCIS processing, filing, and maintaining immigrant visa packets, plus the cost of producing Green Cards.

## **USCIS Number** (it's an A number)

A unique, 9-digit number assigned to a noncitizen by the Department of Homeland Security that is listed on the front of Permanent Resident Cards (Form I-551) issued after May 10, 2010. See also Alien Registration Number or Alien Number.

## **USCIS Online Account Number**

Your USCIS Online Account Number (OAN) is a unique identification number issued by the USCIS online filing system account. You should have one account number for all cases submitted.

## **Visa**

A U.S. visa allows the bearer to apply for entry to the U.S. in a certain classification, such as student (F), visitor (B) or temporary worker (H). A visa does not grant the bearer the right to enter the United States. The Department of State is responsible for visa adjudication at U.S. Embassies

and Consulates outside of the U.S.

U.S. Customs and Border Protection (CBP) immigration inspectors determine the admission, length of stay and conditions of stay at a port of entry. The information on a nonimmigrant visa only relates to when an individual may apply for entry into the U.S. DHS immigration inspectors will record the terms of your admission on your Arrival/Departure Record (I-94 white or I-94W green) and in your passport.

**Visa Bulletin** (for more info see [Visa Bulletin Page](#))

The visa bulletin summarizes the availability of immigrant numbers and indicates when immigrant visa applicants should be notified to assemble and submit required documentation to the National Visa Center.

### **Visa Lottery**

The U.S. Department of State (DOS) manages the Diversity Immigrant Visa (DV) Program (also known as the visa lottery). The DV Program is free and DOS will never send you an email about being selected.

### **Visa Retrogression**

This occurs when more people apply for a visa in a particular category or country than there are visas available for that month. Retrogression typically occurs toward the end of the fiscal year as visa issuance approaches the annual category or per-country limitations.

### **Visa Waiver Program (ESTA)**

This program allows citizens of certain selected countries who are traveling temporarily to the United States under the nonimmigrant admission classes of visitors for pleasure and visitors for business to enter the United States without obtaining nonimmigrant visas.

### **Voluntary departure**

This is when a noncitizen leaves the United States without an order of removal. Their departure may come after a hearing with an immigration judge. If the noncitizen voluntarily departs, they will not have a bar to seek admission at a port of entry at any time. If they do not depart within the specified time, they will receive a fine and a 10-year bar to several forms of relief from deportation.

## **Willful Misrepresentation**

Knowingly making a statement or a claim that is not in accordance with the true facts. For more information, go to [USCIS Policy Manual, Volume 8, Admissibility, Part J, Fraud and Willful Misrepresentation](#).

## **Withdrawal**

This is an arriving noncitizen's voluntary retraction of an application for admission to the United States in lieu of a removal hearing before an immigration judge or an expedited removal.

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