



ASISTA's Glossary of Immigration Terms

December 2023

A

Administrative Appeals Office

The [Administrative Appeals Office \(AAO\)](#) conducts administrative review of U.S. Citizenship and Immigration Services (USCIS) officers' decisions regarding immigration benefit requests in order to promote consistency and accuracy in the interpretation of immigration law and policy. The AAO has jurisdiction over appeals of denied U (I-918) and T (I-914) petitions (but *not* I-192 waivers of inadmissibility), I-360 VAWA Self-Petitions, I-485 Adjustment of Status applications based on U and T status, and I-601 and I-212 waivers, along with other non-survivor immigration benefits. The AAO also has jurisdiction over motions to reopen and motions to reconsider its own decisions, and may do so on its own motion. USCIS officers may also “certify” decisions, or ask the AAO to review an initial decision for a case that has an unusually complex or novel issue of law or fact. See *also* [“U.S. Citizenship and Immigration Services.”](#)

Admission / Admitted

The lawful entry of a noncitizen into the United States, after being inspected and authorized by an immigration officer. See INA

101(a)(13)(A). Noncitizens who have not been admitted and/or who are seeking admission are subject to the grounds of inadmissibility.

A physical entry to the United States does not mean a noncitizen has been admitted. A noncitizen who entered the United States without inspection (e.g., by crossing the border without contact with any immigration officers) has not been *admitted* to the United States. That same noncitizen may later obtain immigration relief from within the United States which might be considered an admission, depending on the form of relief.

Age-out

An “age-out” occurs when a noncitizen becomes too old to either: 1) be part of a parent or sibling’s immigration case, and/or 2) include a parent or sibling in their own immigration case. Age-outs often happen when the noncitizen turns 21, but can sometimes happen earlier. Age-out protections may be available depending on the type of immigration benefit the noncitizen is seeking.

Aggravated Felony

A name given by Congress to certain criminal convictions that prevent noncitizens from obtaining many types of immigration relief. Despite the name, many crimes that are designated as “aggravated felonies” are not aggravated or felonies. In some cases, convictions for shoplifting diapers or baby formula are aggravated felonies. The aggravated felony bar causes unjust outcomes for immigrant survivors of color and other overpoliced communities. However, solutions may be available. All noncitizens who have had contact with the criminal-legal system should be referred to a legal representative for a thorough screening.

Any Credible Evidence Standard

The “any credible evidence” (ACE) standard applies to all evidence submitted by applicants for survivor-based relief such as VAWA

Self-Petitions, U and T visas, along with I-751 Domestic Violence Waivers and VAWA Cancellation of Removal. The “any credible evidence” standard is statutory and reflects Congress's understanding that immigrant survivors may face difficulty documenting their cases due to trauma, ongoing abuse, or unstable living circumstances. Under the “any credible evidence” standard, adjudicators should take into account the trauma and victimization experienced by the applicant, and should not require the applicant to submit particular types of evidence or deny applications due to the applicant’s failure to submit a particular type of evidence. Instead, adjudicators should examine each piece of evidence individually and within the context of the totality of the evidence for relevance, probative value, and credibility.

Despite the flexibility of the “any credible evidence” standard, [ASISTA encourages applicants](#) to take care to provide explanations for any discrepancies that appear in the evidence, and why the evidence submitted is the best *available* to the survivor. Note that applicants must still establish their eligibility for relief by a preponderance of the evidence, but the evidence they submit is subject to the “any credible evidence” standard. See *also* [“Evidence.”](#)

Asylee / Refugee

Indefinite (permanent) lawful status granted to a person who is afraid to return to their country of origin because they are likely to suffer persecution there. Here, persecution refers to harm beyond mere harassment, which law enforcement officials would either perpetrate themselves or fail to prevent. It does not include generalized crime or violence or poor living conditions, but only targeted harm, on the basis of who the person is. Specifically, to qualify, an asylee or refugee must have experienced or have a chance of experiencing persecution in their country of origin on account of their race, religion, nationality, political opinion or membership in a particular social group. The person can be granted “asylum” if they apply from within the U.S.; they can be granted “refugee status” if they apply from

another country before coming to the U.S. Apart from that distinction and some of the services they receive on approval, the two terms are synonymous in most key ways.

B

Board of Immigration Appeals

The Board of Immigration Appeals (BIA) is a body within the United States Department of Justice that reviews the decisions of Immigration Judges and some decisions of United States Citizenship and Immigration Services (USCIS). Sometimes the BIA changes an Immigration Judge's decision. A noncitizen who disagrees with a BIA decision can ask a U.S. Circuit Court of Appeals to review it. *See also* [“Circuit Courts of Appeals.”](#)

Bona Fide Determination

A determination USCIS makes about 5 years after a noncitizen files a petition for U nonimmigrant status (“U visa”). According to the USCIS Policy Manual, “bona fide” means a U visa petition was filed “in good faith; without fraud or deceit,” background checks are complete, and a signed law enforcement certification and statement from the survivor are included. If USCIS decides a U visa petition is bona fide, it issues Deferred Action and a work permit to the noncitizen for 4 years. A bona fide determination (BFD) is not a final decision on the noncitizen's U visa petition. *See also* [“U Nonimmigrant Status.”](#)

C

Child

Immigration law defines a child as a person who is (1) under age 21, and (2) unmarried. One exception exists for children who may benefit from the “Child Status Protection Act,” a law whose complexities are beyond the scope of this glossary, but which treats children as

maintaining their sub-21 age when specific legal criteria are met. Where immigration benefits require a parent-child relationship, step-children, adopted children, and children born out of wedlock may all count as someone's "child" under certain conditions.

Circuit Courts of Appeals

A court of appeals is any tribunal that reviews the ruling made by another court to assess if the original court made an error in understanding the facts or applying the law. When "Court of Appeals" is capitalized and used in an immigration context, it generally refers to a U.S. Circuit Court of Appeals (also called simply the "Circuit Court"). A Circuit Court of Appeals is a federal court of appeals that reviews federal district court rulings as well as rulings made in the immigration context by the BIA. There are eleven Circuit Courts of Appeals, each with jurisdiction over a particular geographic region (for instance, the Seventh Circuit Court of Appeals has jurisdiction over cases in Illinois, Wisconsin, and Indiana). When a Court of Appeals publishes a precedential decision in a case, that decision becomes law that must be followed by all lower courts and immigration officials within its jurisdiction.

Code of Federal Regulations

The Code of Federal Regulations (CFR) contains federal agencies' interpretations of the statutes they administer. The immigration regulations interpret the Immigration and Nationality Act (INA) and often contain specific instructions about evidence that must be filed with an immigration application or petition. Most immigration regulations are found at Titles 8 and 22 of the CFR. An online version of the CFR is available [here](#).

Conditional Permanent Residence

If a noncitizen receives their Lawful Permanent Residency based on marriage to a U.S. Citizen or Lawful Permanent Resident, and the

marriage is less than 2 years old when the permanent residency is granted, the Lawful Permanent Residence is often “conditional.” Conditional Permanent Residence lasts for two years. During that time, the noncitizen has all of the privileges and responsibilities of Lawful Permanent Residency, including the ability to work legally and travel outside the United States. To become a “full” Lawful Permanent resident, the noncitizen must file a petition to remove the conditions on their residence jointly with their spouse or alone with a waiver. See *also* “[Domestic Violence Waiver](#)” and “[Removal of Conditions](#).”

Continuance

A decision by an Immigration Judge to postpone a hearing. A continuance can be requested by the noncitizen or their representative orally or in writing. Two reasons to request a continuance are for a noncitizen to find an attorney or Accredited Representative to represent them in Immigration Court, or to ask the Immigration Judge to pause the case while the noncitizen waits for USCIS to make a decision on an unrelated petition, like for a U visa.

Continuous Physical Presence

The amount of time that a noncitizen is physically in the United States. Long trips outside the United States often interrupt the noncitizen’s period of continuous physical presence. Continuous physical presence is a requirement for many types of immigration relief, such as Lawful Permanent Residency based on a U or T visa. See *also* “[Lawful Permanent Resident](#),” [T Nonimmigrant Status \(or ‘T Visa’\)](#),” and “[U Nonimmigrant Status \(or ‘U Visa’\)](#).”

Crime Involving Moral Turpitude

Generally, a Crime Involving Moral Turpitude (CIMT) involves conduct that is “inherently base, vile, or depraved, contrary to the rules of morality.” *Matter of Perez-Contreras*, 20 I&N Dec. 615 (BIA 1992). A CIMT involves a culpable mental state and reprehensible conduct.

Therefore, criminally reckless behavior might be considered a CIMT, but negligent behavior would not. CIMT convictions or qualified admissions may prevent noncitizens from accessing certain types of immigration relief. It is vital to analyze state statutes and circuit case law to know whether a conviction will be treated as a CIMT.

For more information on CIMTs, please see ASISTA's [practice advisory](#) on representing criminalized immigrant survivors.

Criminal Legal System Contacts

Encounters with police or other members of criminal law enforcement. This term is broadly used to cover stops, tickets, arrests, court charges, and convictions.

Customs and Border Protection

Customs and Border Protection (CBP) is a law enforcement division of the U.S. Department of Homeland Security. CBP officers examine persons and cargo entering the United States at officially designated ports of entry (POEs) at airports, transit hubs, and locations along national borders with Canada and Mexico. CBP also patrols the border of the United States with Canada and Mexico, and claims the authority to conduct immigration enforcement activities (including warrantless searches) within 100 miles of land or sea borders, which includes many highly populated areas of the United States.

D

Deferred Action

Deferred action is a discretionary determination to defer removal (and other forms of immigration enforcement) of a noncitizen as an act of prosecutorial discretion. A noncitizen is not considered to be unlawfully present during the period when deferred action is in effect, and is authorized to be in the United States for the duration of the

deferred action period. Deferred action recipients are also considered to be lawfully present for purposes of eligibility for certain public benefits during the period of deferred action. However, deferred action does not confer lawful immigration status or excuse any previous or subsequent periods of unlawful presence. Immigrant survivors with approved I-360 VAWA Self-Petitions, U visa bona fide determinations, and U visa waitlist approvals may be issued Notices of Deferred Action on Form I-797 and employment authorization documents. These documents are valid for a limited period of time as reflected on the notices, and must be extended for their benefits to continue. Immigrant survivors may also apply for other forms of deferred action, such as DACA or Labor-based Deferred Action (also known as DALE) under current policies.

Department of Homeland Security

The Department of Homeland Security (DHS) is the U.S. federal agency tasked with enforcing immigration laws and granting immigration benefits to most of the immigrants and their U.S. Citizen or U.S.-based organizational petitioners who are located in the U.S. Within DHS, the primary components involved with immigration are CBP, ICE, and USCIS. Immigration judges and the Board of Immigration Appeals are not components of DHS, but instead of the Department of Justice (DOJ), within the Executive Office for Immigration Review (EOIR).

Deportability / Deportable

While the terms “deportability” and “deportable” are often used colloquially and are still referenced in Immigration and Nationality Act (INA), the current legal terms, “removability” and “removable,” are generally preferred. A noncitizen is “deportable” (or “removable”) if they have been admitted to the United States and have done something that permits ICE to attempt to “deport” (or “remove”) them from the U.S. Examples of acts that could make someone deportable are falsely claiming to be a U.S. citizen, overstaying a visa, or being

convicted of certain crimes. Just because someone is deportable does not mean they will actually be deported: many noncitizens will first have the opportunity to mount a defense against deportation, such as by applying for asylum or lawful permanent residency in immigration court. See *also* "[Immigration and Nationality Act](#)" and "[Removal / Removal Proceedings](#)."

Derivative or Derivative Beneficiary

A noncitizen who receives their immigration status based on their close family relationship to another noncitizen who was the "primary" or "principal" applicant for the immigration status. A derivative often does not have to meet all of the immigration requirements that a principal beneficiary does. For survivor-based relief, a principal applicant's child, as defined by immigration law, is always eligible to apply as a derivative beneficiary. Additionally, U and T visa principal applicants may be able to include their spouse, parent, sibling, or even other family members as derivatives with their applications. See *also* "[Child](#)" and "[Marriage](#)."

Domestic Violence Waiver

Also known as a "Battered Spouse Waiver," a process that allows a current or former Conditional Permanent Resident who has been abused by their U.S. Citizen or Lawful Permanent Resident spouse or former spouse to file a petition for removal of conditions on that residence without the abuser's help. This process is called a "waiver" because the noncitizen is asking USCIS to waive the usual requirement to jointly file a petition to remove conditions with their spouse. The Domestic Violence Waiver is intended to prevent U.S. Citizen and Lawful Permanent Resident abusers from using the immigration system as a tool of power and control. See *also* "[Conditional Permanent Resident](#)" and "[Removal of Conditions](#)."

E

Early Adjustment

A process that allows some human trafficking survivors who hold T nonimmigrant status (“T visa”) to file for their Lawful Permanent Residency, even if they have been in T nonimmigrant status for less than three years. To be eligible for early adjustment, the noncitizen has to prove they were continuously physically present in the United States during the investigation or prosecution of the trafficking and that the investigation or prosecution is complete. The noncitizen must include a document called a “DOJ early adjustment letter” with their application. See *also* [“Continuous Physical Presence”](#) and [“T Nonimmigrant Status \(or ‘T Visa’\).”](#)

Evidence

Initial Evidence: The proofs required with a filing (e.g., application or petition) to demonstrate eligibility for each of the required elements for that form of relief.

Primary Evidence: Evidence that proves an eligibility requirement on its own (e.g., a valid birth certificate proves the birth of a child). Generally, where possible, noncitizens should obtain and submit primary evidence that demonstrates their eligibility. More weight is given to primary evidence than to secondary evidence.

Secondary Evidence: Evidence that may prove a fact is more likely true than not, but does not come from a primary source (e.g., providing baptismal records to prove the birth of a child). The noncitizen may have to explain why primary evidence does not exist or why they cannot obtain it, in addition to providing secondary evidence that overcomes the unavailability of primary evidence. *But see* “Any Credible Evidence Standard.”

Systems Evidence: Evidence created by the government, the courts, law enforcement, medical professionals, banks or other official sources and are not created by the Petitioner/Applicant. Examples include court case documents, government-issued birth certificates, or insurance documents. More weight is given to systems evidence than to secondary evidence.

Executive Office for Immigration Review

The Executive Office for Immigration Review (EOIR, also known as “Immigration Court”) is an agency of the Department of Justice and is independent from USCIS and ICE. The EOIR is responsible for the administrative courts that conduct immigration proceedings and the Board of Immigration Appeals. The Immigration Judge (also known as an “IJ”) determines whether the Respondent (the individual alleged to be a noncitizen) should be removed (“deported”) from the United States. The IJ also has jurisdiction over various forms of relief that may be available to the Respondent in removal proceedings. Decisions made by the IJ are final unless appealed or certified to the Board of Immigration Appeals. See *also* “[Deportability / Deportable](#)” and “[Removal / Removal Proceedings](#).”

Extreme Cruelty

The immigration term for non-physical forms of domestic violence, including tactics of coercive control that abusers use to inspire fear in survivors. Many of the behaviors listed on the [Power and Control Wheel](#) may be examples of extreme cruelty. Noncitizens who have been victims of extreme cruelty by certain U.S. Citizen and Lawful Permanent Resident relatives can apply for VAWA Self-Petitions (and potentially Lawful Permanent Residency), VAWA Cancellation of Removal, Domestic Violence Waivers, and, in some cases, U and T visas.

Extreme Hardship

To receive a discretionary immigration benefit, such as a form of relief or a waiver, a noncitizen may be required to demonstrate that they, or a qualifying family member, would suffer extreme hardship if the noncitizen was removed from the United States. The noncitizen must provide evidence that the hardship would go beyond the “usual” or “expected” harm that generally results from removal, such as family separation, negative economic effects, and difficulties associated with readjusting to life in another country (e.g., accessing education, keeping the same career path, etc.). Hardship that would result to a non-qualifying family member must be tied to the extreme hardship to a qualifying relative. For more information on extreme hardship, please see ASISTA’s resource “[Introduction to Survivor-Based Immigration Relief](#).”

G

Gender-based Violence

“Gender-based violence” or “GBV” is physical, psychological, and/or sexual abuse rooted in gender inequality that primarily impacts women, girls, and anyone who violates or is perceived to violate prevailing gender norms and expectations. GBV encompasses many types of harm including intimate partner violence, rape and sexual assault, stalking, human trafficking, forced marriage, and genital mutilation.

Good Faith Marriage

Applicants for marriage-based immigration benefits are required to establish that they entered into a legal marriage in good faith. Generally speaking, a good faith marriage (GFM) is one in which the spouses intended to establish a life together at the time of marriage. A marriage that was entered into for the primary purpose of circumventing the immigration laws is referred to as a fraudulent, or

“sham” marriage, and cannot meet the good faith marriage requirement. See *also* “[Intended Spouse](#).”

Good Moral Character

The Immigration and Nationality Act (INA) defines good moral character (GMC) by listing what actions will bar a noncitizen from demonstrating that they have good moral character. Naturalization and some forms of survivor-based immigration relief require good moral character. Note that, while a GMC analysis is distinct from determining a noncitizen’s admissibility, several of the bars to good moral character reference inadmissibility grounds. Therefore, a GMC violation may also mean the noncitizen is inadmissible.

The “lookback period,” or period of time during which a noncitizen must demonstrate good moral character, will depend on the form of relief the noncitizen is seeking. A GMC violation during that lookback period may result in a finding that the noncitizen cannot demonstrate that they are a person of good moral character. Violations that do not fall under any of the bars listed in the INA may still be considered, meaning a noncitizen with such violations may be found to lack GMC. See *also* “[Immigration and Nationality Act](#)” and “[Inadmissibility Ground](#).”

Green Card

Colloquial term for a driver license-sized [card](#) awarded as proof of lawful permanent residency. In general, although the card contains an expiration date, the lawful permanent resident (LPR) status itself does not expire. Rather, the card must be renewed using a simple application, but the LPR legally retains all the rights and benefits of LPR status even after the card expires. The card’s appearance is periodically redesigned and is usually, but not always, green. See *also* “[Lawful Permanent Resident](#).”

Immigration and Customs Enforcement

Immigration and Customs Enforcement (ICE) is the federal agency within the U.S. Department of Homeland Security (DHS) that is responsible for enforcing U.S. immigration laws, often through the arrest and detention of noncitizens for alleged immigration violations. However, not all noncitizens will interact with ICE, and not all noncitizens who interact with ICE will be taken into custody. In addition to immigration enforcement agents, ICE also employs the lawyers in the Office of Principal Legal Advisor (OPLA) who present the U.S. government's case in immigration removal proceedings.

Immigration and Nationality Act

The Immigration and Nationality Act (INA) is the main immigration statute in the United States. It contains the foundational rules for survivor-based immigration relief, which are further refined by regulation, case law, and the USCIS Policy Manual and memoranda. The INA is contained in Title 8 of the United States Code and an online version is available [here](#).

Inadmissibility Ground

An act or failure to act that disqualifies noncitizens from accessing certain immigration benefits unless they apply for and receive a waiver. Noncitizens both in and outside the United States may be subject to grounds of inadmissibility. Most noncitizens who enter the U.S. at a "port of entry" (by going through Customs at an airport or land border) are assessed by an immigration officer to determine if any grounds of inadmissibility prevent their entry. Inadmissibility can also apply to a noncitizen who is in the U.S. and applying for a new immigration status, such as U or T nonimmigrant status, or lawful permanent resident (LPR) status.

Incompetent / Incapacitated

In the context of U nonimmigrant petitions: If the direct victim was under 16 years of age at the time the qualifying criminal activity occurred, USCIS presumes that the child is incompetent or incapacitated, for purposes of demonstrating that they possessed information about the qualifying criminal activity and that they have been or are being helpful in the investigation or prosecution of that criminal activity. However, this presumption can be overcome, if the evidence plainly indicates that, despite being under 16 years of age, they were not incompetent or incapacitated. To make this determination, USCIS considers the direct victim's level of participation in the investigation or prosecution, the level of participation of the indirect victim, and the indirect victim's role in supporting the direct victim. The fact that the direct victim under 16 years of age provided some assistance in the investigation or prosecution of the qualifying criminal activity does not automatically overcome the presumption of their incompetence or incapacity. See also "[Victim \(U Visa\): Indirect Victim.](#)"

In the context of removal proceedings: While there is a presumption of the Respondent's competency in removal proceedings, if there are "indicia of incompetency," the immigration judge must assess competency. See *Matter of M-A-M-*, 25 I&N Dec. 474 (BIA 2011). If the Respondent is found to be incompetent, the immigration judge must institute safeguards that protect the Respondent's right to a full and fair hearing. See ASISTA "[Practice Alert: Rights of noncitizens with significant mental health conditions in removal proceedings.](#)"

Intended Spouse

A protection in immigration law for immigrant survivors who believed they married an abuser in good faith, but later learned that their "marriage" to the abuser was invalid solely because the abuser was

already married to someone else. For the protection to apply, the marriage must be invalid solely because the abuser was already married to someone else, a marriage ceremony must have been performed, and the survivor must have believed at the time of the marriage ceremony that the abuser was free to marry. The “intended spouse” protection allows immigrant survivors to be eligible for VAWA Self-Petitions, VAWA Cancellation of Removal, and Domestic Violence Waivers even though they were not legally married to the abuser.

L

Law Enforcement Certification

A required part of a U nonimmigrant status, or “U visa,” petition. By signing the certification, the police/sheriff, prosecutor, judge, or member of another investigative body certifies that: 1) the survivor was a victim of a qualifying crime; 2) the survivor has information about the crime; 3) the survivor has been, is being, or is likely to be helpful in the investigation or prosecution of the crime; and 4) since the initiation of cooperation, the survivor has not stopped being helpful. The law enforcement certification is submitted on Form I-918B with the U visa petition. The law enforcement certification must be signed 6 months or less before the U visa petition is filed. USCIS will not grant a U visa without a signed law enforcement certification. See *also* “[U Nonimmigrant Status](#).”

Lawful Permanent Resident

A Lawful Permanent Resident (LPR), sometimes called a “green card holder,” is allowed to live and work indefinitely in the U.S., travel to and from the U.S., and receive additional public benefits. An LPR’s right to travel abroad is not unlimited; LPRs who remain outside the U.S. for too long may be considered to have “abandoned” their LPR status. An LPR can also petition for a spouse or unmarried child to

become an LPR. Despite the term Lawful Permanent Resident, there are limits to an LPR's ability to remain in the U.S. An LPR can lose their status and be removed from the U.S. if they come within a "ground of removability." In some cases, the LPR can apply for a waiver to have the ground of deportability forgiven. See *also* "[Green Card](#)" and "[Removal / Removal Proceedings](#)."

M

Marriage

The legal union of two people. Generally, USCIS will recognize a marriage as legally valid according to the laws where the marriage took place, unless it is considered contrary to U.S. public policy (e.g., incestuous or plural marriages). USCIS will recognize a common law marriage in jurisdictions where common law marriages may be contracted. See *also* "[Good Faith Marriage](#)" (which requires a showing beyond the existence of a legally valid marriage).

N

Naturalization

The process for people who were not U.S. Citizens at birth to become U.S. Citizens. To naturalize, the noncitizen must have been a Lawful Permanent Resident for three or five years, meet U.S. residence and physical presence requirements, be a person of good moral character, and, in most cases, pass an English and civics test. The English and/or civics test may be waived in some cases, due to age or disability. Before becoming a U.S. Citizen, the noncitizen must take an "oath of allegiance" to the United States. The oath may be waived in some cases for noncitizens with disabilities.

Noncitizen

Catch-all term for a person who does not hold U.S. citizenship. A noncitizen may have any immigration status besides being a naturalized citizen, including LPR status, temporary worker or visitor status, and being undocumented. Immigration advocates use the term “noncitizen” instead of “alien,” as the latter term is offensive and dehumanizing.

Nonimmigrant

Person without U.S. citizenship who is granted the right to come to the U.S. on a temporary basis, for a particular purpose. The term is contrasted with “immigrant,” which is legally defined as a noncitizen intending to make the U.S. their long-term or permanent home. Familiar examples of nonimmigrant status include, but are not limited to, visitor visa, student visa, or temporary worker visa. When it comes to survivor-based immigration, U-visas and T-visas are examples of nonimmigrant statuses: they last only four years, and are designed to achieve the purposes of enabling or encouraging cooperation with law enforcement after a crime, and assisting survivors to recover.

P

Parole

Parole is a discretionary decision by an immigration officer to permit a noncitizen to be physically present in the United States. A grant of parole is not an admission to the United States.

Parole is granted on a case-by-case basis, for “urgent humanitarian reasons or significant public benefit.” INA 212(d)(5)(A). There are various parole programs and processes, with differing eligibility requirements. Generally, USCIS adjudicates parole requests for those seeking to enter the United States. However, ICE has jurisdiction over parole requests for those seeking release from ICE

detention. Further, CBP has the authority to make parole decisions at ports of entry. See also “[Customs and Border Protection](#),” “[Immigration and Customs Enforcement](#),” and “[U.S. Citizenship and Immigration Services](#).”

Permanent Bar

Penalty for certain immigration violations that results in a noncitizen becoming permanently inadmissible, unless and until they both (1) spend ten years outside the U.S., without attempting to re-enter unlawfully, and (2) receive approval on a special form permitting them to seek a new immigration status. The permanent bar is triggered in two ways. First, by spending at least one year in the aggregate within the U.S., without authorization, and then leaving and re-entering unlawfully. Or second, by being deported and then re-entering the U.S. unlawfully. Survivor-based immigration benefits are among the few benefits noncitizens can seek if they are subject to the permanent bar, because they permit applicants to request a waiver of the permanent bar.

Prima Facie Determination

USCIS conducts prima facie (“at first look”) determinations (PFD) after receipt of a VAWA Self-Petition. USCIS first reviews the self-petition to determine whether the self-petitioner submitted a completed form and evidence to support each eligibility requirement. If USCIS determines that the self-petitioner has done so, USCIS will issue a Notice of Prima Facie Case (NPFC), which may make the self-petitioner eligible for certain public benefits. The issuance of the NPFC does *not* mean that USCIS has found the self-petitioner has established eligibility for the self-petition and does *not* guarantee that USCIS approves the self-petition.

Public Charge

The public charge ground of inadmissibility makes persons who are likely to become “primarily dependent on the government for subsistence, as demonstrated by either the receipt of public cash assistance for income maintenance or institutionalization for long-term care at government expense” ineligible for admission or lawful permanent residence, as determined by the totality of the circumstances. 8 CFR § 212.21(a). Non-cash public benefits are generally excluded from the public charge analysis. Noncitizen beneficiaries of survivor-based immigration relief such as U and T visas, VAWA self-petitions, VAWA cancellation of removal, domestic violence waivers, and certain humanitarian relief such as asylum, are not subject to the public charge ground of inadmissibility.

Q

Qualifying Crime

Criminal activity that can form the basis of a U visa application. A noncitizen who survives a criminal incident and wishes to apply for a U visa must demonstrate that what happened to them matches the definition of at least one of the “qualifying” crimes listed in the U visa statute. The statute lists: “rape; torture; trafficking; incest; domestic violence; sexual assault; abusive sexual contact; prostitution; sexual exploitation; stalking; female genital mutilation; being held hostage; peonage; involuntary servitude; slave trade; kidnapping; abduction; unlawful criminal restraint; false imprisonment; blackmail; extortion; manslaughter; murder; felonious assault; witness tampering; obstruction of justice; perjury; fraud in foreign labor contracting (as defined in section 1351 of title 18); or attempt, conspiracy, or solicitation to commit any of the above mentioned crimes.”

R

Removal / Removal Proceedings

“Removal,” colloquially known as “deportation,” means the forced departure of a noncitizen from the U.S. A “removal proceeding” denotes a process of determining whether a noncitizen has a legal right to remain in the U.S. This determination may happen at or near a U.S. border in what is known as an “expedited removal” proceeding conducted by an officer of the Department of Homeland Security (“DHS”), or in a lengthier and more complex proceeding in Immigration Court before an IJ. Persons removed from the U.S. who re-enter the U.S. without permission are subject to “reinstatement of removal,” a summary process that is similar to expedited removal.

In removal proceedings before an Immigration Court, a noncitizen may request “relief from removal” to allow them to remain in the U.S. Relief from removal often takes the form of humanitarian relief, a waiver of immigration law violations, or family-based immigration. Noncitizens may request more than one form of relief from removal in removal proceedings before an IJ.

Persons may be ordered removed without being physically deported. There are many noncitizens in the U.S. with outstanding removal orders, or “final orders of removal.” Noncitizens may request prosecutorial discretion to defer removal, or seek to reopen their removal proceedings or reconsider their removal orders. Immigrant survivors with removal orders may apply for U and T visas, and VAWA Self-Petitions without reopening their removal proceedings. See *also* “[Executive Office for Immigration Review](#)” and “[Deportability / Deportable](#).”

Removal of Conditions

The process for a noncitizen to change from a Conditional Permanent Resident to a “full” Lawful Permanent Resident. There are two ways

for a noncitizen to remove conditions: 1) file Form I-751 jointly with their U.S. Citizen or Lawful Permanent Resident spouse; or 2) file Form I-751 alone and request a waiver of the joint filing requirement. There are waivers available based on domestic violence, good faith marriage, and extreme hardship. Some immigrant survivors may qualify for more than one waiver. See *also* “[Conditional Permanent Resident](#)” and “[Domestic Violence Waiver](#).”

S

Substantial Abuse

Petitioners for U nonimmigrant status must demonstrate that they have suffered substantial mental or physical abuse, as a result of the victimization on which their petition is based. USCIS assesses whether the harm the Petitioner suffered rises to the level of “substantial” based on numerous factors, including: the severity of the perpetrator’s conduct; duration of the infliction of harm; and whether any permanent or serious harm resulted to the victim’s health or physical or mental wellbeing, including any aggravation to preexisting conditions.

Survivor / Victim

“Victim” is a term used in the criminal legal system to describe the person who suffered harm as a result of the commission of a crime, thereby describing a person by what was done to them. Some, therefore, prefer not to identify themselves as a victim. Instead, the term “survivor” is often used as a term of empowerment, focusing on the individual and their life beyond the violence they experienced.

It is important to note that some do not identify with the term “survivor.” Since it may imply having moved beyond the violence and reaching a level of healing, they may not feel the term applies. This may be especially true if they are still living with an abuser or are in

an otherwise unsafe situation and/or are still processing the trauma that resulted from the violence.

It is best practice to use the term the individual prefers. When working with victims/survivors, follow their lead in the language they use to describe themselves.

T

T Nonimmigrant Status (or “T Visa”)

Four-year immigration status awarded to a noncitizen who survived a severe form of either sex trafficking or labor trafficking in the U.S. With T nonimmigrant status, a noncitizen is authorized to work, seek public benefits, apply for certain family members to also hold T nonimmigrant status, and eventually apply for lawful permanent residency. See also “[Early Adjustment](#).”

U

U Nonimmigrant Status (or “U Visa”)

Four-year immigration status awarded to a noncitizen who, while in the U.S., survived a qualifying crime and assisted law enforcement in detecting, investigating, and/or prosecuting the crime. With U nonimmigrant status, a noncitizen is authorized to work, apply for certain family members to also hold U nonimmigrant status, and eventually apply for lawful permanent residency. In some states, holding U nonimmigrant status also makes a person eligible for certain public benefits. See also “[Qualifying Crime](#),” “[Substantial Abuse](#),” and “[Victim \(U Visa\)](#).”

Unlawful Presence Bars (3- & 10-year bars)

Grounds of inadmissibility that prevent some noncitizens from accessing certain types of immigration relief. The unlawful presence

(ULP) bars generally apply to noncitizens who have accrued a specified period of “unlawful presence” in the United States and then departed the United States. Depending on the amount of unlawful presence the noncitizen accrued, they may be barred from certain types of immigration relief for 3 or 10 years after their departure unless they receive a waiver.

U.S. Citizenship and Immigration Services

U.S. Citizenship and Immigration Services (USCIS) is the federal agency within DHS that is responsible for the adjudication of affirmative requests for immigration benefits. “Affirmative” requests are requests that are not presented to an Immigration Judge. Some of the requests that USCIS adjudicates include Violence Against Women Act (VAWA) Self-Petitions, applications for T nonimmigrant status, and petitions for U nonimmigrant status. Unlike Immigration and Customs Enforcement (ICE) and Customs and Border Patrol (CBP), USCIS is not a federal law enforcement agency.

USCIS Policy Manual

Compendium of legally-binding guidance on how USCIS interprets and applies immigration law. Available [online](#), the USCIS Policy Manual is still being written and revised and does not yet cover all topics. However, where a topic is addressed in the Policy Manual, USCIS officials must abide by those provisions.

V

VAWA Self-Petition

A Violence Against Women Act (VAWA) Self-Petition allows certain noncitizen relatives of abusive U.S. Citizens or Lawful Permanent Residents to file the petition to start the Lawful Permanent Residency process on their own, instead of relying on the abusive relative to file the petition for them. If the self-petition is approved, the survivor may

be eligible for Lawful Permanent Residency. The VAWA Self-Petition was first created as part of the Violence Against Women Act of 1994. It is intended to prevent U.S. Citizen and Lawful Permanent Resident abusers from using the immigration system as a tool of power and control. See *also* "[Extreme Cruelty](#)."

Victim (U Visa)

One of the requirements to obtain U nonimmigrant status, or a "U visa," is that the noncitizen was a victim of a qualifying crime. There are three types of victims for U visa purposes:

Bystander victim: a person who was not a target of a U visa qualifying crime, but who suffered "unusually direct injury" because of that crime. Sometimes, a family member who cannot qualify as an indirect victim because of the direct victim's age at the time of the qualifying crime can qualify as a bystander victim. An example of a bystander victim may be a noncitizen parent of a 25-year-old woman who was murdered by her abuser, if the parent suffered "unusually direct injury" because of her daughter's murder. Bystander victims must meet all other U visa requirements, including cooperation with law enforcement.

Direct victim: typically, the person who was a target of the qualifying crime. For example, a survivor who was stalked by their co-worker would be considered a "direct victim" of the U visa qualifying crime of Stalking.

Indirect victim: when the direct victim of a qualifying crime is deceased due to murder or manslaughter or is incompetent or incapacitated, certain family members of the direct victim may be "indirect victims" and qualify for U visas. An example of an indirect victim may be the noncitizen parent of a U.S. Citizen child who has suffered sexual assault. The types of family members who can be indirect victims depends on the direct victim's age at the time of the qualifying crime. Indirect victims must meet all other U visa

requirements, including cooperation with law enforcement. See *also* [“Incompetent / Incapacitated.”](#)

W

Work Permit

Also referred to as an “Employment Authorization Document” or “EAD.” A work permit is a driver license-shaped [card](#) awarded as proof a noncitizen is authorized to obtain a Social Security number and be employed in the U.S. Work permits are most often awarded for short time periods, for example from one to five years, and their validity generally corresponds to the period during which the noncitizen holds a temporary status or is waiting for an application for permanent status to be processed. In general, once a work permit expires, the noncitizen cannot lawfully be hired for work in the U.S. Nonetheless, for certain survivor-based statuses, such as U nonimmigrant status, a noncitizen may be “work authorized incident to status,” which means the person can be employed even if they do not have a valid work permit card.

This project was supported by Grant No. 15JOVW-21-GK-02240-MUMU awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this publication/program/exhibition are those of the author(s) and do not necessarily reflect the views of the U.S. Department of Justice.

INDEX

A.....	1
Administrative Appeals Office.....	1
Admission / Admitted.....	1
Age-out.....	2
Aggravated Felony.....	2
Any Credible Evidence Standard.....	2
Asylee / Refugee.....	3
B.....	4
Board of Immigration Appeals.....	4
Bona Fide Determination.....	4
C.....	4
Child.....	4
Circuit Courts of Appeals.....	5
Code of Federal Regulations.....	5
Conditional Permanent Residence.....	5
Continuance.....	6
Continuous Physical Presence.....	6
Crime Involving Moral Turpitude.....	6
Criminal Legal System Contacts.....	7
Customs and Border Protection.....	7
D.....	7
Deferred Action.....	7
Department of Homeland Security.....	8
Deportability / Deportable.....	8
Derivative or Derivative Beneficiary.....	9
Domestic Violence Waiver.....	9
E.....	10
Early Adjustment.....	10
Evidence.....	10
Executive Office for Immigration Review.....	11
Extreme Cruelty.....	11
Extreme Hardship.....	12
G.....	12
Gender-based Violence.....	12
Good Faith Marriage.....	12
Good Moral Character.....	13
Green Card.....	13
I.....	14
Immigration and Customs Enforcement.....	14
Immigration and Nationality Act.....	14

Inadmissibility Ground.....	14
Incompetent / Incapacitated.....	15
Intended Spouse.....	15
L.....	16
Law Enforcement Certification.....	16
Lawful Permanent Resident.....	16
M.....	17
Marriage.....	17
N.....	17
Naturalization.....	17
Noncitizen.....	18
Nonimmigrant.....	18
P.....	18
Parole.....	18
Permanent Bar.....	19
Prima Facie Determination.....	19
Public Charge.....	20
Q.....	20
Qualifying Crime.....	20
R.....	21
Removal / Removal Proceedings.....	21
Removal of Conditions.....	21
S.....	22
Substantial Abuse.....	22
Survivor / Victim.....	22
T.....	23
T Nonimmigrant Status (or “T Visa”).....	23
U.....	23
U Nonimmigrant Status (or “U Visa”).....	23
Unlawful Presence Bars (3- & 10-year bars).....	23
U.S. Citizenship and Immigration Services.....	24
USCIS Policy Manual.....	24
V.....	24
VAWA Self-Petition.....	24
Victim (U Visa).....	25
W.....	26
Work Permit.....	26
INDEX.....	27