

IMMIGRATION TERMS

Amnesty (immigration) - governmental pardon of infractions related to immigration. Immigration amnesty would be the federal government forgiving individuals for infractions like using false documentation (like social security numbers, identification cards, and drivers' licenses) to gain employment in the United States or unauthorized entry, and subsequently allowing them to remain in the country. Amnesty would allow undocumented immigrants to gain permanent residency in the United States.

AgJOBS (The Agricultural Job Opportunities, Benefits and Security Act) – a bill that would provide a pathway to citizenship for seasonal guest workers as well as undocumented farm workers and their families. To be eligible, a worker must have worked in U.S. agriculture for the past 2 years and must continue working a certain number of hours weekly for the next 3-5 years. Currently about 75% of our nation's farm workers are undocumented.

Alien – a term with a negative connotation that is used to describe someone physically present in the United States who is not a U.S. citizen. More dignifying terms would be: temporary visitors, legal permanent residents, and undocumented individuals.

Anchor Baby – a derogatory term for a child or children born to a non-citizen mother in the United States. Under law, children born on U.S. soil are automatically granted U.S. citizenship.

Asylum – legal status that people from other countries may apply for if they have suffered persecution in their country of origin or if they have a well-founded fear of future persecution on account of their race, religion, politics, sexual preference, or gender identity.

- **Asylee** - individual who has been granted asylum. Asylees are eligible to work in the United States and to travel internationally. One year after being granted asylum, an asylee may apply for legal permanent residency; however there is currently a 10-year backlog in processing these applications.
- **Refugee** - People who flee their country because of a well-founded fear of persecution for reasons of race, religion, nationality, political opinion, membership of a particular social group, sexual preference, or gender identity. A refugee cannot return home, or is afraid to do so.

Beneficiary - In most applications for permanent residency, the immigrant individual is the beneficiary of the application, while the family member or employer is referred to as the visa applicant. It is important to be aware that receiving immigration status in the United States is considered a benefit, not a right.

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Border Patrol/ U.S. Customs and Border Protection (CBP) – CBP is the federal law enforcement agency under the Department of Homeland Security (DHS). CBP became an official agency under DHS in 2003 when the U.S. government merged the United States Border Patrol with other organizations. Border Patrol lists their primary mission as preventing terrorists and terrorist weapons from entering the United States, as well as “to detect and prevent the illegal entry of aliens into the United States.” The United States Border Patrol was officially founded in 1924 to curb the flow of “illegal” immigration. It is now the largest branch of armed law enforcement in the country.

Criminal Alien- any non-citizen who's been convicted of a crime- may include documented immigrants as well.

Crimmigration – a term used to describe the merging criminal justice/immigration systems.

Comprehensive Immigration Reform (CIR) – a set of laws that would provide a pathway for undocumented immigrants to obtain citizenship by meeting certain requirements. Some proposed requirements have been paying fines and taxes and demonstrating a good moral character (i.e. have not been convicted of any crime).

Day Laborer – worker who is hired and paid by the day.

Department of Homeland Security - federal department created in 2002. Of the agencies merged to form DHS, three deal specifically with immigration: U.S. Citizenship and Immigration Services (**USCIS**), which processes naturalization and green card forms, as well as the E-Verify program; U.S. Immigration and Customs Enforcement (**ICE**), which handles immigration law enforcement within the U.S. border; and U.S. Customs and Border Protection (**CBP**), which handles enforcement along the U.S. border and ports of entry.

- **287g (National Security Program)**: An agreement made between ICE (Immigration & Customs Enforcement) and local law enforcement agencies where ICE authorizes local or state law enforcement officers to act as immigration agents.
- **E-Verify** – a (currently) voluntary program between the Department of National Security and U.S. employers. The program gives the employers the option to electronically verify the immigration status of a potential employee (some states require the use of E-Verify by law).
- **S-COMM (Secure Communities)**: an agreement between ICE and local law enforcement agencies which allows local and state officers, upon any point of

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contact with an individual, to instantly determine their immigration status by electronically scanning their fingerprints and checking them against the federal ICE database.

Deportation/Removal – the act of expelling a non-citizen from the United States by an official order or removal issued by ICE.

Detention - restricting an individual's freedom of movement, usually through forced confinement by government authorities. According to international human rights laws, everyone has the right to liberty, freedom of movement, and the right not to be arbitrarily detained. Using detention in response to unauthorized immigration undermines these human rights. About half of all immigrants held in detention are held for immigration purposes only and have no criminal record at all.

Detention Facility- the physical location where immigrant detainees are confined. ICE operates and has contracts with detention facilities across the country. Most detainees are held in local jails, which receive payments for housing immigrant detainees. Of the approximately 350 facilities used by the Department of Homeland Security to detain immigrants, only 8 are owned and operated by ICE who contract with the Federal Bureau of Prisons, private corporations, and state and county facilities.

DREAM Act (Development, Relief and Education for Alien Minors Act) – a bill that would provide a pathway to citizenship for young undocumented students (12-35 years old) who were brought to the United States by their parents before the age of 16 and who have been in the country for at least 5 years. To be eligible, youth must complete 2 years of a higher education or join the military. This act as amended in 2010, making the requirements much more stringent, but failed to pass in the House of Representatives by a mere 4 votes. Laws inspired by the DREAM Act have since passed in various state legislatures to provide in-state tuition for undocumented student residents; **such was the case in California.**

- **Adjusted Residency for Military Service (ARMS) Act**- a pathway for undocumented youth to obtain legal status if they enlist in the military.
- **Studying Towards Adjusted Residency Status (STARS) Act**- to allow undocumented students who arrived before the age of 18 (who have maintained good moral character, graduated from high school, and are planning to attend an institution of higher education) the possibility to adjust their immigration status after a 10 year period in which they must complete the requirements stated in the bill.



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Entered Without Inspection (EWI) – the act of entering the United States without being inspected by an ICE official.

Ethnicity- a sense of identity based on common socio-historical, linguistic, geographical, religious, racial, and cultural heritage. Although everyone belongs to at least one ethnic group, the term “ethnic” in the dominant discourse usually refers to people belonging to the non-dominant groups.

Ethnocentrism- belief in the superiority of one’s race and culture.

Fair Labor Standards Act - enacted in 1938, the law guarantees a minimum wage for each hour worked and requires overtime pay to most employees—those working more than 40 hours per week must be paid 1.5 times their regular rate of pay for each hour exceeding 40. FLSA excluded farm workers and continues to exclude them in significant ways; farm workers have no right to overtime pay, workers on small farms are not entitled to receive minimum wage, and children as young as 12 years old are legally allowed to work in the fields

Green Card – U.S. documentation that signifies legal permanent resident status.

H-2A – temporary visa program which establishes a means for agricultural employers, who anticipate a shortage of employees in the United States, to bring workers from other countries to perform agricultural labor or other services.

- **Labor Certification** - process an employer must go through with the Department of Labor to certify that no U.S. workers are available to work the job for which the employer is sponsoring individuals from other countries.

HIV Exclusion - until January 4, 2010, individuals who were HIV-positive were forbidden to visit or immigrate to the United States unless they completed an extensive and convoluted waiver form (tourists) or were granted asylum, as were a group of Haitian refugees in the 1990’s, but only after many months in detention at Guantanamo Bay.

Illegal - a slanderous term inaccurately used to describe immigrants who are in the United States without authorized status. The word “illegal” frames a person as a criminal and connotes that the person’s mere existence is against the law and thus the person has no rights. Being undocumented is NOT a crime, thus the term “illegal” is misleading. (YAYA uses the term “undocumented.”)



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Immigrant - term to describe an individual who moves from their country of origin to another country.

Immigrant Intent - the concept in U.S. immigration law that undocumented individuals plan to remain in the United States permanently even if they are applying for a temporary immigrant status. Immigrant intent is the primary reason that applications for tourist and student visas are denied by U.S. consulates.

Language Barriers - the difficulties encountered by speakers and listeners due to their level of proficiency in a specific language. Language barriers differ from low literacy in that a person is fluent in another language/s.

Legal Permanent Resident - status granting immigrant individuals a green card, the right to reside in the United States permanently, and, the right to apply for naturalization after 5 years of legal residency. Although this status is intended to be permanent, certain actions such as convictions for certain crimes, remaining outside the United States for more than 6 months, or committing immigration fraud, can lead a legal permanent resident to be placed in removal proceedings and deported to their home country.

Migra – term used by Spanish-speaking individuals to denote an immigration officer.

Naturalization - process by which an immigrant applies for and obtains U.S. citizenship. Only legal permanent residents may apply for naturalization, and generally only after they have held their green card for five years (spouses of U.S. citizens may apply earlier).

Non-Immigrant Visa - temporary visa, such as a tourist, student, or skilled worker visa. Its purpose is to allow individuals from other countries to come to the United States for a limited period of time with a specific intent. Many non-immigrant visas require applicants to prove that they do not intend to remain in the United States permanently by demonstrating strong economic and family ties to their home country.

People of Color – people who are not white. This a term of solidarity used among various non-white ethnic/racial groups that are “minoritized” by oppression. The term “women of color” was coined to include other minority women in the “Black Women’s Agenda” which was presented during the National Women’s Conference during the Carter administration.

Poli-Migra- ongoing efforts that have blurred the lines between local, state, and federal authority by having police enforce federal immigration laws.



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Race- socially constructed concept used to divide humans into categories according to a set of common visible traits (skin color; shapes of eyes, nose, or face). This biological category was developed based on the 18th and 19th century Eurocentric ideology of superiority and was used to exert European dominance through colonialism, imperialism, and slavery. Recent scientific evidence in genetic analysis shows that there is greater genetic variation within a racial group than across racial groups, refuting race as a biological characteristic.

- **Racialization-** use of race as a social convenience; an ideological excuse to maintain the dominant and submissive groups in a given society. Use of race as a primary explanation for an individual's behavior.
- **Racism-** use of individual and institutional power to deny or grant people or groups rights, respect, representation, and resources based on their skin color. Racism in action makes whiteness the preferred way of being human.
- **Anti-Racism-** working towards the elimination of discrimination based on race. Working to eliminate racism and racialization.
- **Individual Racism-** is commonly manifested as individual expressions of negative attitudes or behaviors such as racial slurs, harassment, racial graffiti, or aggressive acts. Most people perceive this to be overt racial hatred acted out by bigoted social deviants. It is important for us to recognize that individual racism is deeply rooted in the individual/collective system of beliefs, values, and ideology of racial superiority.
- **Systemic Racism-** is implicit and mostly invisible; it is embedded in the policies and practices of institutions and organizations. Systemic racism operates directly or indirectly to sustain the power structure and advantages that benefit the dominant groups. It results in unequal distribution of economic, social, and political resources among different "racial" groups. It denies people of color access to fully participate in society by creating barriers to education, employment, housing, and other services readily available to the dominant group.
- **Cultural Racism-** is a system of values and ideologies that are based on racial differences and ideas of cultural superiority/inferiority. These values are produced, maintained, and reproduced through powerful institutions like the media and popular culture so that the dominant ideologies are taken for granted and become the norm

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for society. This form of racism is entrenched in society and permits, supports, and perpetuates individual and systemic racism.

Self-Deportation – When an undocumented individual decides to return to their country of origin without having received an order of removal from ICE. When the person has returned to their country in this way it is known as a “return” as opposed to a removal/deportation. Some would argue that a sentiment exists to deny undocumented immigrants access to basic social services (education, housing, health care, jobs, etc) so they will return to their home countries voluntarily.

State Level Laws- in most states, undocumented immigrants lack basic rights (such as the right to obtain a driver's license) and face barriers to things like pursuing a higher education, taking out a home loan, or opening a bank account. While immigration policy is determined at the federal level, states are increasingly passing their own legislation that imposes criminal penalties on undocumented immigrants. According to the **ACLU**, “The use by states and localities of criminal laws to go after undocumented immigrants simply for being undocumented is generally unlawful, because the federal government has sole power to regulate immigration.” While the constitutionality of enacting immigration laws at the state level has been called into question, states are continuing to pass their own laws that criminalize immigrants and make it nearly impossible for them to live a dignified life.

- **Arizona's SB 1070**- also known as the Support Our Law Enforcement and Safe Neighborhoods Act, was signed into law on April 23, 2010 in Arizona. Designed to eliminate “illegal” immigration in the state through the use of state and local law enforcement actions, SB 1070 is especially contentious because it allows law enforcement to investigate and detain anybody for whom they have a “reasonable suspicion” of unlawful presence, which in practice has led to racial profiling.
- **Alabama's HB 56**- passed in 2011 in Alabama, this bill is considered to be the harshest anti-immigrant bill in the United States. Like Arizona's SB 1070, it contains the “reasonable suspicion” provision, but also explicitly denies access to public benefits for undocumented immigrants. It mandates participation in E-Verify, forbids landlords to rent property to undocumented immigrants, and requires schools to verify the immigration status of students for statistical purposes. The law has already had drastic impacts on Alabama's agricultural industry.

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Taxpayer Identification Number (TIN) - identification number used by the Internal Revenue Service (IRS) in the administration of tax laws. Many undocumented immigrants are granted a TIN so that they can file and pay taxes in the United States.

Undocumented - term can refer to many people; those who have entered the United States without inspection by crossing a U.S. border; those who have stayed past their visa expiration; and those who lack an immigration status or U.S. ID are all considered undocumented individuals.

Visa - legal document that allows its holder to seek entry into the United States on either a temporary or a permanent basis. Legally, a visa merely permits an individual to board transportation to the United States. Permission to enter the country may be granted or denied by immigration officials at the port of entry.

White Privilege - white privilege refers to the many unearned assets or advantages that white people receive everyday as a result of the systemic oppression and marginalization experienced by non-white groups who have been defined as not belonging to the (white) dominant group. The attitudes and entitlement produced by white privilege (often detrimental to social justice organizing) often go unchallenged because of the successful marginalization of sub-dominant groups in society and because of the perceived normalcy of whiteness.

Sources:

- [Duffering Diversity Network](#)
- [Evaluation Tools for Racial Equity](#)
- [Immigration Equality](#)