



IMMIGRATION TERMS

Amnesty (immigration)- governmental pardon for violating policies related to immigration. Immigration amnesty would include the federal government forgiving individuals for using false documentation such as social security numbers, identification cards, and driver's licenses, in order to gain employment in the U.S. and continue to remain in the country. Amnesty would allow illegal immigrants or undocumented aliens to gain permanent residency in the United States.

AgJOBS (The Agricultural Job Opportunities, Benefits and Security Act) – a bill that provides a way for seasonal guest workers and undocumented farm workers and their families to obtain papers if someone in their family has worked in the farms for the last two years and they commit to working in the fields for a certain number of hours, for a duration of 3-5 years. Currently about 75% of our nation's farm workers are undocumented.

Alien – negative connotation term that describes someone physically present in the U.S. who is not a U.S. citizen. Other terms include: temporary visitors, legal permanent residents, and undocumented individuals.

Anchor Baby - derogatory term for a child/ren born to a noncitizen mother in the United States. Under law, children born in US soil are automatically granted US citizenship.

Asylum - a form of immigration relief for which peoples of other countries can apply if they have suffered persecution in their home countries or if they have a well-founded fear of future persecution on account of certain protected characteristics. Persecution on account of sexuality, transgender identity and HIV-positive status may be grounds for asylum.

- **Asylee** - individual who has been granted asylum. Asylees are eligible to work in the United States and may be able to travel internationally. One year after being granted asylum, an asylee may apply for legal permanent residence, however there is currently a backlog of over ten years 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 or membership of a particular social group. A refugee either cannot return home, or is afraid to do so.



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

Border Patrol/ U.S. Customs and Border Protection (CBP)- the federal law enforcement agency within the Department of Homeland Security (DHS), created in 1924 in response to immigration. Border Patrol lists their primary mission as preventing terrorists and terrorists' weapons from entering the United States, as well as "to detect and prevent the illegal entry of aliens into the United States". CBP has more armed law enforcement officers than any other agency in the federal government.

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

Crimmigration - merging of the criminal justice and immigration systems that negatively affect migrants of color.

Comprehensive Immigration Reform (CIR) – set of laws that would provide a pathway for undocumented immigrants to obtain citizenship by meeting certain requirements. Some proposals for requirements have included paying taxes and fines, demonstrating they have good character and morals (meaning they had not been convicted of any crime), and by satisfying other requirements.

Day laborer – labor hired and paid by the day.

Department of Homeland Security - federal agency created in 2002. DHS is divided into 3 units: U.S. Citizenship and Immigration Services (CIS), U.S. Immigration and Customs Enforcement (**ICE**) which handles immigration enforcement within the U.S. border, and U.S. Customs and Border Protection (CBP) which handles enforcement outside the U.S. border.

- **287g (National Security Program):** An agreement made by ICE (Immigration & Customs Enforcement), in which ICE authorizes the local or state police to act as immigration agents.
- **E-Verify** - currently a voluntary program between the Department of National Security and employers. The program gives the employers the option to electronically verify if a person has papers to work (some states require the US of e-verify by law)



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- **S-COMM** (Secure communities): agreement between ICE and local law enforcement agencies that allows them to automatically determine the immigration status of a person by taking their fingerprints. It gives local law enforcement access to the federal ICE database.

Deportation/Removal - expelling a non-citizen from the United States by legal process. As of September 2011, the Obama administration had deported approximately 1.06 million people, nearly as many deportations of undocumented immigrants in one single presidential term as George W. Bush's two presidential terms combined.

Detention - restricting an individual's freedom of movement by government authorities, usually through forced confinement. 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 migration 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- physical places where individuals are confined. ICE operates and has contracts with detention facilities across the country. Most detainees are held in local jails, to which the government pays a fee for holding them. Of the approximately 350 facilities used by the Department of Homeland Security to detain immigrants, only 8 are owned and operated by ICE. ICE has contracts with over 240 local or county facilities, private prison corporations, and the federal Bureau of Prisons. In other words, detention of immigrants has turned for-profit prisons into a multi-billion dollar industry.

DREAM Act (Development, Relief and Education for Alien Minors)- bill that would provide a pathway for young undocumented students (between the ages of 12-35) who were brought by their parents before the age of 16 to the United States and who had been in the country for at least 5 years, to gain U.S. citizenship if they completed 2 years of a higher education or they joined the military. This law was amended in 2010, making the requirements much more stringent, but was not passed in the House of Representatives by a mere 4 votes. Versions of the DREAM Act have since passed on a state level to provide in-state tuition for undocumented residents of the state, **such as in California**.

- **Adjusted Residency for Military Service (ARMS) Act**- pathway for undocumented youth to obtain legal status should they enlist in the military.



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- **Studying Towards Adjusted Residency Status (STARS) Act-** to allow undocumented students who arrived before the age of 18, maintained good moral character, graduated from high school, and are planning to attend an institution of higher education, to adjust their immigration status after a 10 year period in which they must maintain and complete the requirements stated by the bill.

Entered Without Inspection (EWI) - an undocumented individual who enters the U.S without being inspected by an Immigration and Customs Enforcement official. Most commonly this means crossing the U.S. borders without having any contact with an Immigration and Customs Enforcement official.

Ethnicity- a sense of identity based on common socio-history, language and 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 of the non-dominant groups.

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

Fair Labor Standards Act - enacted in 1938, guarantees a minimum wage for each hour worked and requires overtime pay to most employees—those working more than 40 hours in a week must be paid one and a half time their regular rate of pay for each hour exceeding 40. FLSA excludes farm workers and to this day it 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 twelve are legally allowed to work in the fields

Green Card – US documentation that signifies legal permanent resident status.

H-2A - temporary agricultural worker program which establishes a means for agricultural employers who anticipate a shortage of employees in the U.S. to bring workers from other countries to perform agricultural labor or services on a temporary or seasonal nature.

- **Labor certification** - process an employer must go through with the Department of Labor to certify that no American workers are available to fill the job for which the employer is sponsoring individuals from other countries for legal permanent residence.

HIV exclusion - until January 4, 2010, undocumented individuals who were HIV-positive were forbidden to visit or immigrate to the U.S. unless they were eligible for certain narrow categories of waiver for this harsh rule.



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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. In fact, the act of being in violation of immigration laws is NOT a crime, and thus this term is both misleading and offensive. (We at YAYA use the term "undocumented".)

Immigrant - term to describe an individual who emigrates to a country other than the country they were born in.

Immigrant intent - the concept under U.S. immigration law that undocumented individuals intend to remain in the U.S. 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 experienced by a person in information processing due to the lack of proficiency or functional level of 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 the right to reside in the U.S. permanently and, if the individual so chooses, 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 U.S. for long periods of time more than 6 months, or committing immigration fraud, can lead to a legal permanent resident being placed in removal proceedings and being 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 U.S. for a limited period of time and for a specific purpose. Many non-immigrant visas require applicants to prove that they do not intend to remain in the U.S. permanently by demonstrating strong economic and family ties to their home country.



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People of Colour - a race with skin pigmentation different from the white race. An attempt made by racialized individuals to name or identify themselves as people with a positive identity rather than accepting an oppressive label given by the dominant group.

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

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 18th and 19th century Eurocentric ideology of superiority and was used to exert European dominance through slavery, colonialism and imperialism. Recent scientific evidence in genetic analysis shows that there is greater genetic variation within a racial group than across racial groups, thus refuting race as a biological category.

- **Racialization**- use of race as a social convenience, depending on society's whim at the time. Use of race as a primary explanation for an individual's behavior.
- **Racism**- use of individual and institutional power to deny or grant people and groups of people rights, respect, representation and resources based on their skin color. Racism in action makes Whiteness a 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 referred to as individual expressions of negative attitudes or behaviors such as racial slurs, harassment, racial graffiti or aggressive acts. Most people recognize this form of racism but perceive it 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's system of beliefs, values and his/her 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 enjoyed by the dominant groups. It results in the unequal distribution of economic, social and political resources and reward among different "racial" groups. It also denies People of Colour access to fully participate in society and creates barriers to education, employment, housing, and other services available to the dominant group.



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- **Cultural racism-** is a system of values and ideologies that are based on racial differences, cultural superiority and inferiority. These values are produced, maintained and reproduced through powerful institutions like the media and popular culture such that the dominant ideologies become the “taken-for-grant” and norm for society. This form of racism is entrenched in society and it supports, allows and perpetuates individual and systemic racism.

Self-deportation – the idea that by denying undocumented immigrants access to basic social services (education, housing, health care, jobs, etc) they will return to their home countries voluntarily.

State Level Laws- in most states, undocumented immigrants lack basic rights such as obtaining a driver’s license and barriers to things like getting a higher education, taking out a home loan, or having a bank account. While immigration policy is determined at the federal level, states and localities are increasingly passing 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 largely called into question, states are increasingly passing their own laws that criminalize immigrants and make it nearly impossible to live a dignified life.

- **Arizona’s SB107-** also known as the Support Our Law Enforcement and Safe Neighborhoods Act, 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. SB1070 is especially contentious because it allows law enforcement to investigate and detain anybody for whom they have “reasonable suspicion” of unlawful presence, which in practice can lead 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 U.S. Like Arizona’s SB1070, it contains the “reasonable suspicion” provision, along with explicitly denying access to public benefits to undocumented immigrants, mandating participation in E-Verify, forbidding landlords from renting property to undocumented immigrants, and requiring schools to verify 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 their taxes in the US.

Undocumented - term can refer to those who entered the U.S. without inspection (by crossing a U.S. border), those who overstayed their allotted time in the U.S. or those who lack an immigration status or U.S. ID.

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

Whiteness and 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 individuals who have been defined as not belonging to the dominant group. These privileges that white individuals receive remain hidden or invisible so that it appears normal and continues on without being challenged.

Sources:

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



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