

# GLOSSARY OF TERMS

## **Asylee**

An asylee is a person who has been granted asylum. After one year, an asylee may apply for Lawful Permanent Resident status (green card).

## **Asylum**

Asylum is permission granted to a person fleeing persecution in another country, as described below, to continue to live and work in the United States. The person who is granted asylum (asylee) will eventually have the opportunity to apply for Lawful Permanent Residence and citizenship.

## **Asylum Seeker**

Asylum seekers are persons who have fled their home countries because of personal danger and seek protection in another country. They must provide evidence of a "credible fear of persecution due to race, religion, nationality, membership in a particular social group, or political opinion" in order to receive an opportunity to seek legal protective status or asylum. Unlike refugees, asylum seekers must apply for protection in the country of destination---either at a port of entry or from within the country.

## **Guest Worker Programs**

Temporary workers may be admitted to the United States under one of more than 70 visa categories. Guest workers who may be referenced in this guide are mainly workers who came to the United States under one of three visa programs: H-2A (unlimited annual number of visas for seasonal farm workers); H-2B (66,000 annual nonagricultural visas for landscapers, roofers, laborers, meatpacking plant workers and other); and H-1B (85,000 annual visas are for professionally skilled workers.) However, there are several categories of exemptions to this quota.

## H-2A

The Immigration and Nationality Act (INA) of 1952 authorized a nonimmigrant visa category, known as H-2, for foreign agricultural workers to come to the United States and perform temporary services. The Immigration Reform and Control Act (IRCA) of 1986 amended the INA of 1952 by dividing the H-2 program into two parts: H-2A for agricultural workers and H-2B for nonagricultural workers. The Employment and Training Administration (ETA) of the U.S. Department of Labor (US-DOL) and the U.S. Citizenship and Immigration Services (USCIS) of the Department of Homeland Security (DHS) administer both the H-2A and H-2B programs. Two conditions must be met before the ETA will approve an H-2A petition. First, the employer must demonstrate that there are insufficient numbers of qualified and available U.S. workers to perform the agricultural jobs for which foreign workers are being requested. Second, the employer must demonstrate that the hiring of foreign workers will not adversely affect the earnings and working conditions of similarly employed U.S. workers.

## Immigrant

An immigrant is a person living in a country other than that of his/her birth and intends to remain there permanently, as opposed to nonimmigrants who intend to remain only temporarily, whether for a few days on a business trip, a few months as a seasonal worker, or a few years as a student. In the U.S. the following are types of immigration status: legal permanent resident; conditional permanent resident (based on marriage to U.S. citizen, expires after 2 years); naturalized citizen; refugee/asylee; persons with certain pending applications; Deferred Action for Childhood Arrivals (DACA), Temporary Protected Status (TPS) and may also include asylum seekers who are allowed to work while their applications are pending; temporary/nonimmigrant visas; undocumented immigrants--- those who have either entered the U.S. without permission or who have overstayed a visa. The Immigration and Nationality Act (INA) makes basic distinctions between immigrants and nonimmigrants with regard to length of stay and permissible activities. A nonimmigrant may remain only for a specific period of time and may engage in activities allowed for the assigned nonimmigrant classification under INA 101(a)(15). Nonimmigrants will be subject to removal or other measures if they fail to maintain nonimmigrant status, fail to depart at the end of the authorized period of stay, or engage in unauthorized activities.



## **Immigration and Customs Enforcement (ICE)**

The U.S. Immigration and Customs Enforcement (ICE) is a federal law enforcement agency under the U.S. Department of Homeland Security. ICE was created in 2003 through a merger of the investigative and interior enforcement elements of the former U.S. Customs Service and the Immigration and Naturalization Service. ICE now has more than 20,000 law enforcement and support personnel in more than 400 offices in the U.S. and around the world. The agency's mission, as stated on its website, is "to protect America from the cross-border crime and illegal immigration that threaten national security and public safety. This mission is executed through the enforcement of more than 400 federal statutes and focuses on immigration enforcement and combating transnational crime."

## **Immigration Reform and Control Act of 1986**

This law, best known for connecting strengthened enforcement with legalization provisions for unauthorized immigrants, marked a significant milestone in immigration policy. The three key components of the law were: tougher border enforcement; penalties for employers who hired unauthorized immigrants; and legalization for unauthorized immigrants who had been in the U.S. for five years or more.

## **Lawful Permanent Resident**

A Lawful Permanent Resident (LPR) is a non-citizen who has been granted authorization to live and work in the United States on a permanent basis. As proof of that status, a person is granted a permanent resident card, commonly called a "green card". Lawful permanent residents may leave the U.S. multiple times and reenter, as long as they do not intend to stay outside the U.S. for one year or more. Staying outside of the country for more than one year (without a reentry permit) may result in loss of permanent resident status.

## **Migrant**

A migrant is a person who moves from one place to another, especially to find work or better living conditions. Migrant is an umbrella term, not defined under international law, the common lay understanding of which is a person who moves away from his or her place of usual residence, whether within a country or across an international border, temporarily or permanently, and for a variety of reasons. (International Organization for Migration)

### **North American Free Trade Agreement (NAFTA):**

Treaty that went into effect in 1994 between the United States, Mexico and Canada, facilitating the free movement of labor and capital and removing certain taxes, environmental laws and worker protections.

### **Refugee**

A refugee is a person who has fled his or her country of nationality and who is unable or unwilling to return to that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion. Once they have fled their home, they must apply for refugee status with an official entity, such as a government or the United Nations Refugee Agency, who determines whether or not a person meets the definition of a refugee. The process of obtaining refugee status can often take years, forcing many applicants to wait abroad in refugee camps with dangerous living conditions.

### **287(g) Program**

Section 287(g) of the Immigration and Nationality Act (INA) permits the delegation of certain immigration enforcement functions to state and local law enforcement agencies. 287(g) agreements enable specially trained state or local law enforcement officers to perform specific functions related to the investigation, apprehension or detention of non-citizens during a predetermined time frame and under federal oversight by the Department of Homeland Security's Immigration and Customs Enforcement (ICE). Although 287(g) became law in 1996, the first 287(g) agreement was not implemented until 2002. Currently there are two types or models of 287(g) agreements for which a locality can apply: the Jail Enforcement Model (JEM) and Warrant Service Officer (WSO) Model. These models have different resource and oversight requirements and each provides different benefits to ICE. The WSO model, first implemented in 2019, is narrower in scope, requires fewer local resources than the JEM, and is currently the model most often used.

### **United States Citizen (USC)**

A U.S. citizen is someone who was born in the 50 states, Guam, Puerto Rico, U.S. Virgin Islands; a naturalized citizen; or derived citizenship by law from US citizen parents.

