



## The History of Immigration Status

As the Latino Advisory Delegation prepared *Cuéntame: Latino Life in Dane County*, Congress was in the midst of a controversial debate over immigration policy. Since 1882, when Ellis Island was built to process European immigrants, the immigration and naturalization laws have consistently changed to mirror the economic and political times. Prior to 1965, quotas favored groups from highly developed regions of the world, most noticeably northern European countries. In fact, border crackdowns in the early 1900's specifically targeted and deported Asians trying to get into the US over the Mexican border.

Current law is rooted in the Immigration and Naturalization Act of 1965, when during the civil rights era the law was radically changed with the central purpose of reuniting families. President Kennedy had visualized legislation that would give preference to professionals with skills needed in the US, but the bill gave virtually anyone who wanted to enter the US an equal opportunity and shifted immigration policy in favor of those with family members who were already living in the US. When he signed the bill, President Johnson downplayed the law's significance saying, "It is not a revolutionary bill. It will not reshape the structure of our daily lives or add importantly to either our wealth or our power." It never occurred to the US government that the global community would include skilled professionals like African doctors, Indian engineers or Chinese computer programmers who would eventually seek residence, and equal rights, in the US.

A series of changes in immigration policy has ensued since 1986:

- The Immigration Marriage Fraud Amendment of 1986 sought to validate marriages in good faith for citizenship purposes.
- The Immigration Act of 1990 increased the number of legal immigrants allowed into the United States each year and created a lottery program that randomly assigned a number of visas.
- In 1994, Congress created section 245 (I), which allows persons to adjust to naturalized citizenship by paying a fine, and created the Violence Against Women Act (VAWA), which held special provisions for non-citizens.
- In 1996, multiple pieces of legislation increased the classifications of criminal activity for which immigrants, including green card holders, can be deported.
- In 2000, the Legal Immigration and Family Equity Act allowed anyone with a Green Card to adjust to citizenship and created the "V" and "K" Visas. The Battered Immigrant Women Protection Act changed some of the provisions of VAWA from 1994.

Today, there are at least seven levels of immigration status. As legislation continues to change, immigration law grows more and more complex. These shifts have different effects on each of the areas of our community's Agenda for Change explored in our report on Latino life in Dane County.

A glossary of immigration terms is included here to help us understand the varying language.

## **Immigration Concepts and Glossary**

This document is adapted from materials produced by the National Immigration

The following is a listing of immigration terminology, relevant to those working with immigrant/refugee victims of violence. Terms which are italicized may be referenced elsewhere in the glossary.

**ADJUSTMENT OF STATUS:** Process by which a noncitizen in the United States becomes a lawful permanent resident, without having to leave the US. Noncitizens admitted to the US as a nonimmigrant, refugee, or parolee may have their status changed to that of lawful permanent resident if they are eligible to receive an immigrant visa and one is immediately available. In such cases, the noncitizen is considered as an immigrant as of the date of adjustment, even though the noncitizen may have been in the US for an extended period of time.

**ALIEN:** Person who is not a citizen or national of the US. See *NONCITIZEN*

**“A” NUMBER:** Eight digit number (or nine digit, if the first number is a zero) beginning with the letter “A,” given to some noncitizens.

**ASYLEE:** Person who is granted asylum in the US and is eligible to adjust to lawful permanent resident status after one year of continuous presence in the US.

**ASYLUM:** Legal status granted to a person in the US or at a port of entry who has suffered harm or who fears harm because of her or his race, religion, nationality, political opinion or membership in a particular social group. For persons with no nationality, the country of nationality is considered to be the country in which the noncitizen last habitually resided.

**CANCELLATION OF REMOVAL:** Discretionary relief adjusting a noncitizen’s status from that of deportable to one lawfully admitted for permanent residence. Application for this relief is sought during the course of deportation proceedings.

**CITIZEN:** Any person born in the 50 US, Guam, Puerto Rico, or the US Virgin Islands; or a person who has naturalized to become a US citizen. Some people born abroad are also citizens if their parents were citizens.

**CONDITIONAL RESIDENT:** A person who received lawful permanent residency based on marriage less than two years old at the time to a US citizen. Conditional residents must file a second petition with the INS within two years of receiving their conditional resident status in order to retain their US residency.

**DEPORTATION:** The formal removal of a noncitizen from the US when the noncitizen has been found removable for violating the immigration laws. A deported person cannot ordinarily reenter the U.S. for five years or twenty years if deported for certain crimes.

**DERIVATIVE:** Person, a minor child or spouse, who will gain legal status in the US as a result of an approved visa petition filed by a parent or spouse. See *PETITIONER*

**EMPLOYMENT AUTHORIZATION DOCUMENT (EAD):** The I-765 card that the INS issues to a person granted permission to work in the U.S. The EAD is a plastic, wallet-sized card.

**GREEN CARD:** The wallet-sized plastic ID card issued by the INS to a lawful permanent resident. Officially it is the I-551 card, and its color is pinkish (older versions were greenish, hence the nickname). The resident's INS "A" number is on the card.

**I-94 CARD:** A small white paper card issued by the INS to most noncitizens who do not have green cards upon entry to the US. It is usually stapled to a page of the noncitizen's passport. The INS may also issue I-94 cards in other circumstances.

**ILLEGAL ALIEN:** See *UNDOCUMENTED*

**IMMIGRANT:** A person who has the intention to reside permanently in the US; usually a lawful permanent resident.

**IMMIGRATION & NATIONALITY ACT (INA):** The federal statute that contains all immigration laws; Congress originally enacted in 1952 and has modified repeatedly.

**IMMIGRATION & NATURALIZATION SERVICE (INS):** The branch of the federal Department of Justice charged with enforcing immigration laws.

**LAWFUL PERMANENT RESIDENT (LPR):** Person who has received a "green card" [I-551] and whom the INS has decided may live permanently in the US. LPRs eventually may become U.S. citizens. If they do not, they could be deported from the US for certain activities, such as drug convictions or certain other crimes.

**NATURALIZATION:** The process by which an LPR becomes a US citizen. A person must ordinarily have been an LPR for five years before applying for naturalization. A person who became an LPR through marriage to a US citizen and is still married to that person in most cases may apply for naturalization after three years as an LPR.

**NONCITIZEN:** Any person who is not a citizen of the US, whether legal or undocumented. Referred to in the INA as an "*alien*."

**NONIMMIGRANT:** A person who plans to be in the US only temporarily, such as a person with a tourist or student visa. A nonimmigrant will ordinarily have a visa stamp in her/his passport, and an I-94 card which states how long the person can stay in the US.

**OVERSTAY:** To fail to leave the US by the time permitted by the INS on the nonimmigrant visa (as ordinarily indicated on the I-94 card), or to fail to arrange other legal status by that time.

**PAROLE:** To permit a person to come into the US who may not actually be eligible to enter- often granted for humanitarian reasons, or to release a person from INS detention. A person paroled is known as a PAROLEE.

**PETITIONER:** A noncitizen who applies for immigrant status and from whom another noncitizen (known as *derivative*) may derive lawful status under immigration law or regulations (usually spouses and minor unmarried children).

**REFUGEE:** A person who is granted permission while outside the US to enter the US legally because of harm or feared harm due to her or his race, religion, nationality, political opinion or membership in a particular social group.

**UNDOCUMENTED:** A person residing in the US without legal immigration status. Undocumented persons include those who originally entered the US legally for a temporary stay and overstayed or worked without INS permission, and those who entered without inspection; often referred to as “illegal aliens.”

**VISA:** A document (or a stamp placed on a person’s passport) issued by a US consulate abroad to a noncitizen to allow that person to enter the US. Visas are either nonimmigrant or immigrant visas.