

GLOSSARY OF CITIZENSHIP & IMMIGRATION TERMS

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A# - An 8 digit number (which begins with A#) assigned to each person who applies for an immigration benefit or who is detained by immigration authorities. This number is essential to obtain information about a case from immigration authorities.

Adjustment of Status - This is a process only available to some applicants for permanent resident status, which permits the applicant to apply and be interviewed without leaving the U.S. All other persons must appear at the U.S. embassy in their country of origin for an interview. One significant benefit of Special Immigrant Juvenile Status is that applicants are eligible for adjustment of status.

Child Citizenship Act - A federal law enacted in 2000 which allows many adopted children to obtain U.S. citizenship automatically upon entry to the U.S. as a permanent resident. Research is required to determine an individual child's eligibility and a child must request a certificate of citizenship or U.S. passport to prove his or her status under this law.

Department of Homeland Security (DHS) (the former "INS")

DHS is comprised of three divisions:

Citizenship & Immigration Services (CIS)

Immigration & Customs Enforcement (ICE)

Bureau of Customs & Border Protection (CBP)

"EWI" - A common acronym in immigration practice which refers to an "entry without inspection." Many, if not most, foster children entered the U.S. without inspection or authorization. Fortunately, Special Immigrant Juvenile Status applicants are deemed to have been "paroled" into the U.S., so that "EWI" is not a problem.

Freedom of Information Act ("FOIA") - This is a law that permits a person to obtain government records pertaining to an individual. For purposes of immigration issues, a FOIA request can be made to U.S.C.I.S. to obtain copies of prior immigration applications or correspondence; to the Executive Office of Immigration Review (EOIR) to obtain records of prior court proceedings; to the U.S. Customs and Border Protection (CBP) to obtain records of any prior contacts with border enforcement personnel a child may have had; or to the Office of Refugee Resettlement (ORR) to obtain records concerning a refugee's entry and placement. Obtaining records through FOIA takes time and should be initiated with the guidance of an attorney or experienced immigration advocate.

Grounds of inadmissibility - A list of conditions and qualities that may make a person ineligible to become a permanent resident in the U.S. Many of these grounds do not

apply to Special Immigrant Juveniles and some grounds can be waived or excused. The best practice is to conduct a detailed interview of any child or youth old enough to be interviewed, as well as of any available parent or caretaker and to review the complete CPS file to find out all relevant information. If a child or youth has any history of arrest or conviction (including juvenile adjudications), substance abuse, prior removal (deportation), or mental health condition that presents a danger to self or others, careful review by an attorney of all related facts and documents is essential before filing an application.

Naturalization - The process that allows a permanent resident who is at least 18 years old to apply for U.S. citizenship after living in the U.S. for 5 years as a permanent resident (three years if married to a U.S. citizen, one year for certain military/veterans)

Permanent Resident Card (I-551) - Commonly known as a "green card" and previously identified as an Alien Registration Receipt Card, this is proof of a person's status as a permanent resident.

Removal - The legal process (commonly known as deportation but renamed "removal" in the law) that can result in a non-citizen's legally mandated departure from the U.S. If a child has been previously ordered deported or removed, this is a significant issue that must be addressed before filing any immigration application.

Special Immigrant Juvenile Status ("SIJS") - A law that allows a child in the care of CPS as a result of abuse, neglect or abandonment, who cannot reunify with one or both parents, for whom it is not in the best interest to return to the country of origin, to apply for a visa which is the first step toward permanent resident status.

"T" Visa - A temporary visa that can lead to permanent resident status after three years, for victims of a severe form of human trafficking, who would experience extreme hardship involving unusual and severe harm on removal, who otherwise meet eligibility criteria.

"U" Visa - A temporary visa that can lead to permanent resident status after three years, for a victim of certain crimes who has been or is likely to be helpful in the prosecution, for whom law enforcement or another investigatory agency provides a certification.

U.S.C.I.S. Forms Used Frequently in CPS practice

I-94	Arrival/Departure Record
I-360	Special Immigrant Juvenile Status Petition
I-485	Application for Adjustment of Status
G-28	Notice of Attorney Representation
G-325A	Biographic Data Form
G-639	Freedom of Information Act Request
I-765	Work Authorization Request
N-400	Naturalization application
N-600	Application for certificate of citizenship

Violence Against Women Act ("VAWA") - A law that permits certain children (either a child abused by a citizen or permanent resident parent, or the child of a parent abused by a U.S. citizen or permanent resident) to self-petition for a green card/permanent resident status, if all eligibility requirements are met.

Who's WHO

U.S. citizen - A person who is either born in the U.S. (or in some cases born overseas to a U.S. citizen parent) or who becomes a citizen through naturalization. A citizen can vote, run for president and can not be removed or deported.

Lawful Permanent Resident ("LPR") - A person who is entitled to work and live in the U.S. permanently (barring certain criminal or other misconduct). After five years (or three for LPR married to a U.S. citizen; one year for certain military and veterans), an otherwise eligible LPR can apply to obtain U.S. citizenship through naturalization.

Qualified Alien - A federal law term for noncitizens who are eligible for certain federal public benefits. LPR's are qualified aliens, as well as refugees, asylees, persons granted withholding of deportation, Amerasian LPR's, Cuban/Haitian entrants, parolees, conditional entrants and certain abused spouses or children (or children of an abused spouse).

Undocumented person - A non-citizen with no authorization to be in the U.S. or with an expired authorization.