

IMMIGRATION JUSTICE CAMPAIGN



Terminology for Interpreters

Affidavit/Declaration: A written statement confirmed by oath and/or in front of a notary. In the immigration context, lawyers help draft affidavits/declarations for their clients to describe the clients' stories to the Immigration Judge. Witnesses and experts can also supply affidavits/declarations describing their knowledge of events related to the case.

Affidavit of Support: A written promise that says the signer agrees to be financially responsible for the non-citizen if they are released from detention. Sponsors complete these affidavits for submission with bond and parole requests.

Alien Registration Number (A number): A 7, 8, or 9-digit number assigned to non-citizens by the Department of Homeland Security.

Appeal: When someone thinks the decision of a judge is unfair or incorrect, they can ask a judge or group of judges at a higher court to review the case and make a new decision. The new decision may be the same or different than the first decision.

Asylum Officer: In the detention context, the United States Citizen & Immigration Services employee who will conduct a screening interview (called a "credible fear" or "reasonable fear" interview) that will decide whether the asylum seeker will have a chance to present their case to a judge.

Bars: Some asylum seekers cannot be granted asylum because of things they did before coming to the United States, or after arriving in the U.S. These are known as "asylum bars" and they include things like certain criminal conduct, having a legal immigration status in another country besides the one they are fleeing, being a threat to U.S. safety or security, and more. If a person is barred from receiving asylum, they may still be eligible for other forms of protection such as withholding of removal or Convention Against Torture protection.

Country Conditions Documentation: As part of an asylum seeker's case, they will need to provide proof of the conditions in their home country. This may include official government issued reports, NGO reports, and newspaper articles.

Credible Fear/Reasonable Fear Interview: When an asylum seeker comes to a U.S. border with no travel documents (passport and U.S. visa) or invalid travel documents and says that he or she is afraid to return home, an asylum officer must interview them. The officer will ask them a series of questions about their fear. The asylum officer will find the asylum seeker to have a credible fear when the asylum officer finds there is a "significant possibility" the asylum seeker

will win his or her case before an immigration judge. If someone is not eligible for asylum because they have been previously deported or they have a severe criminal history, they will be given a “reasonable fear” interview instead.

Credible Fear “Transcript”: These are notes the asylum officer takes during the credible fear interview. They are not an actual transcript of what was said and often contain errors.

Customs & Border Protection (Border Patrol, CBP): the government agency that enforces U.S. immigration laws along the border. They are usually the first immigration officials that asylum seekers come into contact with along the border.

Department of Homeland Security (DHS): U.S. government department responsible for public safety. U.S. Citizenship & Immigration Services (USCIS), which operates the Asylum Office, Immigration and Customs Enforcement (ICE), and Customs and Border Protection (CBP) are all part of DHS. Prior to 2002, Immigration and Naturalization Service (INS) conducted most of the functions of these three organizations and immigration was not explicitly considered a “public safety” matter.

Deportation Officer: An ICE employee who arrests and deports non-citizens. Non-citizens in detention are assigned to a particular deportation officer who oversees their detention.

Engagement or Retainer Agreement: A written agreement between a lawyer and client which explains the work the lawyer will do for the client and the costs, if any, that the client will have to pay.

Executive Office for Immigration Review (EOIR): the immigration courts. EOIR is part of the U. S. Department of Justice. Immigration judges work for EOIR.

EWI (Entering without Inspection): when a person enters the United States without going through an official “port of entry,” a place where a person makes a formal request to an immigration agent to enter the United States. These include U.S land border ports and international airports.

Expedited Removal Proceedings: Expedited removal proceedings are a way for the U.S. government to quickly deport people without providing them with a chance to present a request to an immigration judge. People who try to enter the U.S. without valid travel documents at an official entry at an airport or land border will be given an “expedited removal order” and made to leave the U.S. But if during this process a person expresses a fear of returning to their home country, an asylum officer must conduct an interview to determine whether they have a “credible fear” of returning home; in that case the asylum seeker will be allowed to stay in the U.S. until they can present their case to an immigration judge

Forensic Evaluation: If an asylum seeker is suffering from psychological or physical problems due to mistreatment in their home country, a lawyer may want an expert to conduct a psychological or medical evaluation of them. These types of reports can provide important evidence of past harm or fear of future harm.

Form I-589: An application for asylum and withholding of removal. The asylum seeker will need to complete this form in order to present their case to an immigration judge. Most of the time, the form is supplemented with a declaration, witness statements, country conditions documentation, and other forms of evidence.

G-28: A USCIS form that lawyers are required to complete in order to represent a non-citizen at their credible or reasonable fear interview or with regards to their parole applications. ICE Deportation Officers regularly require lawyers to complete G-28s before they will discuss a client's case with a lawyer.

ICE (Immigration and Customs Enforcement): the government agency that enforces laws about who can be in the U.S. ICE deports people who do not have permission to stay in the U.S. Deportation Officers as well as the Trial Attorneys who argue against non-citizens in court work for ICE.

ICE Check-in: After being released from detention, non-citizens may be required to regularly check-in (also referred to as "report") at a local ICE office in geographical area where they are living. Failing to check-in could lead to a non-citizen being put back into detention.

Individual Hearing: the immigration court hearing (also known as the "merits hearing") in which the non-citizen will have an opportunity to present testimony and evidence to the immigration judge and argue why they should be permitted to stay in the United States. Both the non-citizen and government's attorney will have an opportunity to ask the non-citizen questions and make legal arguments. An individual hearing is similar to a trial in other types of legal cases.

Master Calendar Hearing: At master calendar hearings, the immigration judge deals with administrative issues, including scheduling, filing applications, pleadings to the allegations in the Notice to Appear, and other issues that may arise in the case. There are multiple cases scheduled during a master hearing time slot and non-citizens may have several master calendar hearings before they are scheduled for their trial, known as an individual hearing.

Notice to Appear (NTA): A Notice to Appear is a document that the Department of Homeland Security issues and files with the immigration court to start removal proceedings (i.e. an immigration case) against a non-citizen.

Non-citizen: A person who is not a citizen of the United States. The immigration laws refer to non-citizens as "aliens," a term that many advocates find offensive.

Persecution: "Persecution" has a very specific meaning in asylum law. In asylum law, it means threats to a person's life or freedom. Persecution is the infliction of suffering or harm. It is usually physical but can also be emotional or psychological. Examples of being persecuted include being physically attacked, detained in inhumane conditions, and threatened with death.

Pleadings: An immigrant's response to allegations the government makes in the Notice to Appear.

Proceedings: The non-citizen's immigration court case. An immigration judge will preside over the proceedings and an attorney representing ICE will be present, usually arguing that the non-

citizen should be removed from the United States. “Proceedings” include master calendar hearings and the individual (merits) hearing.

Relief: Relief from deportation or removal means that a non-citizen is allowed to remain in the U.S. An application for relief is a request to remain in the United States. If approved, the application generally allows a non-citizen to stay in the U.S. and may provide a path to temporary or permanent status in the U.S.

Respondent: A non-citizen in Immigration Court who is being faced with the prospect of removal from the United States.

Sponsor: An individual who agrees to provide financial support (and often housing) for a non-citizen in order to help convince ICE to release them.

USCIS (United States Citizenship and Immigration Services): An agency within the Department of Homeland Security that processes applications by non-citizens for legal immigration statuses. The Asylum Office, which administers credible and reasonable interviews, is part of USCIS.