

GLOSSARY

The following are brief explanations of some words and abbreviations commonly used in Immigration Court proceedings.

Accredited Representative

A person who is approved by the Board of Immigration Appeals to represent aliens before the Immigration Courts and the Board. He or she must work for a specific nonprofit, religious, charitable, social service, or similar organization. The organization must be authorized by the Board to represent aliens.

AEDPA

An abbreviation for the Antiterrorism and Effective Death Penalty Act.

Affidavit

A document in which a person states facts, swearing that the facts are true and accurate. The person should sign the affidavit under oath and the signature should be witnessed by an official, such as a notary public.

“A Number”

The alien registration number, which the Department of Homeland Security assigns to each alien. It is an “A” followed by eight numbers. For example: A12 345 678. Some recently-issued A numbers consist of an “A” followed by nine digits. For example: A 200 345 678. Cases before the Immigration Courts and the Board of Immigration Appeals are tracked by A number.

Administrative Closing

An order by an Immigration Judge removing a case from the Immigration Court’s calendar. Once a case has been administratively closed, the court will not take any action on the case until a request to recalendar is filed by one of the parties.

Affirmative Asylum Application

An asylum application filed with the Department of Homeland Security Asylum Office by an alien not in removal proceedings. If the Department of Homeland Security Asylum Office declines to grant an affirmative asylum application, removal proceedings may be initiated. In that case, the asylum application is referred to an Immigration Court for a hearing.

Alien

A person who is not a citizen or national of the United States.

Applicant

A person in exclusion proceedings.

Assistant Chief Counsel

The attorney representing the Department of Homeland Security in Immigration Court proceedings. Though the "Assistant Chief Counsel" is the attorney's official title, he or she is sometimes referred to as the "DHS attorney," the "government attorney," or the "trial attorney."

Asylum Clock

The number of days elapsed since the filing of an asylum application, not including any delays in the proceeding caused by the alien. Certain asylum applicants are eligible to receive employment authorization from the Department of Homeland Security after the asylum clock reaches 180 days.

Asylum-Only Proceedings

Immigration Court proceedings in which an alien is limited to applying for asylum, withholding of removal ("restriction on removal") under the INA and protection under CAT. Asylum-only proceedings involve aliens who are not entitled to be placed in removal proceedings.

Attorney of Record

An attorney who has properly entered an appearance with the Immigration Court in a particular case and is held responsible as an attorney for the respondent.

Beneficiary

An alien who is sponsored by a relative or a business, or otherwise benefits from a visa petition.

BIA

An abbreviation for the Board of Immigration Appeals.

Biometrics Instructions

The term often used to refer to the Department of Homeland Security "*Instructions for Submitting Certain Applications in Immigration Court and for Providing Biometric and Biographic Information to U.S. Citizenship and Immigration Services.*" The biometrics instructions inform aliens how to comply with the background and security investigation requirements for certain forms of relief from removal, such as asylum, adjustment of status, and cancellation of removal. The biometrics instructions also inform aliens how to pay the fees for those applications.

Board

An abbreviation for the Board of Immigration Appeals.

Board of Immigration Appeals

The part of the Executive Office for Immigration Review that is authorized to review most decisions of Immigration Judges and some types of decisions of Department of Homeland Security officers.

Bond

The amount of money set by the Department of Homeland Security or an Immigration Judge as a condition to release a person from detention for an Immigration Court hearing at a later date.

Bond Proceedings

An Immigration Court hearing on a request to redetermine a bond set by the Department of Homeland Security. Bond proceedings are separate from other Immigration Court proceedings.

CA

An abbreviation for Court Administrator.

CAT

An abbreviation for the United Nations Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.

CBP

An abbreviation for U.S. Customs and Border Protection, a part of the Department of Homeland Security.

Certificate of Translation

A formal statement in which a translator shows that he or she has accurately translated a foreign-language document into English.

C.F.R.

An abbreviation for the Code of Federal Regulations.

Charging Document

The document that orders an alien to appear before an Immigration Judge. Immigration Court proceedings begin when the Department of Homeland Security mails or delivers the charging document to the alien and files it with the Immigration Court. In general, the charging document states why the Department of Homeland

Security believes the alien should be deported from the United States. The charging document in removal proceedings is called the Notice to Appear (Form I-862).

Claimed Status Review

Immigration Court proceedings involving aliens subject to expedited removal under INA § 235(b)(1) who claim to be United States citizens or lawful permanent residents, or to have been granted refugee or asylee status.

Code of Federal Regulations

The official interpretations of laws passed by Congress. These interpretations are known as “regulations.” Regulations are first published in a government publication called the *Federal Register*. After publication in the *Federal Register*, regulations can be found in the Code of Federal Regulations. Most immigration regulations are in Title 8, Aliens and Nationality.

Convention Against Torture

An abbreviation for the United Nations Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.

Credible Fear Proceedings

Immigration Court proceedings in which an Immigration Judge reviews a finding by a Department of Homeland Security asylum officer that a stowaway or an alien subject to expedited removal under INA § 235(b)(1) does not have a credible fear of persecution or torture.

DAR

An abbreviation for digital audio recording.

Declaration under Penalty of Perjury

A statement by a person, in which the person states that the information is true, to support his or her request or application. For example, a declaration may list the facts and then state: “I declare under penalty of perjury (under the laws of the United States of America) that the foregoing is true and correct.” This statement should be followed by the date, signature, and printed name of the person signing.

Defensive Asylum Application

An asylum application filed with an Immigration Judge by an alien already in removal proceedings.

Deportation Proceedings

An Immigration Court proceeding begun before April 1, 1997, against a person believed to be in the United States without legal status, to determine whether the person should be deported from the United States.

DHS

An abbreviation for the Department of Homeland Security.

DHS Attorney

A term sometimes used to refer to an Assistant Chief Counsel in Immigration Court.

DOJ

An abbreviation for the United States Department of Justice.

EOIR

An abbreviation for the Executive Office for Immigration Review.

Ex Parte Communication

Any communication about a case between a party and an Immigration Judge which does not include the other party. Ex parte communications are generally prohibited. A party cannot speak about a case with the Immigration Judge when the other party is not present. In addition, all written communications about a case must be served on the opposing party.

Exclusion Proceedings

An Immigration Court proceeding begun before April 1, 1997, to determine whether a person should be allowed to legally enter the United States.

Executive Office for Immigration Review

The part of the United States Department of Justice that is responsible for the Immigration Courts and the Board of Immigration Appeals.

FOIA

An abbreviation for the Freedom of Information Act.

ICE

An abbreviation for the U.S. Immigration and Customs Enforcement, a part of the Department of Homeland Security.

Immigration Court

Any of the more than 50 courts nationwide administered by the Executive Office for Immigration Review. In general, proceedings in Immigration Court involve aliens charged as present in the United States in violation of the immigration laws.

Immigration Court Proceedings

In general, proceedings in Immigration Court involve aliens charged as present in the United States in violation of the immigration laws. Several types of proceedings are held in Immigration Court, including removal proceedings (begun on or after April 1, 1997), deportation proceedings (begun prior to April 1, 1997), exclusion proceedings (begun prior to April 1, 1997), bond proceedings, rescission proceedings, credible fear proceedings, reasonable fear proceedings, claimed status review, asylum-only proceedings, and withholding-only proceedings.

Immigration Judge

The official who presides over proceedings in Immigration Court. In general, Immigration Judges determine removability and adjudicate applications for relief from removal.

INA

An abbreviation for the Immigration and Nationality Act.

INS

An abbreviation for the Immigration and Naturalization Service. INS has been abolished and its functions have been transferred to the Department of Homeland Security.

In Absentia Hearing

A hearing conducted without the alien's presence after the alien failed to appear as required.

Individual Calendar Hearing

Hearings scheduled by the Immigration Court for testimony and evidence. These hearings are also known as "merits hearings."

IJ

An abbreviation for Immigration Judge.

IRCA

An abbreviation for the Immigration Reform and Control Act of 1986.

IIRIRA

An abbreviation for the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

LIFE

An abbreviation for Legal Immigration and Family Equity Act.

LPR

An abbreviation for lawful permanent resident.

Master Calendar Hearing

Hearings held for pleadings, scheduling, and other similar matters. A respondent's first appearance before an Immigration Judge in removal proceedings is at a master calendar hearing.

Merits Hearing

A term sometimes used to refer to an individual calendar hearing.

NACARA

An abbreviation for the Nicaraguan Adjustment and Central American Relief Act.

Notice Attorney

A term sometimes used in Immigration Court to refer to the primary attorney.

Notice to Appear

The charging document (Form I-862) used by the Department of Homeland Security to begin removal proceedings.

NTA

An abbreviation for Notice to Appear.

OCIJ

An abbreviation for the Office of the Chief Immigration Judge.

Office of the Chief Immigration Judge

The part of the Executive Office for Immigration Review that oversees the Immigration Courts.

OIL

The abbreviation for the Office of Immigration Litigation, a part of the United States Department of Justice.

Order to Show Cause

The charging document (Form I-221) used by the Department of Homeland Security before April 1, 1997, to begin deportation proceedings.

OSC

An abbreviation for Order to Show Cause.

Party

The term used to refer to the alien or the Department of Homeland Security in Immigration Court.

Petitioner

A person who files a visa petition.

Practitioner

A person who is authorized to represent aliens before the Immigration Courts and the Board of Immigration Appeals.

Pre-Decision Motion

A motion filed before the conclusion of Immigration Court proceedings.

Primary Attorney

An attorney who has properly entered an appearance with the Immigration Court in a particular case and is designated to receive mailings from the court, including notices of hearings. If, at any time, more than one attorney represents an alien, one of the attorneys must be designated as the primary attorney. Only the primary attorney, also known as the "notice attorney," will receive mailings from the Immigration Court.

Pro Se

A term used to refer to an alien who does not have an attorney or representative in Immigration Court.

Proof of Service

A formal statement in which a party shows that he or she has provided a copy of a document to the other party.

REAL ID

An abbreviation for the REAL ID Act of 2005.

Reasonable Fear Proceedings

Immigration Court proceedings in which an Immigration Judge reviews a finding by a Department of Homeland Security asylum officer that an alien subject to expedited removal under INA §§ 238(b) or 241(a)(5) does not have a reasonable fear of persecution or torture.

Record of Proceedings

The official file containing documents relating to an alien's case.

Removal Proceedings

An Immigration Court proceeding begun on or after April 1, 1997, to determine whether a person can be admitted to the United States or removed from the United States.

Reputable Individual

An individual who possesses good moral character and meets certain other requirements. In appropriate circumstances, an Immigration Judge may allow a reputable individual to represent an alien in Immigration Court proceedings.

Respondent

A person in removal or deportation proceedings.

ROP

An abbreviation for Record of Proceedings.

Serve

To give, deliver, or mail a document to the opposing party. For an alien, the opposing party is the Department of Homeland Security.

Stay

An order by an Immigration Judge, or a rule of law, that stops the Department of Homeland Security from removing an alien.

Transcript

A printed copy of the recording of a hearing before an Immigration Judge.

Trial Attorney

A term sometimes used to refer to an Assistant Chief Counsel.

USCIS

An abbreviation for U.S. Citizenship and Immigration Services, a part of the Department of Homeland Security.

Visa Petition

A form asking the Department of Homeland Security to determine if an alien is qualified to become a lawful permanent resident. Filing the visa petition is the first step in obtaining lawful permanent resident status (a "green card").

Withholding-Only Proceedings

Immigration Court proceedings in which an alien is limited to applying for withholding of removal ("restriction on removal") under the INA and protection under CAT. Withholding-only proceedings involve certain aliens who are not entitled to be placed in removal proceedings.