

This document is one in a series of stand-alone resources developed for state and territorial health officials and other decision-makers regarding health services for immigrant, and in particular, undocumented individuals.

This resource overviews terminology used to describe the documentation status of immigrants to the U.S. It was developed to serve as a reference for state and territorial health agency employees exploring eligibility and qualification of immigrants for federal and state programs. These definitions were compiled from the United States Citizenship and Immigration Services, the Department of Health and Human Services, and the Congressional Research Service.

**Alien:**

Any person not a citizen or national of the United States.

**Legal Alien and Illegal Alien:**

These are not official terms used by the U.S. Citizenship and Immigration Service. The term "legal alien" was coined in 1798 from the Alien and Sedition Act. "Illegal alien" has no legal definition but is widely used to define undocumented individuals.

**Immigrant:**

Any alien in the United States, except one legally admitted under specific nonimmigrant categories. The group includes both individuals that have entered the United States legally (legal aliens) and those that have entered the United States without inspection.

**Undocumented Individual**

According to a 2004 Government Accountability Office (GAO) report, there is no federal definition of an undocumented immigrant. The GAO defined an "undocumented alien" as a person who enters the U.S. without legal permission or fails to leave the U.S. when their permissible time ends.

**Lawful Permanent Resident (LPR) (or Permanent Resident Alien, Permanent Resident, Resident Alien, Resident Alien Permit Holder, and Green Card Holder)**

An alien admitted to the United States as a lawful permanent resident, i.e. legally accorded the privilege of residing permanently in the United States. They may be issued immigrant visas by the Department of State overseas or adjusted to permanent resident status by U.S. Citizenship and Immigration Services. Also commonly referred to as "immigrant."

**Returning Resident:**

Any Lawful Permanent Resident who has been outside of and is returning to the United States. If outside of the U.S. for more than 180 days, the "returning resident" must apply for readmission to the U.S. If the "returning resident" is outside of the U.S. for more than one year and is returning to his or her permanent residence in the United States, the individual usually must have re-entry documentation from the U.S. Citizenship and Immigration Services (USCIS) or an immigrant visa from the Department of State. Also may be referred to as a "special immigrant."

**Exclusion:**

Prior to the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, exclusion was the formal term for denial of an alien's entry into the United States. The decision to exclude an alien was made by an immigration judge after an exclusion hearing. Since April 1, 1997, the process of adjudicating inadmissibility may take place in either an expedited removal process or in removal proceedings before an immigration judge. If an immigrant is deemed excludable, then they are not eligible for the legalization process.

## **Parolee:**

An alien, appearing to be inadmissible to the inspecting officer, allowed into the United States for urgent humanitarian reasons or when that alien's entry is determined to be for significant public benefit. Parole does not constitute a formal admission to the United States and confers temporary status only, requiring parolees to leave when the conditions supporting their parole cease to exist. Types of parolees include:

1. *Deferred Inspection:* Authorized at the port upon alien's arrival. May be conferred by an immigration inspector when aliens appear at a port of entry with documentation, but after preliminary examination. Some question remains about their admissibility which can best be answered at their point of destination.
2. *Advance Parole:* Authorized at an USCIS District office in advance of alien's arrival. May be issued to aliens residing in the United States in other than lawful permanent resident status who have an unexpected need to travel and return, and whose conditions of stay do not otherwise allow for readmission to the United States if they depart.
3. *Port-of-entry Parole:* Authorized at the port upon alien's arrival. Applies to a wide variety of situations and is used at the discretion of the supervisory immigration inspector, usually to allow short periods of entry. Examples include allowing aliens who could not be issued the necessary documentation within the required time period, or who were otherwise inadmissible, to attend a funeral and permitting the entry of emergency workers, such as fire fighters, to assist with an emergency.
4. *Humanitarian Parole:* Authorized at USCIS headquarters or overseas District Offices for "urgent humanitarian reasons" specified in the law. It is used in cases of medical emergency and comparable situations.
5. *Significant Public Benefit Parole:* Authorized at USCIS headquarters Office of International Affairs for "significant public benefit" specified in the law. It is generally used for aliens who enter to take part in legal proceedings when there is a benefit to the government. These requests must be submitted by a law enforcement agency.
6. *Overseas Parole:* Authorized at an USCIS District or sub office while the alien is still overseas. Designed to constitute long-term admission to the United States. In recent years, most of the aliens USCIS has processed through overseas parole have arrived under special legislation or international migration agreements.

## **Asylee:**

An alien in the United States or at a port of entry who is found to be unable or unwilling to return to his or her country of nationality, or to seek the protection of that country because of persecution or a well-founded fear of persecution. Persecution or the fear thereof must be based on the individual's:

- o race,
- o religion,
- o nationality,
- o membership in a particular social group, or
- o political opinion.

Asylees are eligible to adjust to Lawful Permanent Resident status after one year of continuous presence in the United States. These immigrants are limited to 10,000 adjustments per fiscal year. Asylees residing in the country before their asylum application is accepted do not have the assistance of refugee settlement agencies and are typically ineligible for almost all federal assistance.

## **Refugee:**

A person who is outside his or her country of nationality who is unable or unwilling to return to that country because of persecution or a well-founded fear of persecution. Persecution or the fear thereof must be based on the individual's

- o Race
- o Religion
- o Nationality
- o Membership in a particular social group
- o Political opinion

Refugees to the United States are subject to annually-set ceilings based on geographic area (of country of origin) that are determined by the President in consultation with Congress. Refugees are eligible to adjust to Lawful Permanent Resident status after one year of continuous presence in the United States.

**Nonimmigrant:**

An alien who seeks temporary entry to the United States for a specific purpose. The alien must have a permanent residence abroad (for most classes of admission) and qualify for the nonimmigrant classification sought. Nonimmigrant classifications include:

- o Foreign government officials
- o Visitors for business and for pleasure
- o Aliens in transit through the United States
- o Treaty traders and investors
- o Students
- o International representatives
- o Temporary workers and trainees
- o Representatives of foreign information media
- o Exchange visitors
- o Fiancé(e)s of U.S. citizens
- o Intracompany transferees
- o NATO officials
- o Religious workers
- o Some others

Most nonimmigrants can be accompanied or joined by spouses and unmarried minor (or dependent) children.

**Qualified Immigrant:**

A Legal Permanent Resident (LPR), refugee, or alien who is paroled to the United States for at least one year or granted asylum. Qualified immigrants are eligible for federal public benefits if they entered the U.S. before Aug. 22, 1996, when the Personal Responsibility and Work Opportunity Reconciliation Act law was enacted. Qualified immigrants entering after Aug. 22, 1996, are generally eligible for federal assistance after five years.

**Unqualified Immigrant:**

An individual who is an illegal immigrant, non-immigrant, short-term parolee, or asylum applicant and is therefore ineligible for almost all federal assistance except for emergency medical and disaster relief.

**Eligible Immigrant:**

An immigrant who is eligible for means tested public health benefits. Besides basic program eligibility requirements such as income, an immigrant needs to be an LPR, refugee or asylee and :

- o LPRs with 40 work quarters are automatically eligible regardless of entry date.
- o LPR with active military service or veteran are automatically eligible regardless of entry date.
- o Asylees and refugees are automatically eligible for programs.

**Sponsor:**

A person, typically a relative, who supports an immigrant's entry into the U.S. The term "sponsor" in the immigration sense, often means "to bring to the United States" or "petition for."

Another meaning of the term "sponsor" is a person who completes Form I-864, Affidavit of Support under Section 213A of the Personal Responsibility and Work Opportunity Reconciliation Act. This type of sponsorship is not, however, the first step in any immigration process.

**Sponsor Deeming=213A:**

The process of including a sponsor's income and assets along with the LPR's income and assets in order to determine the LPR's eligibility for Medicaid or SCHIP. Sponsor deeming is also known as 213A, referring to section 213A of Personal Responsibility and Work Opportunity Reconciliation Act, which requires legally binding affidavits of support from sponsors.

**Public Charge:**

An alien who has become (for purposes of deportation) or is likely to become (for purposes of admissibility or adjustment of immigration status) primarily dependent on the government for subsistence, as demonstrated by either the receipt of public cash assistance for income maintenance or institutionalization for long-term care at government expense. A family's use of benefits will not influence an individual's determination of public charge. Benefits that can lead to public charge designation include cash assistance from TANF, SSI, and long term benefits under Medicaid. The totality of circumstances is used to determine if an immigrant is a public charge. An immigrant's use of the following benefits will not make him/her a public charge:

- Health center programs
- Medicaid, except long-term care. Short periods of rehabilitation are not to be considered.
- Children's Health Insurance Program
- Immunizations
- Testing and treatment of symptoms of communicable diseases
- Prenatal care
- Nutrition programs, including Food Stamps, the Special Supplemental Nutrition Program for Women, Infants and Children (WIC), the National School Lunch and Breakfast programs, and other supplementary and emergency food assistance programs
- Housing assistance
- Child care services
- Emergency assistance, such as the Low Income Home Energy Assistance Program
- Emergency disaster relief
- Foster care and adoption assistance
- Educational assistance, including benefits under the Head Start Act and aid for elementary, secondary, or higher education
- Job training programs
- In-kind, community-based programs, services, or assistance such as soup kitchens, crisis counseling and intervention, and short-term shelter

The following are exempt from public charge determinations:

- Refugees and asylees
- Amerasian immigrants
- Applicants under the Cuban Adjustment Act
- Applicants under the Nicaraguan Relief Act
- Applicants under the Haitian Refugee Immigration Fairness Act
- Lawful permanent residents who have been outside the U.S. 180 days or less

**Native-Born Citizen:**

Any person born in the United States or born abroad as children of U.S. citizens. Many children with immigrant parents are U.S.-born and therefore native citizens. They are eligible for public benefits on the same terms as other citizens.

**Naturalized Citizen:**

LPRs may become citizens through the naturalization process. Typically, they must be in the United States for five or more years to qualify for naturalization, although immigrants who marry citizens can qualify in three years. Naturalized citizens are also eligible for public benefits on the same terms as other citizens.