

ATTACHMENT 5:

TERMS, DEFINITIONS, AND PARTIAL EXPLANATIONS

Admission

The lawful entry of an alien into the United States after inspection and authorization by an Immigration Officer. *See* INA § 101(a)(A).

Adjudicated Adult (legal definition)

Any person who has been convicted and incarcerated as an adult for a criminal offense in accordance with and in recognition of the findings of the respective criminal court that the person is not a "child." Similarly, any person under the age of 18 who has been emancipated in accordance with and in recognition of the findings of the civil court that the person is not a "child."**

Adult

A person eighteen (18) years or older.

Aggravated Felon

An alien who has been convicted of a crime defined by INA § 101(a)(43) as an aggravated felony.

Aggravated Felony

A crime defined by INA § 101(a)(43) within the definition of aggravated felony are certain violent criminal offenses, theft offenses, sexual offenses, narcotics offenses and others. A crime falls within the definition of "aggravated felony" regardless of the date of conviction, whether the crime was for a violation of state or federal law, and also applies to convictions in foreign countries when the sentence was completed within 15 years.

Alien

Any person not a citizen or national of the U.S.

Alternatives to Detention Program (ATD)

The Alternatives to Detention Unit within the Custody Management Unit (CMU) of the ICE Office of Enforcement and Removal Operations is the unit responsible for developing and implementing programs that improve the immigration court appearance rates, court order compliance rates and removal rates of aliens released from ICE custody.

Area of Responsibility (AOR)

The geographical area associated with each ERO Field Office or Sub-Office, and the corresponding area of coverage the contractor provides at each service location.

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 and/or is seeking protection from that country because of persecution or a well-founded fear of persecution. Persecution or the fear thereof must be based on the alien's race, religion, nationality, membership in a particular social group, or political opinion. For persons with no nationality, the country of nationality is considered to be the country in which the alien last habitually resided. Asylees are eligible to adjust to lawful permanent resident status after one year of continuous presence in the United States.

Average Length in Program (ALIP)

The average number of days a program Participant is enrolled in ISAP from intake through termination from the program.

Board of Immigration Appeals (BIA)

The appellate body within the U.S. Department of Justice (DOJ) Executive Office for Immigration Review (EOIR) tasked with the responsibility of reviewing decisions of Immigration Judges that were appealed by an alien or DHS. The members of the BIA are attorneys appointed by the U.S. Attorney General.

Cancellation of Removal

For Permanent Residents - Relief from removal which may be granted by an Immigration Judge (IJ) pursuant to INA § 240A(a) to certain eligible lawful permanent residents, in effect "canceling" the removal which otherwise would occur as a result of the alien's violation of the INA and finding by the IJ that the alien is inadmissible or deportable.

For non-Permanent Residents - Relief from removal which may be granted by an IJ pursuant to INA § 240A(b) to certain aliens who are not lawful permanent residents and who have been found to be inadmissible or deportable from the U.S. Aliens receiving this relief are made lawful permanent residents of the U.S.

Case Specialist

A contractor employee with case management and service plan (see also Individual Service Plan) responsibility within the ATD Program. This employee is the Participant point of contact and is responsible for the physical or electronic means of accounting for that Participant. The Case Specialist creates the ISP and executes the procedures necessary to achieve the supervision objectives in the program. These duties include residence verification, unannounced home visits, in-person reporting at the Contractor office and ensuring that Participants provide travel document information.

Contracting Officer (CO)

Contracting officer is a person with the authority to enter into, administer, and/or terminate contracts and make related determinations and findings on the part of the federal government, in this case ICE. The term includes certain authorized representatives of the contracting officer acting within the limits of their authority as delegated by the contracting officer. Administrative contracting officer (ACO) refers to a contracting officer who is administering contracts. 42 C.F.R. § 2.101

Contracting Officer's Representative (COR)

The CO is assisted in his or her duties by the Contracting Officer's Representatives (COR), who usually does not have the authority of a Contracting Officer. The ATD COR, located at ICE Headquarters is responsible for monitoring the day-to-day performance, activities and technical aspects of the contract and is supported on this contract by local Task Managers. Task Managers assist the COR in monitoring contract performance at the AOR field office or sub-office level.

Contractor

The entity that provides services described in this Statement of Work (SOW) under a federal contract.

Conviction

With respect to an alien, a formal judgment of guilt entered by a court, or if adjudication of guilt has been withheld, where a judge or jury has found the alien guilty, or the alien has entered a plea of guilty/nolo contendere or has admitted sufficient facts to warrant a finding of guilt and the judge has ordered some form of punishment, penalty or restraint on the alien's liberty to be imposed.

Deciding Official

A DHS employee who has been authorized by the Immigration and Nationality Act and/or implementing regulation to make a determination in a specific matter or on a particular issue.

Deportation/Removal/Exclusion

The formal removal of an alien from the United States when the alien has been found removable for violating the immigration laws. Deportation, Removal or Exclusion is ordered by an immigration judge without any punishment being imposed or contemplated; deportation or removal may also be ordered by a DHS deciding official under certain statutory provisions.

Deportation Officer (DO)

An ICE employee assigned to an ERO Field- or Sub-Office who conducts legal research to support decisions on deportation/removal/exclusion cases and assist attorneys in representing the Government in court actions. Works with other Federal law enforcement officials to identify, locate and/or apprehend aliens; prepare, present and defend deportation, removal or exclusion proceedings; and ensure the physical removal of aliens from the United States. Officer works with both criminal and/or non-criminal aliens in the United States at various stages of their deportation, removal or exclusion proceedings. Officer is responsible for conducting complex investigations, conducting surveillance work, preparing investigative reports and assisting in complex, difficult or sensitive seizures.

Enforcement and Removal Operations (ERO)

The component within DHS/ICE that promotes public safety and national security by ensuring the lawful departure of all removable aliens from the United States.

Department of Homeland Security (DHS)

The Executive Branch Department tasked with leading the unified national effort to secure the U.S. and preserve its freedoms. While the Department was created to secure the U.S. against those who seek to disrupt the American way of life, the DHS charter also includes preparation for and response to all hazards and disasters.

Emergency

Any disruption of normal facility procedures, policy or activity caused by riot, strike, escape, fire, natural disaster or other serious incident.

Employment

Any labor or occupation for which compensation is given or received. Employment in the United States is authorized for aliens who are lawful permanent residents (LPRs), or aliens who have a valid employment authorization document issued by USCIS. Note: Participation in the ATD program does not require employment, nor authorize employment for those without proper authorization.

Enrollment

The procedure in which a Contractor processes an alien into the ATD program after referral by ERO.

Enter on duty (EOD)

For the purposes of this contract, to begin employment, after having received a DHS suitability determination granted by written authorization by the COR to perform duties under this contract.

Executive Office for Immigration Review (EOIR)

The component within the US Department of Justice (DOJ) whose primary mission is to adjudicate immigration cases in a careful manner, including cases involving detained aliens, criminal aliens, and aliens seeking asylum as a form of relief from removal, while ensuring the standards of due process and fair treatment for all parties involved. Included within EOIR are immigration judges, immigration courts and the Board of Immigration Appeals.

Expedited Removal (ER)

DHS has the authority to quickly order the removal of certain inadmissible aliens from the United States. The authority covers aliens who are inadmissible because they have no entry documents or because they have used counterfeit, altered, or otherwise fraudulent or improper documents. The authority covers aliens who arrive in, attempt to enter, or have entered the United States without having been admitted or paroled by an immigration officer at a port-of-entry. The alien is not referred to an immigration judge except under certain circumstances after an alien makes a claim to lawful status in the United States or demonstrates a credible fear of persecution if returned to his or her home country.

Face-to-Face Contact

For purposes of this contract a face to face contact is defined as an official meeting in person between an alien and his/her assigned case specialist in person at specified scheduled intervals that are determined by ERO.

Facility

Offices, office space or other accommodation chosen by the contractor in which employees work performing duties required under this contract.

Fugitive

An ICE fugitive is defined as an alien who has failed to depart the United States pursuant to a final order of removal, deportation or exclusion; or who has failed to report to an Officer from Enforcement and Removal Operations after receiving notice to do so.

Global Positioning System (GPS)-unit

For purposes of this contract Global Positioning System (GPS unit) is an ankle monitor that operates and transmits its location by way of navigation satellites and cellular towers.

Grievance

A written complaint filed by a Participant concerning personal health/welfare or the operations and services of the Program.

Habeas Corpus

The right of a person in the U.S. to challenge the authority of the federal government to continue to hold him or her in detention.

Health and Safety Assessment

A structured observation and/or initial health screening to identify any medical issues of an alien.

Immigration and Customs Enforcement (ICE)

Created in March 2003, U.S. Immigration and Customs Enforcement (ICE) is the largest investigative branch of the Department of Homeland Security (DHS). Its mission is to protect America and uphold public safety. The agency fulfills this mission by identifying criminal activities and eliminating vulnerabilities that pose a threat to our nation's borders, as well as enforcing economic, transportation, and infrastructure security. By protecting our national and border security, ICE seeks to eliminate the potential threat of terrorist acts against the United States.

Immigration Enforcement Agent (IEA)

According to the position description, full-performance IEA's are required to spend 25 to 75 percent of their time performing two major duties: detention and deportation/transport/escort. Detention duties include responsibilities such as detainee care, processing, supervision, and transportation for prison pick-ups and medical or court appointments. Deportation/transport/escort duties include responsibilities associated with processing and transporting or escorting aliens under final orders of removal to their country of citizenship. In addition to the two major duties, IEAs are required to perform one of five other duties for at least 25 percent of their time as assigned by their supervisor. These duties include jail check and Institutional Removal Program (IRP), secure communities, prosecutions, determining alienage and fugitive operations, operational support, or law enforcement liaison; and Criminal Alien Program (CAP), law enforcement agency support, multi-agency task forces, quick response teams, or duty officer.

Immigrant Visa

Permission properly granted by a consular officer at his or her office outside the United States to an immigrant eligible to enter and remain in the United States on a permanent basis under the INA.

Immigration and Nationality Act (INA or the Act)

8 USC §1101 *et seq.*

Immigration Court

The court in which an immigration judge conducts immigration hearings, also known as proceedings, in order to determine whether an alien is removable from the U.S. or is eligible and warrants a benefit defined in the INA.

Immigration Judge

An attorney employee of EOIR appointed by the US Attorney General as an administrative judge to conduct specified classes of hearings, including alien removal proceedings

Inadmissible

The INA defines certain categories of aliens eligible to lawfully enter or be admitted to the United States. If an alien does not fall within one of these categories, he or she is inadmissible to the United States.

Individual Service Plan (ISP)

The written plan containing detailed supervisory focus for each participant, prepared by the case specialist taking into account individual supervision factors, the participant's range of supervision, history, orders of supervision and program success to date.

Legal Permanent Resident (LPR)

An alien with the status of having been lawfully accorded the privilege of residing permanently in the U.S. in accordance with the INA. This status terminates upon entry of a final administrative order of exclusion, deportation, or removal.

National

Citizen of the United States or non-citizen who owes permanent allegiance to the United States.

See 22 CFR § 50.1(d)

National Crime Information Center (NCIC)

A Department of Justice (*DOJ*) database used by law enforcement agencies to determine whether an individual has committed a civil or criminal violation.

Naturalization

The conferring of nationality of the U.S. upon a person after birth by any means whatsoever.

Non-Immigrant Visa

A visa properly issued to an alien as an eligible nonimmigrant by a competent officer as defined in the INA, allowing an alien to apply for admission or remain in the United States for a specified period of time and a specific purpose.

Office Manager

The on-site contractor employee in each service location that is responsible to ICE for management and administration of the ATD Program.

Participant

An alien who is 18 years of age or older and who is either in removal proceedings, under a final order of removal, on appeal, is not in ICE custody and being supervised in the ATD program.

Participant Records

Records that contain information concerning the Participant's personal, criminal and medical history combined with behavior and activities while participating in the ATD program. Participant records include but are not limited to photographs, disciplinary infractions and actions taken, grievance reports, documentation supporting excused absences from appearance appointments (e.g. "doctor's notes"), and employment history.

Policy

As used within the scope of the ATD contract, a written, official statement and method of action that guides and determines present and future decisions and actions.

Program Absconder

For purposes of this contract a program absconder is defined as an alien who while enrolled in the ATD program, flees from their current address without any notification, forwarding information or cannot be located by the contractor or ICE/ERO.

Program Violator

An alien currently enrolled in the ATD program that is not compliant with any supervision service or other requirement.

Random Frequency

Applies to quality assurance events initiated by the ICE CO or COR that are unplanned or unscheduled.

Refugee

Loosely, an alien 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 on account of race, religion, nationality, political affiliation, and/or membership in a particular social group.

Removal Proceedings

A hearing conducted by an Immigration Judge for the sole purpose of deciding the inadmissibility or deportability of an alien.

Supervision

All activities conducted by contractor personnel to ensure program participants comply with the terms and conditions of their enrollment in ISAP as described in each participant's ISP. See also Individual Service Plan.

Supervision Services

The various methods and activities of supervising program participants enrolled in the ATD program including GPS monitoring, telephonic monitoring, residence verification, unannounced home visits, office visits, court verification and travel document updates.

Task Managers

Designated ICE employees who assist the COR in monitoring day-to-day activities and technical aspects of the contract and contractor performance. Due to the complexity and nationwide scope of the contract, task managers are appointed to assist the COR by performing delegated tasks within defined Areas of Responsibility.

Telephone Reporting System

A monitoring system designed to electronically monitor aliens with the use of a telephone. The system will create a biometric voiceprint for an alien utilizing their own specified language. The system will make automated (check-in) calls monthly, weekly or daily to the alien's phone number at specified intervals and registers the success or failure of the check in.

Termination

For purposes of this contract termination is defined as processing an alien out of the ATD program as directed by ICE.

Termination of Proceedings

An action by an IJ ending removal proceedings with or without a final determination on the removal charge(s). Removal proceedings can be terminated without prejudice, with the ability to re-calendar the case before the court or terminated altogether. Termination orders may be appealed to the BIA by either party.

Training

An organized, planned and evaluated activity designed to achieve specific learning objectives. Training may occur on-site, at an academy or training center, at an institution of higher learning, through contract service, at professional meetings or through closely supervised on-the-job training. Meetings of professional associations are considered training when there is clear evidence of the above elements.

Translator

For purposes of this contract a translator is defined as: A person who translates from one language into another. This could be the translation of speech or written documents.

Unauthorized Absence (UA)

If a participant is not present for any scheduled or unscheduled face-to-face office interview, home visit, or other official at an in-person ICE appointment, the participant will be described as UA.

United States Citizen (USC)

See 8 U.S.C. §§1401-1453.

U.S. Circuit Court of Appeals

Established by Article III of the U.S. Constitution, there are 12 U.S. courts of appeals assigned to hear cases arising out of 12 regional U.S. circuits. A court of appeals hears appeals from the district courts located within its circuit, as well as appeals from decisions of federal administrative agencies. In general, federal courts may decide cases that involve the United States government, the United States Constitution or federal laws, or controversies between states or between the United States and foreign governments.

U.S. Citizenship and Immigration Services (USCIS)

The component in DHS that oversees lawful immigration into the United States of America. USCIS establishes immigration services, policies and priorities to preserve America's legacy as a nation of immigrants while ensuring that no one is admitted who is a threat to public safety. USCIS adjudicates the petitions and applications of potential immigrants, including immigrant visa petitions, naturalization petitions, asylum and refugee applications, and work authorization.

U.S. Customs and Border Protection (CBP)

The component in DHS whose primary mission is to secure the sovereign borders of the United States and to keep terrorists and their weapons out of the United States. It also has a responsibility for securing and facilitating trade and travel while enforcing hundreds of U.S. regulations, including immigration and drug laws.

U.S. District Court (U.S.D.C.)

Established pursuant to Article III of the U.S. Constitution, district courts are general trial courts in the federal system with jurisdiction to hear certain categories of federal cases, including both civil and criminal matters.

Voluntary Departure (VD)

An administrative decision granted by an Immigration Judge either prior to completion or at the completion of removal proceedings granting an alien permission to depart the United States voluntarily and at the alien's own expense.