RMTAC
Resource & eMpowerment Technical Assistance Center for Behavioral Health

Basic Rights and Key Terms for Supporting Migrants

Introduction

This guide serves as a helpful, on-the-go resource for behavioral health professionals and providers working with migrant communities, helping them build strong relationships and create a supportive environment. It details the basic rights, benefits and responsibilities of all individuals in the United States. This guide also defines common immigration statuses and culturally sensitive migration terminology to best support those we serve.

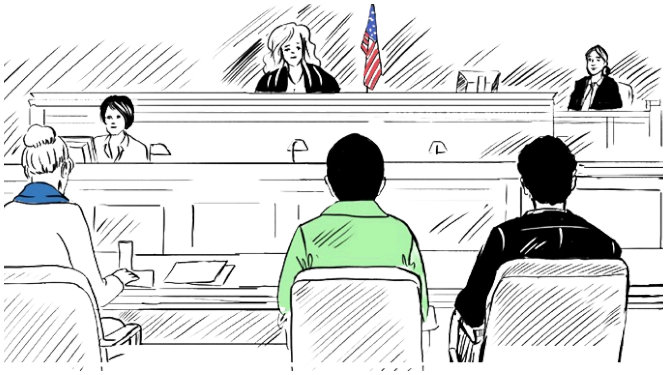
U.S. Laws - Rights and Responsibilities

U.S. laws protect the basic rights of all people. However, individuals must learn about federal, state and local laws, as ignorance of laws do not absolve them from the responsibility of adhering to them. By informing those we serve, we can assist them in navigating their new environment more confidently and responsibly.

FOUR BASIC U.S. RIGHTS:

1. **All people have civil rights, such as freedom of speech and religion.**

2. **All people have the right to work if their immigration status allows. No one can use your race, religion, sex or national origin to deny a job.**



3. **All children under the age of 18 have the right to be safe and protected from harm.**

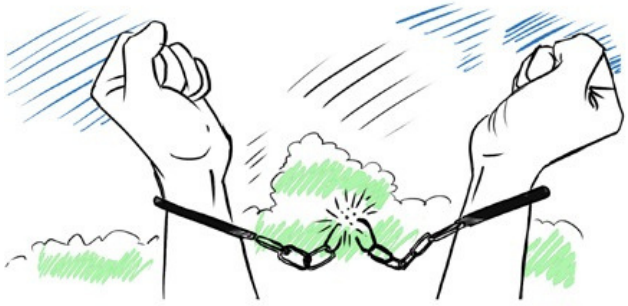
4. **If you are a victim of a crime, you have the right to seek legal action. To report a crime, contact the police. If it is an emergency, call 911.**

Note: Continuously refer to the USCIS, DHS and local state government websites for additional and most current information.

FOUR BASIC U.S. RESPONSIBILITIES:

1. It is illegal to harm or injure another person, including family members. Harm can include harassment, sexual assault and domestic violence.

2. It is illegal to force a person to act against their will. No one can force a person to marry or to work and not be paid.



3. It is illegal to abuse children or leave children without adult supervision.

4. It is illegal to purchase, sell or use certain drugs, such as heroin and cocaine.

TWO OTHER IMPORTANT LAWS FOR THOSE YOU SERVE TO KNOW:

1. All people must be at least 21 years old to purchase and/or consume alcohol.

2. All people must have a valid driver's license to drive a car.

[U.S. Laws Overview Fact Sheet PDF]
[www.settleinus.org]

Key Terms

These terms can help create cultural sensitivity when engaging with migrant communities. Click here to view our Online Learning Module for more details. Always refer to the source's website for the most current information.

Foreign-born

Individuals who are not a U.S. citizen at birth.

United States Census Bureau. (2024). Foreign-born. In *measuring America's people, places, and economy*.

Immigrant

Any person lawfully in the United States who is not a U.S. citizen, U.S. national, or person admitted under a nonimmigrant category.

U.S. Department of Homeland Security. (n.d.). *Glossary*. Office of Homeland Security and Statistics.

Migrant

A person who leaves his/her country of origin to seek temporary or permanent residence in another country.

U.S. Department of Homeland Security. (n.d.). *Glossary*. Office of Homeland Security and Statistics.

Newcomer

'Newcomer' is an umbrella term... for those born outside the United States who have recently arrived and are new to the country.

Edyburn, K., Johnson, J., & Scardina, K. (2024). Guidance for educators: Supportive school systems for newcomer immigrant youth. *Education Northwest*, 1-6.

Non-Citizen

A person without U.S. citizenship or nationality (may include a stateless person). This term is synonymous with "foreign national" and with "alien" as defined in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3)).

U.S. Citizenship and Immigration Services. (n.d.). *Glossary*.

Undocumented

Individuals who live in the United States with no legal status.

Cornell Law School. (n.d.). Undocumented immigrant. In *Legal Information Institute*.

Immigration Statuses

Below are common immigration statuses that providers may support. For a full list of immigration statutes and the most current information, always refer to the source's website.

Asylum

Asylum - Form of protection provided to noncitizens physically present in the United States who meet the definition of refugee under Immigration and Nationality (INA) section 101(a)(42) and are not otherwise barred from applying for or receiving asylum.

Asylee - Person granted asylum under section 208 of the Immigration and Nationality Act (INA).

Asylum Seeker - An individual who is seeking international protection. In countries with individualized procedures, an asylum seeker is someone whose claim has not yet been finally decided on by the country in which he or she has submitted it. Not every asylum seeker will ultimately be recognized as a refugee, but every recognized refugee is initially an asylum seeker.

Helpful Videos:

UNHCR. (2022, May 29). *Asylum at the U.S.-Mexico border: What is the right to seek asylum?* [Video]. YouTube.

UNHCR. (2022, May 29). *Asylum at the U.S.-Mexico border: What is asylum?* [Video]. YouTube.

1. U.S. Department of Homeland Security. (n.d.). *Glossary*. Office of Homeland Security and Statistics.
2. U.S. Department of Homeland Security. (n.d.). *Glossary*. Office of Homeland Security and Statistics.
3. International Organization for Migration. (2024). *Key migration terms.*

Parole

A noncitizen, appearing to be inadmissible to the inspecting officer, allowed into the United States for urgent humanitarian reasons or when that noncitizen'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. Some parolees can apply for work authorization immediately.

1. U.S. Department of Homeland Security. (n.d.). *Glossary*. Office of Homeland Security and Statistics.
2. U.S. Citizenship and Immigration Services. (n.d.). *Glossary*.

Non-Citizen

A person without U.S. citizenship or nationality (may include a stateless person). This term is synonymous with "foreign national" and with "alien" as defined in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3)).

U.S. Citizenship and Immigration Services. (n.d.). *Glossary.*

Nonimmigrant

An alien who is admitted to the United States for a specific temporary period of time. There are clear conditions on their stay. There are a large variety of nonimmigrant categories, and each exists for a specific purpose and has specific terms and conditions. Some nonimmigrant classifications include:

- Foreign government officials
- Visitors for business and for pleasure
- Aliens in transit through the United States
- Treaty traders and investors
- Students
- International representatives
- Temporary workers and trainees
- Representatives of foreign information media
- Exchange visitors
- Fiancé(e)s of U.S. citizens
- Intracompany transferees
- NATO officials
- Religious workers
- Most nonimmigrants can be accompanied or joined by spouses and unmarried minor (or dependent) children

U Visa - The U visa is for victims of certain crimes who have suffered substantial mental or physical abuse. It also allows victims to remain in the United States and help law enforcement in the investigation or prosecution of criminal activity.

T-Visa - T nonimmigrant status provides immigration protection to victims of trafficking. The T visa allows victims to remain in the United States and help law enforcement authorities in the investigation or prosecution of human trafficking cases.

U.S. Citizenship and Immigration Services. (n.d.). *Glossary.*

Refugee

Generally, any person 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 based on the person's race, religion, nationality, membership in a particular social group, or political opinion.

U.S. Legal Definition and Status - Status granted to an individual, prior to departure for and arrival in the United States, who has been determined by competent authority to be fleeing persecution or have a well-founded fear of persecution in their own country because of race, religion, nationality, membership in a particular social group or political opinion.

Under United States law, a refugee is someone who:

- was previously located outside of the United States
- is a special humanitarian concern to the United States
- was likely persecuted in their country of origin due to race, religion, nationality, political opinion or membership in a particular social group
- is not fully resettled in another country
- is admissible to the United States
- is not someone who ordered, incited, assisted or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group or political opinion

1. U.S. Citizenship and Immigration Services. (n.d.). *Glossary.*
2. U.S. Department of Homeland Security. (n.d.). *Glossary.* Office of Homeland Security and Statistics.
3. U.S. Citizenship and Immigration Services. (n.d.). *Glossary.*

Unaccompanied Minor

Individuals younger than 18 years old encountered by Customs and Border Protection (CBP) under Title 8 authority who are determined to have no lawful immigration status and who either do not have a parent or legal guardian in the United States or do not have a parent or legal guardian in the United States who is available to provide care and physical custody.

U.S. Department of Homeland Security. (n.d.). *Glossary.* Office of Homeland Security and Statistics.

DISCLAIMER

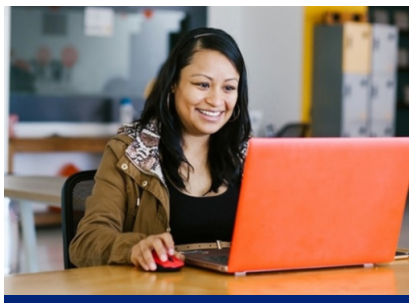
This publication was prepared by the Resource & eMpowerment Technical Assistance Center for Behavioral Health (RMTAC). This publication is intended as a reference guide only and does not constitute legal or professional advice. RMTAC assumes no liability for any actions taken based on the information provided herein nor responsible for any errors or omissions, or for the results obtained from the use of this information. RMTAC is funded by SAMHSA and supported by Grant Number SM089527 from 11/30/2023 to 09/29/2028.

RMTAC
Resource & eMpowerment Technical Assistance Center for Behavioral Health

Our Services

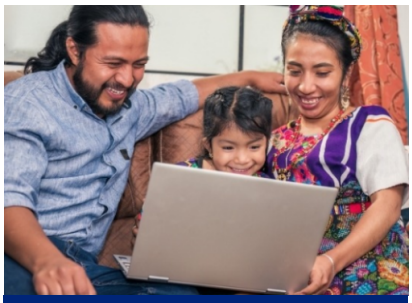
RMTAC has a team of subject matter experts who can provide support and multifaceted learning experiences through Consultation and Technical Assistance. RMTAC is a space where providers serving refugees and newcomers can seek assistance, participate in and utilize a variety of online resources. Click on the icons below to learn more.

Who We Are



Interactive Online Learning Modules

Consultation & Technical Assistance Requests



Resource Library

Learning Communities

Helpful Resources

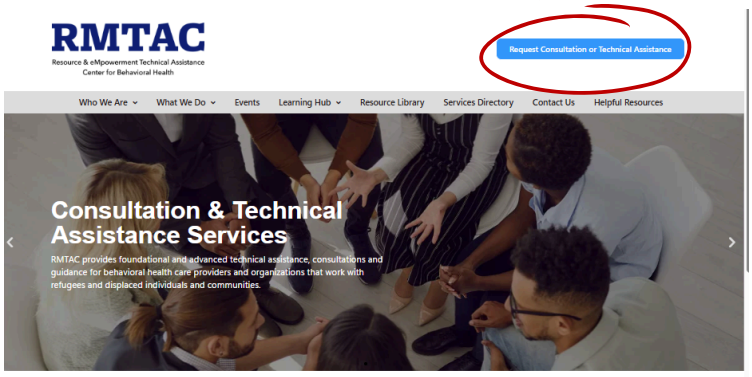
We are here to help!

How to Submit a CTA Request on the RMTAC Website

Step 1:
Navigate to RMTAC.org

Step 2:
Click on the "Request Consultation & Technical Assistance Request" button in the top navigation bar.

Step 3:
Complete the CTA Request form.



RMTAC's purpose is to grow and support the capacity of behavioral health professionals and organizations that serve newcomers, refugees, and resettled individuals across the United States through no-cost services.