

## **Refugee Resettlement Program:**

### **Refugee Categories and Status Codes**

The Refugee Act of 1980 and the Refugee Education Assistance Act of 1980 established federal refugee resettlement assistance provisions to refugees and other categories of immigrants. Further federal laws have expanded the categories of immigrants eligible for refugee status.

Immigrants designated as refugees, asylees, Cuban/Haitian entrants, Amerasians, Iraqi or Afghan special immigrants, and certified victims of human trafficking are considered (unless otherwise specified) qualified aliens who are not subject to the five year bar for Income Maintenance programs (see Food Stamps, TANF, and MO HealthNet manuals for further clarification). This includes individuals who have had such a status prior to attaining lawful permanent resident status. If determined ineligible for TANF and/or MO HealthNet benefits, they may receive benefits under Refugee Cash and Medical Assistance for no more than eight (8) months from the date of arrival to the United States, or when status was determined.

Some immigrant categories are eligible for Refugee Cash and Medical Assistance (RMA/RCA), but are subject to the five year bar for Income Maintenance programs. These categories are: paroled as refugee or asylee (does not include Cubans, Haitians or Amerasians from Cambodia, Laos or Vietnam); and, conditional entrants under section 203(a)(7) of the Immigration and Nationality Act (INA). These immigrant categories, as well as a few others, are eligible for Refugee services provided through contracted Refugee Resettlement Agencies.

Information regarding the immigrant categories follows, providing definitions, how the individual achieves such status, and codes for the status that can be found on various documents.

### **REFUGEES**

#### **Refugee Definition**

A refugee is any person who is:

- Outside of the country of such person's nationality (or for someone who has no nationality, is outside the country in which the person last resided); and
- Unable or unwilling to return or avail himself or herself of the protection of that country because of persecution or a well-founded fear of persecution for reasons of:
  - Race
  - Religion
  - Nationality
  - Membership in a particular social group
  - Political opinion.

The President may designate some countries in which nationals of that country may apply for processing in their country. Currently (2015) this includes Cuba, Vietnam, Iraq, Honduras, Guatemala, El Salvador<sup>1</sup>, and some countries of the former Soviet Union, such as Ukraine.

Once approved overseas by the U.S. Citizenship and Immigration Services (USCIS), refugees are admitted under Section 207 of the INA. On very rare occasions, individuals may be admitted as “paroled as a refugee” under Section 212(d)(5) of the INA – these individuals are subject to the five (5) year bar for specific immigrants, but are eligible for Refugee Cash and/or Refugee Medical Assistance.

### **Explanation of Refugee Status**

Refugees eligible for potential admission to the U.S under Section 207 of the INA are interviewed and approved for admission by the USCIS under the refugee admissions program. The process for refugees to be admitted is generally as follows:

- 1) A person becomes a refugee by fleeing from his/her country of origin, generally residing in a refugee camp established in a neighboring country;
- 2) The refugee registers with the United Nations High Commissioner for Refugees (UNHCR). This agency makes sure that the individual qualifies as a refugee under international law.
- 3) UNHCR, a U.S. Embassy or an authorized non-governmental organization (NGO) can refer the refugee to the US Refugee Admissions Program (USRAP).
- 4) The regional Resettlement Support Center (RSC) prepares a case file.
- 5) An officer from the Department of Homeland Security’s US Citizenship and Immigration Services (DHS/USCIS) conducts an interview with the individual to determine if s/he qualifies as a refugee under US law.
- 6) If the case is approved, the applicant and his/her family undergo medical examinations, security clearances, and a cultural orientation program.
- 7) In the US, the Department of State’s Bureau of Population, Refugees and Migration (PRM) works with Voluntary Agencies (VOLAGs)<sup>2</sup> to complete the final resettlement plan.
- 8) After the refugee and his/her family pass all security clearances, they depart for the U.S., travel arranged under a loan program by the International Organization for

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<sup>1</sup> In 2014, the President announced a new program allowing minors residing in Honduras, Guatemala, and El Salvador with parents lawfully present in the U.S. to seek refugee status through in-country processing. The initiative is known as the Central American Minors (CAM) program. Minors who do not qualify for refugee status may be paroled into the U.S. Paroled CAMs are not eligible for either refugee benefits and services or Income Maintenance programs.

<sup>2</sup> In Missouri, the following VOLAGS sponsor the noted refugee resettlement agencies, current as of April 2015: Ethiopian Community Development Council (ECDC) – Della Lamb of Kansas City; U.S. Committee for Refugees and Immigrants (USCRI) – Jewish Vocational Services of Kansas City, International Institute of Metropolitan St. Louis and their Springfield Branch; U.S. Conference of Catholic Bishops (USCCB) – Catholic Charities of St. Louis, Catholic Charities of Central and Northern Missouri.

Migration (IOM). Local resettlement agency staff meets them at their destination airport and takes them to their new home.

- 9) Resettlement agencies and other refugee service providers provide the refugee with initial Reception and Placement (R&P) support and services such as case management, assistance learning English and help finding a job.

All refugees admitted to the U.S. are eligible for refugee program services, authorized to work and are not required to show a Department of Homeland Security (DHS) Employment Authorization Document (EAD).

Most refugees will not have birth certificates, marriage licenses, or other forms of identification of family relationship. This may be due to non-issuance of such documents by their country of origin, and/or the documents being destroyed or lost in the struggle to leave their homeland. The U.S. Department of State, Bureau for Population, Refugees and Migration (PRM) provide Bio-Date forms and the VOLAG provides a Reception and Placement Assurance form that lists the individual family members, relationship to the primary applicant (PA), alien number, and other identifying information that is acceptable documentation to verify relationship.

A refugee's spouse and/or unmarried minor children outside the U.S. may apply to join the refugee in the U.S. These individuals, once approved, will arrive in the U.S. with a VISAS 93 (V-93), including a Form I-94 Arrival/Departure card. Family members are eligible for refugee program benefits (with resettlement agencies) from the date of entry into the U.S. Date of eligibility for resettlement benefits, as well as potential eligibility<sup>3</sup> for RCA/RMA and Income Maintenance benefits is based on the date of their arrival, not the date the refugee relative arrived in the U.S.

Refugees must adjust their status to legal permanent resident (LPR) one year after arrival in the U.S. LPRs who were admitted to the U.S. as refugees continue to be eligible for refugee services and Income Maintenance programs after adjustment.

### **Refugee Status Codes**

The following chart describes coding on various immigration forms that identify the individual as a current or 'past' refugee.

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<sup>3</sup>When newly arriving family members reunite with a relative who has been in the U.S., regular means of determining income eligibility are applicable. Example: Husband Peter has been in the U.S., is currently employed and wages are over \$2,000/month. Spouse Mariam and dependent child enter U.S. and reside with Peter. Include Peter's income when determining eligibility for Mariam and child – should not be eligible for RCA/RMA, TANF, child may be eligible for CHIP. Mariam may only be eligible for RMA if medical expenses exceed 200% of federal poverty level for a family of three.

## Immigration Status Codes for Refugees

Code	Status	Nationality	Document
A03	(a)(3) Admitted to the US as a refugee	All nationalities	I-766*
A04	(a)(4) Paroled into the US as a refugee		
INA 207	Admitted to the US as a refugee		I-94
RE1	Principle refugee		
RE2	Spouse of RE1		
RE3	Child of RE1		
RE4	Siblings, nephews, nieces, cousins of RE1		
RE5	Haitian refugee granted status in program on ships June-July 1994	Haitian	I-94
RE6	RE1 adjusted to LPR	All nationalities	I-551
RE7	RE2 adjusted to LPR		
RE8	RE3 adjusted to LPR		
RE9	RE4 adjusted to LPR		
V-93 (VISAS 93)	Spouse or child "following to join" refugee in the US		

\*These documents show status, but not all documents provide the date of entry needed to complete the determination of eligibility.

## ASYLEES

### Asylee Definition

An asylee is an individual(s) who:

- On their own, travel to the United States and subsequently apply for/receive a grant of asylum.
- Do not enter the United States as refugees. They may enter as students, tourists, businessmen, or even in undocumented status.
- Once in the U.S., or at a land border or port of entry, applies to the Department of Homeland Security (DHS) for asylum.
- Meets the definition of a refugee and meets an application deadline. Asylum status permits the person to remain in the United States.

On very rare occasions, individuals may be approved as "paroled as an asylee" under Section 212(d)(5) of the INA – these individuals are considered asylees and eligible for refugee benefits and Income Maintenance programs, regardless of nationality.

## **Explanation of Asylee Status**

Individuals seeking eligibility for asylum must apply through the affirmative asylum process (the defensive asylum process is utilized when an individual is in removal proceedings before an immigration judge), which is as follows:

- An individual(s) just arrive in the U.S., either physically present or seeking entry at a port of entry.
- File an “Application for Asylum and for Withholding of Removal” (Form I-589) within one year of last date of arrival in the U.S., unless qualified for an exception.
- Go through fingerprinting and background/security checks at Application Support Centers (ASCs).
- Be interviewed at a scheduled appointment with a USCIS Asylum Division representative.
- A decision, unless delayed for specific reasons, will be attained within two weeks of the interview.

Asylum applicants may be notified that their asylum application has been recommended for approval pending administrative checks; this is not a final grant of asylum. Individuals with pending status are ineligible for refugee program benefits until UCIS or an Immigration judge has issued a final order granting asylum.

Note: Persons of Cuban or Haitian nationality (Cuban/Haitian Entrants) applying for asylum are eligible (up until such time as a final Order for Removal is issued) for refugee services and Income Maintenance benefits; however, asylum applicants of other nationalities are not.

An order of an immigration judge granting asylum is sufficient documentation of eligible asylee status, as long as the order shows that the Department of Homeland Security (DHS) has waived its right of appeal. If DHS chooses to appeal, applicants are not yet eligible as asylees (exception – Cuban or Haitian Entrants). Providers must check with the Executive Office for Immigration Review’s (EOIR’s) telephone case status line (800-898-7180) after thirty (30) days to confirm whether or not DHS has chosen to appeal.

- If DHS chooses not to appeal, the eligibility date for refugee services is thirty (30) days after the immigration judge’s decision date.
- If DHS has chosen to appeal, applicants must present a later decision of the immigration judge or the decision of the Board of Immigration Appeals in order to show eligibility for services. Eligibility start date is then calculated from the date of the immigration judge’s or Board of Immigration Appeals (BIA).

An asylee’s spouse and /or unmarried children outside the U.S. may apply to join the asylee in the U.S. These individuals, once approved, will arrive in the U.S. with a VISAS 92 (V-92), including a Form I-94 Arrival/Departure card

Asylees are eligible to apply for an adjustment of status to legal permanent residents (LPRs) after one year. LPRs with prior status of asylee continue to be eligible for refugee services and Income Maintenance programs after adjustment.

**Asylee Status Codes**

The following chart describes coding on various immigration forms that identify the individual as a current or ‘past’ refugee.

**Immigration Status Codes for Refugees**

<b>Code</b>	<b>Status</b>	<b>Nationality</b>	<b>Document</b>
A05	(s)(5) Application for asylum has been granted	All nationalities	I-766*
AS1	Approved primary asylee		I-551*
AS2	Spouse of AS1		
AS3	Child of AS2		
AS6	AS1 adjusted to LPR		
AS7	AS2 adjusted to LPR		
AS8	AS3 adjusted to LPR		
GA6	Iraqi asylee (processed in Guam) adjusted to LPR	Iraqi	I-551*
GA7	Spouse of GA6 adjusted to LPR		
GA8	Child of GA6 adjusted to LPR		
INA 208	Admitted to the US as an asylee	All nationalities	I-94
V-92 (VISAS 92)	Spouse or child “following to join” asylee in the US		

\*These documents do not show the date of eligibility for asylees (date asylum granted).

**CUBAN AND HAITIAN ENTRANTS**

**Cuban and Haitian Entrant Definition**

Cuban and Haitian entrants are defined in Title V of the Refugee Education Assistance Act of 1980 as follows:

- (1) Any individual granted parole status as a Cuban/Haitian Entrant (status pending) or granted any other special status subsequently established under the immigration laws for nationals of Cuba or Haiti, regardless of the status of the individual at the time assistance or services are provided; and
- (2) Any other national of Cuba or Haiti

- a. Who:
  - i. Was paroled into the US and has not acquired any other status under the Immigration and Nationality Act (INA);
  - ii. Is the subject of exclusion or deportation proceedings under the INA; or
  - iii. Has an application for asylum pending with the Immigration and Naturalization Service (now known as United States Citizenship and Immigration Services – USCIS); and
- b. With respect to whom a final, non-appealable, and legally enforceable order of deportation or exclusion has not been entered.

To simplify, Cuban/Haitian Entrants<sup>4</sup> are Cubans or Haitians and:

- A parolee (multiple 'parolee' reasons or notations may appear on I-94)
- An asylum applicant
- In removal proceedings.

Note: A Cuban/Haitian Entrant who is an asylee application or in removal proceedings is eligible for Refugee and Income Maintenance programs until a final, non-appealable, legally enforceable order of removal (deportation) is issued. Cuban/Haitian Entrants who have been paroled, however, remain eligible for services even if a final order of removal or deportation is issued.

A Cuban/Haitian Entrant's spouse and/or unmarried minor children are not nationals or citizens of Cuba or Haiti, they cannot apply to be a Cuban/Haitian Entrant; these family members must have another qualifying status to receive Refugee and/or Income Maintenance benefits. DHS determines the citizenship or nationality at the time of application for entry into the U.S. Any potential claim to Cuban or Haitian nationality must be documented by DHS.

### **Explanation of Cuban and Haitian Entrant Status**

Descriptions and explanations of various subgroups of Cuban/Haitian entrants follow in alphabetical order. Unless otherwise noted, Cuban/Haitian Entrants, whether applying for asylum, paroled, or in removal proceedings, should have their status in FAMIS or MEDIS as 'Cuban/Haitian Entrant,' with status begin date being the originating date of their presenting eligibility status.

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<sup>4</sup>According to 63 FR 31895, dated June 11, 1998, the former INS determined that Cubans or Haitians paroled into the United States under INA 212(d)(5) since October 19, 1980, are to be considered to have been paroled in the immigration status referred to as "entrants" in the above section 501(e)(1) of the Refugee Education Assistance Act of 1980, P.L. 96-422, as amended, rather than section 502(e)(2), thereby ensuring the eligibility of these individuals for refugee assistance programs even if they later acquire some other immigration status. These clients retain eligibility for refugee services even if the validity period of their parole status expires.

## Asylum Applicants

Cubans or Haitians who apply for asylum in the U.S. are considered Cuban/Haitian entrants while their applications for asylum are pending, and are therefore eligible for Refugee services and Income Maintenance benefits. Asylum applicants of nationalities other than Cuban or Haitian are ineligible for Refugee services and Income Maintenance benefits.

Cubans/Haitians granted asylum do not receive a second period of eligibility as asylees.

Example: Cedro from Cuba arrives in a port of entry in the U.S. and receives asylee applicant status on April 30, 2015, and is therefore considered a Cuban/Haitian Entrant, status start date of April 30, 2015. Cedro's eligibility start date for RCA/RMA begins April 30, 2015. Cedro is granted asylum on May 2, 2016; he is not again eligible for a second period of eligibility for RCA/RMA.

Acceptable documentation to verify asylum applicant status are:

- Form I-94 arrival/departure card stamped with "Form I-589 filed" or accompanied by the official USCIS receipt of Form I-589 (Application for Asylum).
- A document stamped by an immigration judge showing that an asylum application has been filed.

## Cuban Adjustment Act

Any Cuban who was admitted or paroled may, after one year of physical presence, apply for adjustment to legal permanent resident under the Cuban Adjustment Act of 1966. Persons previously eligible as Cuban/Haitian Entrants who adjust status under the Cuban Adjustment Act maintain their eligibility for Refugee services after adjustment. Cubans who adjust status under the Cuban Adjustment Act that never held status as "Cuban/Haitian Entrants," however, do not become eligible for Refugee services and/or Income Maintenance programs upon adjustment.

The adjustment code CU6 on the Form I-551 (Permanent Resident Card) is insufficient evidence of eligibility for refugee programs because it is also used for a person who never had status as a Cuban/Haitian entrant. Persons with the CU7 code are ineligible because the code is used only for non-Cuban spouses or children who adjust under the Cuban Adjustment Act.

## Cuban/Haitian Entrant

Certain Cuban nationals who entered the U.S. illegally between April 15, 1980, and October 10, 1980, and Haitian nationals who entered the U.S. illegally before January 1, 1981, were designated as Cuban/Haitian entrants. Under a provision of the Immigration Reform and Control Act of 1986, these entrants were allowed to adjust to permanent resident status if they had resided in the United States since before January 1, 1982, and were known by that date to the INS. Documentation of this status is a Form I-



551 (Permanent Resident Card) with a code of CH6. These Cuban/Haitian entrants would not now be eligible for time-limited refugee services, but may continue to be eligible for other refugee social services and Income Maintenance programs.

The term "Cuban/Haitian entrant" is also used generally, however, to describe Cuban and Haitian nationals who hold one of the immigration statuses defined in Title V of the Refugee Education Assistance Act of 1980. Individuals defined as Cuban/Haitian entrants under the Act are eligible for refugee services if within the eligibility period, but do not receive the code CH6 when they adjust to permanent resident status.

### Entered Without Inspection (EWI)

The term "EWI" stamped on a Form I-94 stands for "Entered Without Inspection" and is an informal description that does not refer to a status. Recent arrivals should not have this notation on I-94s, although the term is sometimes entered as a "class of admission" on the SAVE system. Certain Cuban or Haitian applicants who present a Form I-94 with the inscription "EWI" or "Entered Without Inspection" entered the United States without permission and, according to DHS, were paroled or were placed in removal proceedings.

Acceptable documentation to verify EWI status includes:

- Form I-94 Arrival/Departure card annotated "EWI" on or with a parole stamp or status under Section 212(d)(5) of the INA;
- Employment Authorization Document (EAD) with a code representing parole; or
- Form I-766 with A04 or C11 code.

### Haitian Refugee Immigration Fairness Act (HRIFA)

Haitian nationals who adjust status under the Haitian Refugee Immigration Fairness Act (HRIFA) are eligible for Refugee services only if they previously held an eligible immigration status as an asylum applicant or a parolee and if they are within the eligibility period. However, because of the residence requirements under HRIFA, most of these individuals will have already been in the United States for more than five years and be eligible only for certain discretionary services funded by ORR; eligibility for Income Maintenance programs will be dependent on their previously held status and/or length of current status.

A Form I-551 (Permanent Resident Card) with a code of HA6 or HB6 is acceptable documentation that the applicant previously held status as a Cuban/Haitian entrant, but the applicant must show evidence of date of status.

Other HRIFA codes are insufficient evidence of refugee program eligibility on their own, although Haitian applicants who adjust to permanent resident under HRIFA will often be eligible because they have been paroled.

## Nicaraguan Adjustment and Central American Relief Act (NACARA)

Under Title II of the District of Columbia Appropriations Act of 1998, the Nicaraguan Adjustment and Central American Relief Act (NACARA) allows certain Cuban or Nicaraguan nationals who are in the United States to adjust status to that of lawful permanent resident. Cubans adjusted under this legislation may be eligible for Refugee services and Income Maintenance benefits if they previously held an eligible status, such as parolee or asylum applicant.

Note: Nicaraguan nationals applying under NACARA are not eligible for Refugee services.

In order to establish eligibility for Refugee services, Cubans with a Form I-551 showing an NC6 code must present DHS documentation that shows that they held an earlier status as a Cuban entrant. The Form I-551 (Permanent Resident Card) with a code of NC6 establishes only identity and nationality for eligibility purposes, not a status previously eligible for refugee services.

### Parolee

Parole is a temporary status granted by DHS authority under section 212(d)(5) of the Immigration and Nationality Act (INA). A person may be granted parole for humanitarian reasons or for emergent or compelling reasons of "significant public benefit." In some cases, parole is authorized prior to a person's arrival in the United States; parole may also be granted at the port of entry, after arrival, or upon release from DHS detention. Cuban or Haitian nationals paroled into the United States are eligible for Refugee services, RCA/RMA (for eight months from date of status) and Income Maintenance benefits as Cuban/Haitian entrants.

Some persons granted parole may also be placed in removal proceedings. Paroled Cubans or Haitians once meeting the definition of section 501(e)(1) "do not lose the status by attaining another immigration status or by falling out of the immigration status that initially made them eligible. *Even a removal order* will not affect eligibility, although a section 501(e)(1) "Cuban and Haitian entrant" would not retain that status after actual removal from the United States.

Some 12,000 to 16,000 Cuban nationals annually are granted a public interest parole for travel to the United States under the U.S.-Cuban Migration Accords. These individuals are known as "Cuban lottery parolees" and are eligible for Refugee services, RCA/RMA (for eight months from date of status) and Income Maintenance benefits. Other parole programs include a program designated for Cuban Medical Professionals (CM1) and their family members (CM2), and a Family Reunification program (CP). Only individuals with Cuban nationality are eligible for Refugee services, RCA/RMA, and Income Maintenance benefits with parole status even if non-Cuban family members enter the United States with the same status and documentation.

## Release on Recognizance (ROR)

“Released on Recognizance” (ROR) individuals have entered the United States illegally and been arrested or detained prior to release pending a removal hearing. As RORs are in removal proceedings, Cuban or Haitian nationals released on their own recognizance are considered Cuban/Haitian entrants eligible for refugee services under ORR funding. RORs should be able to provide a "Notice to Appear," as evidence of date of entry and nationality, in addition to the "Order of Release on Recognizance." Documents for program eligibility should indicate identity, immigration status, date of status and Cuban or Haitian nationality.

## Removal (including Deportation or Exclusion) Proceedings

Cuban and Haitian nationals who are in removal proceedings and have not been issued a final, non-appealable, and legally enforceable order of removal (deportation or exclusion) are considered Cuban/Haitian entrants eligible for Refugee services, RCA/RMA (for eight months from date of status) and Income Maintenance benefits.

In order to determine eligibility, each applicant must provide:

- Evidence of identity (such as “Order of Release on Recognizance”);
- Evidence of immigration status and alien number;
- Date of entry into the United States *or the date of status*;
- Evidence of nationality (as Cuban or Haitian.)

While individuals released by DHS will normally be given an “Order of Release” or a “Notice to Appear” with their name and address, alien number, and the notice of a deportation hearing to be scheduled, they may have a mix of the documents. On occasion an applicant may provide a document known as an “Order to Show Cause” (OSC), which the former INS issued to place individuals in deportation proceedings.

The following documents do not confirm eligibility, but may indicate the application would have other documents with information required for an eligibility determination:

- Record of Deportable Alien – A form similar to the ‘flimsy’ I-94, sometimes marked “Deportation” or “Under Docket Control”.
- Notification of Rights – A form written in Spanish or Creole, informing individuals of rights, including right to counsel.
- Warrant for Arrest – A form that indicates the individual was in detention status with DHS.
- Certificate of Translation – A form providing evidence that documents and rights were translated into Spanish or Creole.
- Change of Address – A form notifying DHS and the Office of Immigration Judges of an individual’s change in residence.

Relatively few individuals are the subject of removal proceedings, but the documentation is the most difficult to evaluate for eligibility determination. DHS documents shown as evidence of Cuban/Haitian entrant status indicate only that proceedings have been initiated and do not confirm current status unless recently dated. Some persons subject to the removal process are granted parole, and although ordered to appear for hearings will also be able to show a Form I-94 arrival/departure card annotated with a parole stamp or INA 212(d)(5). Document the parole information in the applicant file (FAMIS and/or MEDIS) to assist in determining continued eligibility at a later date.

Check for evidence that the removal proceedings are ongoing, either with documentation that shows a recent date or with a hearing date in the future or by checking the EOIR case status line at 800-898-7180.

### Special Immigrant Juvenile (SIJ)

Minors from other countries who are unaccompanied or placed by court order in long-term foster care because of abuse, neglect, or abandonment may be eligible to petition USCIS as a “special immigrant” to adjust their status to permanent resident if the court has determined that the child should not be returned to his country or family members. An individual classified as Special Immigrant Juvenile (SIJ) is considered to be paroled, and in the process of adjusting their status to LPR. SIJs who are Cuban or Haitian therefore are considered to have met the definition of a Cuban/Haitian entrant.

### Temporary Protected Status

In January 2010 after the earthquake in Haiti, the U.S. Citizenship and Immigration Services (USCIS) announced an 18-month designation of Temporary Protected Status (TPS) for Haitian nationals who had resided continuously in the United States since January 12, 2010. Effective May 23, 2011, the designation was extended to expire January 22, 2013. USCIS also extended the TPS designation to allow Haitian individuals who had continuously resided in the United States since January 12, 2011, to apply for TPS.

Haitians do not become eligible for Refugee services, RCA/RMA or Income Maintenance benefits because they receive TPS. Haitian applicants may continue to be eligible, however, if they had previously qualified as a Cuban/Haitian entrant – if they had been paroled, had a pending application for asylum, or were the subject of a removal proceeding. Determine first if the applicant has ever been paroled. If so, the applicant remains eligible for services as Cuban/Haitian Entrant.

For Haitians who have never been paroled, determine if their asylum case or removal proceeding has been administratively closed. If so, the applicant’s eligibility would continue under TPS, but not as a Cuban/Haitian Entrant.

Note: DHS may designate a foreign county for Temporary Protected Status (TPS) due to conditions in the county that temporarily prevent the county’s nationals from returning safely, or in certain circumstances, where the county is unable to handle the return of its nationals adequately. USCIS may grant TPS to eligible nationals of certain countries (or parts of countries), who are already in the U.S. Individuals granted TPS may obtain an Employment Authorization Document (EAD), but are not eligible for Refugee services, RCA/RMA, or Income Maintenance benefits.

**Withholding of Deportation**

Cubans or Haitians granted withholding of deportation (removal) under Section 243(h) or 241(b) of the INA may be eligible for Refugee services, RCA/RMA or Income Maintenance benefits as Cuban/Haitian entrants. Their eligibility period begins with the date they were first documented in removal or asylum proceedings, or granted parole, not with the date that their withholding of deportation is granted.

**Cuban/Haitian Status Codes**

The following chart describes coding on various immigration forms that identify the individual as a current or ‘past’ Cuban/Haitian Entrant.

**Immigration Status Codes  
For Cuban/Haitian Entrants**

<b>Code</b>	<b>Status</b>	<b>Nationality</b>	<b>Document</b>
A12	Granted Temporary Protected Status (TPS)	ONLY if Haitian AND held eligible status prior to being granted TPS	1-766*
AO	Asylum applicant without work authorization	ONLY if Cuban or Haitian <sup>1</sup>	(SAVE) <sup>2</sup>
AS	Asylum applicant with work authorization		
C08	(d)(8) Has filed an application for asylum in the US and the application is pending		
C10	(c)(10) Have filed an application for suspension of deportation and the application is pending.		
C11	(c)(11) Have been paroled into the US for emergent reasons or for reasons in the public interest.		I-766*
C12	(c)(12) Am a deportable alien and have been granted voluntary departure either prior to or after my hearing before the immigration judge.		
C18	(c)(18) Have a final order of deportation pending	Eligibility of Cubans/ Haitians terminated unless evidence of prior parole	I-766*

C19	An applicant for Temporary Protected Status (TPS)	ONLY if Haitian AND held eligible status prior to being granted TPS	I-766*
CC	Mass migration, Cuban parolee	Cuban	(SAVE) <sup>2</sup>
CH	Humanitarian parolee	Cuban or Haitian	
CH6	Cuban/Haitian entrant adjusted to LPR	Cuban or Haitian	I-551 or Passport*
CM	Parolee processed under medical professional program	Only if Cuban	I-94 or Passport*
CP	Parolee processed under special migration program	Only if Cuban	(SAVE) <sup>2</sup> or Passport
CU6	Cuban adjusted under Cuban Adjustment Act	Cuban – ONLY IF held eligible status prior to adjustment	I-551 or Passport*
CU7	Spouse or child of CU6	Ineligible because nationality not Cuban	
DE	Advance parolee	ONLY if Cuban or Haitian <sup>1</sup>	(SAVE) <sup>2</sup>
DT	Port of entry parole or parole by District Office		
EF	In expedited removal proceedings, awaiting credible fear interview		
EP	In expedited removal proceedings, awaiting final decision for reason other than credible fear determination	ONLY if Cuban or Haitian <sup>1</sup>	(SAVE) <sup>2</sup>
ERF	In expedited removal proceedings, awaiting credible fear interview		
ERP	In expedited removal proceedings, awaiting final decision for reason other than credible fear determination		
EWI	Entered without inspection, in removal proceedings	ONLY if Cuban or Haitian <sup>1</sup>	Flimsy I-94 or (SAVE) <sup>2</sup>
HA6	Haitian asylum applicant adjusted to LPR under Haitian Refugee Immigration Fairness Act (HRIFA)	Haitian	I-551*
HB6	Haitian parolee adjusted to LPR under HRIFA	Haitian	
INA 212(d)(5)	Admitted into the US as a parolee	ONLY if Cuban or Haitian	I-94, Passport
NC6 <sup>1</sup>	Cuban or Nicaraguan adjusted to LPR under Nicaraguan and Cuban Adjustment Act (NACARA) – Cubans eligible only if held eligible status prior to adjustment	Only if Cuban	I-551*
ROR	Released on recognizance – in removal proceedings	ONLY if Cuban or Haitian <sup>1</sup>	(SAVE) <sup>2</sup>

<sup>1</sup>Cuban-Haitian entrants other than parolees are eligible only until a final, non-appealable, legally enforceable deportation order has been issued.

<sup>2</sup>Codes used in SAVE verification or appearing on various DHS documents. These codes are used for all nationalities, so providers must document Cuban or Haitian nationality as part of the eligibility determination.  
 \*These documents do not provide eligibility dates for Cuban/Haitian entrants.

## AMERASIANS

### Amerasian Definition

An Amerasian is a person who is a:

- Person born in Vietnam between January 1, 1962, and before January 1, 1976, fathered by an American citizen/serviceman; or,
- Spouse, child, parent, or guardian accompanying or following an Amerasian admitted under this program.

This status was authorized by the Amerasian Homecoming Act, Section 584 of the Foreign Operations, Export Financing and Related Programs Appropriations Act of 1988.

### Explanation of Amerasian Status

Documentation of Amerasian status is indicated for initial status by a DHS stamp annotated with AM1, AM2, or AM3 on either:

- Form I-94;
- Vietnamese passport;
- Vietnamese Exit Visa; or,
- A U.S. passport.

The first date of eligibility for Refugee services, RCA/RMA (for eight months from date of status) and/or Income Maintenance benefits is the date of entry to the U.S., and individuals with this status continue to be eligible as Amerasians after being adjusted to LPR status.

### Amerasian Status Codes

The following chart describes coding on various immigration forms that identify the individual as a current or 'past' Amerasian.

Immigration Status Codes for Amerasians

Code	Status	Nationality	Document
AM1	Amerasian	Vietnamese	I-94, Passport (Vietnamese or US), I-1551, Laissez-Passer (exit visa)
AM2	Spouse or child of Amerasian		
AM3	Mother or relative of unmarried AM1		
AM6	AM1 adjusted to LPR		I-551*
AM7	AM2 adjusted to LPR		
AM8	AM3 adjusted to LPR		

## VICTIMS OF TRAFFICKING IN PERSONS

### Victims of Trafficking Definition

The Trafficking Victims Protection Act of 2000 (TVPA) defines “Severe Forms of Trafficking in Persons” as:

- Sex Trafficking: the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act, in which a commercial sex act is induced by force, fraud, or coercion, or in which the person forced to perform such an act is under the age of 18 years; or
- Labor Trafficking: the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage or slavery.

Based on the Trafficking Victims Protection Reauthorization Act of 2003 (TVPRA), effective December 19, 2003, certain family members of trafficking victims are eligible for T-visas (certain parents, spouses, children or unmarried siblings under 18 years old). Certified Victims of Trafficking and t-visa relatives are eligible for services and benefits to the same extent as refugees.

### Explanation of Victim of Trafficking Status

The TVPA makes adult victims of severe forms of trafficking who are not U.S. citizens or Lawful Permanent Residents (LPRs) and who have been certified by the U.S. Department of Health and Human Services (HHS) eligible for benefits and services under any Federal or State program or activity to the same extent as refugees.

Certification provides foreign victims of trafficking with the necessary documentation to be eligible to receive benefits and services they may need to rebuild their lives in the United States. To receive certification, victims of trafficking must:

- Be a victim of a severe form of trafficking as defined by the Trafficking Victims Protection Act of 2000 (TVPA);
- Be willing to assist in every reasonable way in the investigation and prosecution of severe forms of trafficking or be unable to cooperate due to physical or psychological trauma; and
- Have made a bona fide application for a T visa that has not been denied; **or**
- Have received Continued Presence (CP) from the Department of Homeland Security (DHS) in order to contribute to the prosecution of human traffickers.

Once they have met the certification requirements listed above, adult victims of trafficking will receive a Certification Letter from the HHS Office of Refugee Resettlement (ORR).



Foreign child victims of trafficking (under the age of 18) do not need to be certified to receive benefits and services. ORR will issue an Eligibility Letter stating that a child is a victim of a severe form of trafficking and is therefore eligible for benefits.

The status begin date for Victims of Trafficking is the date of certification (or the date ORR issues the letter of eligibility for child victims under the age of 18). After November 6, 2001, ORR issued letters without expiration dates. Certifications issued prior to November 6, 2001, were reissued. If an individual presents an expired certification letter when applying for benefits or an agency attempts to do a benefits program re-determination and finds that a certification letter has expired, call the ORR trafficking verification line at 1-866-401-5510 for assistance.

The status begin date for T-visa family members of Victims of Trafficking is the date of entry stamped on Form I-94 or passport. If the family member was already present in the United States at the time the T-visa was approved, the status begin date is the notice date on DHS Form I-797 (Notice of Receipt). Family members with T-visas may or may not have certification letters.

### **IRAQI AND AFGHAN SPECIAL IMMIGRANTS**

#### **Iraqi and Afghan Special Immigrants Definition**

An Iraqi or Afghan Special Immigrant (also referred to as SIVs) is any person who:

- Was a translator or interpreter of Iraqi or Afghani nationality who worked with the U.S. military or under Chief of Mission authority and self-petitioned for immigration status; or
- Was an Iraqi citizen or Iraqi national employed for not less than one year by or on behalf of the U.S. government in Iraq on or after March 20, 2003; and
- Has been granted special immigrant status under Section 101(a)(27) of the INA.

Spouses and unmarried children under 21 years of age may accompany Iraqi or Afghan special immigrants to the U.S. or join at a later time. Family members will be eligible from their date of entry into the U.S., or if the family members are already in the U.S. in parole status or a non-immigrant status, eligibility will begin from the date the special immigrant status was granted.

#### **Explanation of Iraqi and Afghan Special Immigrants Status (SIVs)**

Several Acts established limited or expanded eligibility for SIVs, until at such time SIVs were granted eligibility for all programs and benefits to the same extent as a refugee admitted under Section 207. The Department of Defense Appropriations Act of 2010 (Section 8120 P.L. 111-118) superseded all previous time limitations under the earlier legislative acts, establishing eligibility for benefits beginning on their date of entry to the U.S. and continuing eligibility after adjustment to LPR status.

Due to the series of legislations and eligibility changes, several forms of documents and coding apply to those eligible as SIVs. The date of entry may be found on the entry stamp in the individual’s passport or on Form I-94. If an individual was admitted to the U.S. in some other immigration status and adjusted to SIV while in the U.S., the eligibility period (or status start date) begins on the date the status of SIV is granted.

SIVs are entered as Refugee in FAMIS on the Non-Citizen Information Screen’s ‘Status’ column.

Iraqi and Afghan Special Immigrants Status Codes

The following chart describes coding on various immigration forms that identify the individual as a current or ‘past’ SIV.

**Immigration Status Codes for  
Iraqi and Afghan Special Immigrants (SIVs)**

<b>Code</b>	<b>Status</b>	<b>Nationality</b>	<b>Document</b>
SI1	Special Immigrant	Iraqi or Afghan	Passport, I-94, I-551
SI2	Spouse of Special Immigrant		
SI3	Child of Special Immigrant		
SI6	SI1 adjusted to LPR	Iraqi or Afghan	I-551
SI7	SI2 adjusted to LPR		
SI9	SI3 adjusted to LPR		
SQ1	Special Immigrant	Iraqi	Passport, I-94, I-551
SQ2	Spouse of Special Immigrant		
SQ3	Child of Special Immigrant		
SQ6	SQ1 adjusted to LPR	Iraqi	I-551
SQ7	SQ2 adjusted to LPR		
SQ9	SQ3 adjusted to LPR		

**Other Eligible Immigrant Statuses**

Conditional Entrants

“Conditional Entrants” or “Refugee Conditional Entrants” are those individuals admitted to the U.S. under Section 203(a)(7) of the INA or with another immigration status utilized for refugees prior to the enactment of the Refugee Act of 1980. These individuals may still be eligible for Refugee services and are eligible for Income Maintenance benefits.

Paroled as Refugee or Asylee

“Paroled as a Refugee” or “Paroled as an Asylee” are categories of individuals paroled into the U.S. under Section 212(d)(5) of the INA. These categories of parole do not qualify an individual as a refugee.

Individuals “Paroled as a Refugee (or Asylee)” are eligible ONLY for Refugee services (from Refugee Resettlement Agencies) and RCA/RMA. They are subject to the five year bar for accessing Income Maintenance benefits.

Note: Cuban/Haitian parolees under Section 212(d)(5) of the INA are considered Cuban Haitian Entrants, and are not subject to the five year bar.