



Department of Human Resources  
311 W. Saratoga St.  
Baltimore, MD. 21201-3521

## FIA INFORMATION MEMO

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**TO:** DIRECTORS, LOCAL DEPARTMENTS OF SOCIAL SERVICES  
DEPUTY/ASSISTANT DIRECTORS FOR FAMILY INVESTMENT  
FAMILY INVESTMENT SUPERVISORS

**FROM:**   
ROBERT J. EVERHARD, EXECUTIVE DIRECTOR

**RE:** GUIDANCE FOR VERIFICATION OF IMMIGRATION STATUS

**PROGRAM AFFECTED:** ALL PROGRAMS

**ORIGINATING OFFICE:** OFFICE OF POLICY, RESEARCH AND SYSTEMS

Attached is a booklet entitled *Guidance for Verification of Immigration Status*. This booklet replaces the one sent in limited quantities to local departments in June 1998.

As before, this guidance includes detailed information about verifying the status of immigrants, but has limited program policy information. Please refer to the appropriate policy manual or Action Transmittal for questions about policy.

The new information in the booklet includes:

- Information about verifying the status of Section 289 exceptions, members of Indian tribes, Hmong and Highland Laotians, and an immigrant lawfully residing in the U.S. on 8/22/96 (pages 14 – 16);
- A chart about qualified immigrant categories on pages (17 – 18) ;
- Charts about Food Stamp Program and Temporary Cash Assistance eligibility (Appendix).

Please contact Kay Finegan at 410-767-7939 if you have any questions.

cc: Management Staff  
Constituent Service  
OIM Help Desk  
RESI



# FAMILY INVESTMENT ADMINISTRATION

GUIDANCE FOR VERIFICATION OF  
IMMIGRATION STATUS

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## SECTION I: DETERMINING IMMIGRATION STATUS

### SUMMARY:

Federal rules provide that, with certain exceptions, only United States Citizens, United States noncitizen nationals and "qualified" immigrants are eligible for federal, state and local public benefits. This section provides guidance on verification of citizenship, qualified immigrants status and eligibility of noncitizens. This is general guidance about how to verify an immigrant's status and includes only limited policy for the Food Stamp Program and Temporary Cash Assistance.

### NONDISCRIMINATION AND PRIVACY REQUIREMENTS:

Various civil rights laws and regulations prohibit discrimination by governmental and private entities on the basis of race, color, national origin, gender, religion, age, and disability. In particular, Title VI prohibits discrimination on the basis of race, color, national origin in any program or activity, whether operated by a public, or private entity, that receives federal funds, or other federal financial assistance.

**You cannot single out individuals who look or sound foreign for closer scrutiny or require them to provide additional documents of citizenship or immigration status.**

When implementing verification requirements, use the citizenship and immigration status only for purposes of verifying the **applicant's** eligibility for benefits.

### VERIFICATION PROCEDURES:

#### ◆ GENERAL STEPS

1. *Determine if the program for which the individual is applying provides a "federal public benefit" subject to the verification requirements.*
  - The requirement that benefit recipients be U.S. citizens, U.S. nationals or qualified aliens does not apply to all federally funded activities or programs. It applies only to nonexempt "federal public benefits." Food Stamp Program, Temporary Cash Assistance, Medical Assistance and the Maryland Children's Health Program are nonexempt "federal public benefits."
  - If a program does not provide a federal public benefit subject to the verification requirements, **you are not required to, and should not attempt to, verify an applicant's immigration status**, unless otherwise required to do so by law,

except to the extent necessary to determine whether the exemption applies. The following programs which may be administered by the Department of Human Resources or the Department of Health and Mental Hygiene are exempt federal public benefits:

- Medical Assistance under Title XIX of the Social Security Act for care and services that are necessary for the treatment of an emergency medical condition and are not related to an organ transplant procedure, if the immigrant involved otherwise meets the eligibility for medical assistance.
- Short term, non-cash, in-kind emergency disaster relief.
- Public health assistance for immunizations and for testing and treatment of symptoms of communicable diseases whether or not such symptoms are caused by a communicable disease.
- Programs, services, or assistance (such as soup kitchens, crisis counseling and intervention, and short term shelter) specified by the Attorney General which:
  - Deliver in-kind services at the community level, including through public or private nonprofit agencies,
  - Do not base the provision of assistance, the amount of assistance provided, or the cost of assistance provided on the individual recipient's income or resources, and
  - Are necessary for the protection of life or safety.

2. *Determine whether the applicant is eligible for benefits under the general program requirements.*

Because of the potential intrusiveness and possibly time consuming nature of citizenship and immigration status verification inquiries, determine whether an applicant meets specific program requirements for benefit eligibility before initiating the verification process, unless determining program eligibility would be more complex and time consuming than verifying immigration status. This will reduce verification inquiries that are unnecessary because the applicant is not eligible for the requested benefits.

3. *Verify the applicant's status as a U.S. citizen, non-citizen national or qualified alien.*

Because the process of verifying an individual's status as a U.S. citizen, U.S. noncitizen national or qualified immigrant raises issues involving privacy and anti-

discrimination protections, do not undertake verification of an applicant's status when benefits are not contingent on the status. **In addition, if an immigrant is applying for benefits on behalf of another person, you may, under federal law, only verify the status of the person who will actually receive the benefits.**

◆ U. S. NONCITIZEN OR NONCITIZEN NATIONAL

1. *Ask for a declaration of citizenship or immigration status.* Do not verify an applicant's status as a citizen unless the information provided by the applicant is questionable. After declaring citizenship or immigration status on the application and in the interview process, when an applicant signs the Rights and Responsibilities form, they are declaring their status under penalty of perjury.

The law regarding U.S. citizenship and nationality is complex. These broad definitions are provided for general guidance only. If you have any questions regarding whether an applicant is a U.S. citizen or noncitizen national, you should consult with the Immigration and Naturalization Service.

**The decision that an individual's declaration of citizenship is questionable must be nondiscriminatory. For example, it cannot be based on the fact that the applicant looks or sounds foreign or has an ethnic surname.**

- Subject to certain exceptions and qualifications, a United States citizen is:
    - A person (other than the child of a foreign diplomat) born in one of the states, or in the District of Columbia, Puerto Rico, Guam, the U.S. Virgin Islands, or the Northern Mariana Islands who has not renounced or otherwise lost his or her citizenship.
    - A person born outside the United States to at least one U.S. citizen parent (sometimes referred to as a derivative citizen), or
    - A naturalized U.S. citizen.
  - A United States noncitizen national is a person born in an outlying possession of the United States. (American Samoa or Swain's Island) on or after the date the United States acquired possession, or a person whose parents are U.S. noncitizen nationals (subject to certain residency requirements).
2. *Verify status if questionable.* Evidence of citizenship includes, but is not limited to the following:

- A birth certificate showing birth in one of the 50 states, the District of Columbia, Puerto Rico, (on or after January 13, 1941), Guam, the U.S. Virgin Islands (on or after January 17, 1917), American Samoa, Swain's Island or the Northern Marianna Islands (on or before November 3, 1986), unless the person was born to foreign diplomats residing in the United States.

Note: If the document shows the individual was born in Puerto Rico, U.S. Virgin Islands, or the Northern Marianna Islands before these areas became part of the U.S., the individual may be collectively eligible. Call Bureau of Policy and Training for further guidance in these situations.

- United States passport (except limited passport, which is issued for periods of less than 5 years).
- Reports of birth abroad of a U.S. citizen (FS-240 - Issued by the Department of State to U.S. citizens).
- Certificate of birth (FS-545 - issued by a Foreign Service post) or Certification of Report of Birth (DS-1350 - issued by the Department of State).
- Certificate of Naturalization (N-550 or N-570 -issued by the INS through a federal or state court, or through administrative naturalization after December 1990).
- Certificate of Citizenship (N-560 or N-561 - issued by the INS to individuals who derive citizenship through a parent).
- United States Citizen Identification Card (I-197 - issued by the INS until April 1, 1983 to U.S. citizens living near the Canadian or Mexican border. Formerly the I-179 which was last issued February 1974).
- Northern Marianna Identification Card (Issued by the INS to a collectively naturalized citizen of the U.S. born in the Northern Marianna Islands before November 3, 1986)
- Statement provided by a U.S. consular officer certifying that the individual is a U.S. citizen (this is given to an individual born outside the U.S. who derives citizenship through a parent but who does not have an FS-240, FS-545, or DS-1350).

- Derivative Citizenship. If the applicant cannot present one of the documents listed above, make a determination of derivative citizenship in the following situations:
- Applicant born abroad to two U.S. citizen parents:  
Evidence of the U.S. citizenship of the parents and the relationship of the applicant to the parents, and evidence that at least one of the parents resided in the U.S. or an outlying possession prior to the applicant's birth.
  - Applicant born abroad to a U.S. citizen parent and a U.S. non-citizen national parent:  
Evidence that one parent is a U.S. citizen and the other is a U.S. non-citizen national, evidence of the relationship to the U.S. citizen parent, and evidence that the U.S. citizen parent resided in the U.S., a U.S. possession, America Samoa, or Swain's Island for a period of at least one year prior to the applicant's birth.
  - Applicant born out of wedlock abroad to a U.S. citizen mother:  
Evidence of the U.S. citizenship of the mother, evidence of the relationship to the applicant and, for births on or before December 24, 1952, evidence that the mother resided in the U.S. prior to the applicant's birth, or for births after December 24, 1952, evidence that the applicant's mother had resided prior to the child's birth, in the U.S. or a U.S. possession for a period of one year.
  - Applicant born in the Canal Zone or the Republic of Panama:
    - A birth certificate showing the birth in the Canal Zone on or after February 26, 1904 and before October 1, 1979 and evidence that one parent was a U.S. citizen at the time of the applicant's birth, or
    - A birth certificate showing birth in the Republic of Panama on or after February 26, 1904 and before October 1, 1979 and evidence that at least one parent was a U.S. citizen and employed by the U.S. government or the Panama Railroad Company or its successor.

In all other situations where an applicant claims to have a U.S. citizen parent and a non-citizen parent, or claims to fall within one of the above categories, but is unable to present the listed documentation, refer the individual to the INS office.



- Adoption of Foreign-born child by U.S. citizen:
  - If the birth certificate shows a foreign place of birth and the applicant cannot be determined to be a naturalized citizen under any of the above criteria, obtain other evidence of U.S. citizenship.
  - Since foreign-born adopted children do not automatically acquire U.S. citizenship by virtue of adoption by U.S. citizens, refer the applicant to the local INS district office for a determination of citizenship if the applicant provides no evidence of citizenship.
- U.S. citizenship by marriage:
  - A woman acquired U.S. citizenship through marriage to a U.S. citizen before September 22, 1922. Ask for evidence of U.S. citizenship of the husband, and evidence showing the marriage occurred before September 22, 1922.
  - If the husband was a noncitizen at the time of the marriage, and became naturalized before September 22, 1922, the wife also acquired naturalized citizenship. If the marriage terminated, the wife maintained her citizenship if she was residing in the U.S. at that time and continued to reside in the U.S.
- Applicants with disabilities and nondiscrimination:
  - If an applicant has a disability that limits his or her ability to provide the required verification, you should make every effort to assist the individual to obtain the documentation. In addition, you cannot discriminate against applicants on the basis of race, national origin, gender, religion, age or disability.
- When citizenship is questionable and the applicant has lost his or her original documents, or never had an original document to prove citizenship or naturalization, you may accept:
  - A written declaration, made under penalty of perjury and possibly subject to later verification of status, from one or more third parties indicating reasonable personal knowledge that the applicant is a U.S. citizen or noncitizen national.

### 3. *Action Pending Verification.*

- The member whose citizenship is questionable is ineligible to participate until proof of U.S. citizenship is obtained.
- Include the income of the member whose citizenship is questionable, less a pro rata portion. Include all the resources of the member as available to the remaining household members.

### ◆ QUALIFIED IMMIGRANT (ALIEN)

#### 1. *Ask for Declaration of Status.* If an applicant is not a U.S. citizen or U.S. noncitizen national, issue federal public benefits only if the applicant has an immigration status that makes the individual a “qualified immigrant” and you verify the status.

- A “qualified immigrant” is:
  - An immigrant lawfully admitted for permanent residence under the Immigration and Nationality Act (INA).
  - An immigrant granted asylum under §208 of the INA
  - A refugee admitted under §207 of the INA.
  - An immigrant who is paroled under §212(d)(5) of the INA for a period of at least 1 year.
  - An immigrant whose deportation is being withheld under §§243(h) or whose removal is being withheld under 241(b)(3) after April 1, 1997 of the INA.
  - An immigrant who is granted conditional entry pursuant to §203(a)(7) of the INA.
  - An immigrant who (or whose child or parent) has been battered or subjected to extreme cruelty in the U.S. and otherwise satisfies the requirements of §431(c) of PRWORA.
  - An immigrant who is a Cuban/Haitian entrant as defined in § 501(e) of the Refugee Education Assistance Act of 1980.

2. *Request Documentation of Immigration Status.* The documents that will demonstrate that an applicant is a “qualified immigrant” are:
- Alien Lawfully Admitted for Permanent Residence.
    - INS Form I-551 (Alien Registration Receipt Card, commonly known as a “green card”); or
    - Unexpired Temporary I-551 stamp in foreign passport or on INS Form I-94.
  - Asylee
    - INS Form I-94 annotated with stamp showing grant of asylum under section 208 of the INA;
    - INS Form I-688 B (Employment Authorization Card) annotated “274a.12(a)(5)”;
    - INS Form I-766 (Employment Authorization Document) annotated “A5”;
    - Grant letter from the Asylum Office of INS; or
    - Order of an immigration judge granting asylum.
  - Refugee
    - INS Form I-94 annotated with a stamp showing admission under section 207 of the INA;
    - INS Form I-688 B (Employment Authorization Card) annotated “274a.12(a)(3)”;
    - INS Form I-766 (Employment Authorization Document) annotated “A3”; or
    - INS-Form 571 (Refugee Travel Document).
  - Immigrant Paroled into the U.S. for a Period of at Least one Year
    - INS-Form I-94 with stamp showing admission for least one year under section 212(d)(5) of the INA. (The applicant cannot aggregate periods of admission for less than one year to meet the one year requirement).
  - Immigrant Whose Deportation or Removal was Withheld
    - INS Form I-688B (Employment Authorization Card) annotated “274a.12(a)(10)”;
    - INS Form I-766 (Employment Authorization Document) annotated “A10”; or
    - Order from an immigration judge showing deportation withheld under section 243(h) of the INA as in effect prior to April 1, 1997, or removal withheld under section 241(b)(3) of the INA.

- Immigrant Granted Conditional Entry
    - INS Form I-94 with stamp showing admission under section 203(a)(7) of the INA;
    - INS Form I-688 B (Employment Authorization Card) annotated "274a.12(a)(3)"; or
    - INS Form I-766 (Employment Authorization Document) annotated "A3."
  - Cuban/Haitian Entrant
    - INS Form I-551 (Alien Registration Card) with a code CU6, CU7, or CH6;
    - Unexpired temporary I-551 stamp in a foreign passport or on INS Form I-94 with the code CU6 or CU7; or
    - INS Form I-94 with stamp showing parole as "Cuban/Haitian Entrant" under Section 212(d)(5) of the INA.
  - immigrant Who has Been Battered or Subjected to Extreme Cruelty Guidance follows in a separate section.
3. *If supported by documents, conclude that the applicant is a "qualified immigrant."* If the documentation appears to be genuine and to relate to the individual presenting it, accept the document as conclusive evidence that the applicant is a qualified alien. Do not further verify immigration status with INS, except through the Systematic Alien Verification Entitlements (SAVE) procedures.
4. *If, based on documents presented, you conclude that an applicant is not qualified because the document does not appear to be genuine or to relate to the person presenting the document, check with INS to verify the information. **Do not determine that an applicant is not a qualified alien and do not conclusively deny benefits on that basis, without first verifying the applicant's status.***

First, check the status through the INS SAVE system. If necessary, initiate secondary procedures by filing with the local INS office an INS Form G-845 and Supplement along with copies of immigration documents provided by the applicant.

- Expired or Absent Documentation
  - If an applicant presents an expired document or is unable to present any documentation to verify his or her immigration status, refer the applicant to the district INS office to obtain the documentation.
  - In unusual cases involving applicants who are hospitalized or disabled, or

who can otherwise show good cause for their inability to present the documentation, and for whom securing the documentation would constitute undue hardship, make every effort to help the applicant verify immigration status. If the applicant can provide an alien registration number, file INS Form G-845 and the Supplement, along with the registration number and a copy of any expired INS document, with the local INS office.

- If an applicant presents a receipt indicating he or she has applied to the INS for a replacement document for one of the documents listed above, file INS form G-845 and Supplement along with the copy of the receipt with the local INS office.

➤ Submitting Verification Requests to INS

Use INS Form G-845, with the supplemental form (copies are attached) to obtain more detailed information on immigration status, citizenship, and sponsorship. (Use the supplemental form only in conjunction with Form G-845, not separately.)

Mail to:

Immigration and Naturalization Service  
NationsBank Center, Tower One  
100 South Charles Street, 12<sup>th</sup> Floor  
Baltimore MD 21201  
ATTN: Immigration Status Verifier

➤ Action Pending Verification

- The member whose citizenship is questionable is ineligible to participate until proof of U.S. citizenship is obtained.
- Include the income of the member whose citizenship is questionable, less a pro rata portion. Include all the resources of the member as available to the remaining household members.

◆ DOCUMENTARY EVIDENCE OF STATUS FOR FEDERAL TCA AND FOOD STAMP ELIGIBILITY

➤ General Information

- Under the INA, all immigrants over the age of 14 who remain in the U.S. for

more than 30 days are required to register with the Immigration and Naturalization Service and obtain an alien registration document.

- Immigrants over the age of 18 who receive a registration document are required to carry it at all times, with certain exceptions (e.g., Canadian visitors).
- Immigrants entering the U.S. are normally issued a registration document on entry.
- The documents listed below that are registration documents are indicated with an asterisk (\*). The documents listed below demonstrate lawful status, and you should not require presentation of a registration document if the applicant presents one of the other legally acceptable documents that reasonably appears to be genuine.
- If the document is questionable because it does not appear to be genuine, or does not relate to the person presenting it, ask the applicant to produce his or her registration document as additional evidence of immigration status.

**The request for additional documentation cannot be made for a discriminatory reason.**

- Immigrant Lawfully Admitted for Permanent Residence (LPR) who has worked or can be credited with 40 qualifying quarters or who is otherwise eligible.

#### LPR

- \*INS Form I-551 (Alien Registration Receipt Card, commonly known as a "green card"); or
- Unexpired Temporary I-551 stamp in foreign passport or on INS Form I-94.

#### 40 Qualifying Quarters:

Use the Quarters of Coverage History System in the State Verification Exchange System to verify eligibility based on work history.

**REMINDER: Refugees, Asylees, Cuban/Haitian entrants, Amerasians and immigrants whose deportation or removal has been withheld are eligible for food stamps for a period of 7 years and are eligible for federal TCA for 5 years after they obtain their status, even if that status is adjusted to LPR.**

LPR who is Otherwise Eligible:

An LPR who does not have 40 qualifying quarters is eligible if he or she:

- Originally entered the U.S. as a refugee, was granted asylum, or had his or her deportation or removal withheld within the period of time appropriate to each program requirement.
  - If the applicant states he or she was admitted as a refugee, review the INS Form I-551 for code RE-6, RE-7, RE-8, or RE-9. Determine the date of admission from the date on the card.
  - If an applicant states he or she was granted asylum or had deportation or removal withheld, file INS form G-845 along with a copy of the I-551.
- Is an honorably discharged veteran who fulfilled minimum active duty service requirements, or is a person on non-training active duty or is the spouse, dependent child, or unremarried spouse. Ask for documentation from the Veteran's Administration or the Department of Defense.

➤ Asylee

- \*INS Form I-94 annotated with stamp showing grant of asylum under section 208 of the INA
- \*INS Form I-688 B (Employment Authorization Card) annotated "274a.12(a)(5)"
- INS Form I-766 (Employment Authorization Document) annotated "A5"
- Grant letter from the Asylum Office of INS; or
- Order of an immigration judge, granting asylum.
- To determine the time limit for the applicable program: The INS form I-94, the INS grant letter, and court order will each include the date the asylee status was obtained. If the applicant cannot provide any of these documents, file an INS form G-845 and Supplement along with a copy of pertinent documents.

➤ Refugee

- \*INS Form I-94 annotated with a stamp showing admission under section 207 of the INA;
- INS Form I-688 B (Employment Authorization Card) annotated "274a.12(a)(3)"
- \*INS Form I-766 (Employment Authorization Document) annotated "A3"
- INS-Form 571 (Refugee Travel Document)
- To determine the time limit for the applicable program: The date of the inspection on the refugee stamp on the INS form I-94 indicates the date of

admission as a refugee. If the date is missing or applicant cannot provide an I-94, file an INS Form G-845 and Supplement along with a copy of pertinent documents.

➤ Immigrant Whose Deportation or Removal was Withheld

- \*INS Form I-688B (Employment Authorization Card) annotated "274a.12(a)(10)
- INS Form I-766 (Employment Authorization Document) annotated "A10"
- Order from an immigration judge showing deportation withheld under section 243(h) of the INA as in effect prior to April 1, 1997, or removal withheld under section 241(b)(3) of the INA
- To determine the time limit for the applicable program: The court order will include the date the deportation was withheld. If the applicant does not present a court order, file an INS form G-845 and Supplement along with a copy of pertinent documents.

➤ Cuban/Haitian Entrant

- \*INS Form I-551 (Alien Registration Card) with a code CU6, CU7, or CH6
- Unexpired temporary I-551 stamp in a foreign passport or on INS Form I-94 with the code CU6 or CU7, or
- \*INS Form I-94 with stamp showing parole as "Cuban/Haitian Entrant" under Section 212(d)(5) of the INA.
- To determine the time limit for the applicable program: The I-551 or the date of inspection on the stamp on INS form I-94 will indicate the date status was granted. If the date is missing, on form I-94, file an INS form G-845 and Supplement along with a copy of pertinent documents.

➤ Amerasian Immigrants

- \*INS Form I-551 with the code AM6, AM7, or AM8,
- Unexpired temporary I-551 stamp in foreign passport, or
- \*INS Form I-94 with unexpired stamp with code AM1, AM2, or AM3.
- To determine the time limit for the applicable program: The date on the INS Form I-551 or the date of inspection on the stamp on the INS Form I-94 will indicate the date of admission. If the date is missing on the I-94, file a G-845 and Supplement, along with a copy of the pertinent documents.



- Section 289 Exception
  - Section 289 of the INA allows certain American Indians born in Canada to enter the U.S. freely.
  - Section 289 immigrants do not have to be qualified immigrants for this exception to apply and they may or may not carry evidence of alien registration.
  - Since section 289 immigrants do not have to be qualified immigrants and may or may not have evidence of alien registration, the document requirements are somewhat different. The following documents verify the status of section 289 immigrants:
    - An unexpired I-551 with the code S13.
    - An unexpired temporary I-551 stamp in a Canadian passport or on I-94 with the code S13, or
    - A letter of other tribal document certifying at least 50 percent Indian blood as required by section 289 of the Act, combined with a birth certificate or other evidence of birth in Canada.
  
- Members of Indian tribes
  - An immigrant may be eligible because he or she is a member of an Indian tribe, regardless of whether the applicant is a qualified immigrant.
  - If an applicant claims to be eligible on this basis, request the applicant to present a membership card or other tribal document demonstrating membership in an Indian tribe.
  - If an applicant has no documentation of tribal membership, the local department should contact the Indian tribe for verification.
  
- Hmong and Highland Laotians
  - Verification of eligibility should only be undertaken if the tribal member is not a citizen and is not eligible under any other immigrant category, unless the verification is necessary to determine eligibility of other household members or applicants who are applying as a separate household from the tribal member to whom they are related.
  
  - A Hmong or other Highland Laotian who is not a U. S. citizen is eligible to receive food stamps if the individual meets the normal food stamp financial and work requirements, and:
    - Is legally residing in the United States;

- Was born before 5/8/75;
  - Was born in Laos (or another country with Hmong or other Highland Laotian populations and can give a reasonable explanation as to why he or she was not born in Laos (the countries include Thailand, Cambodia, China, Vietnam, Philippines, Indonesia, Hong Kong, Malaysia, and Singapore));
  - Has a refugee code RE1, RE2, RE3, RE6, RE7, R86, IC6, or IC7, or can give a reasonable explanation of his or her immigration to the U.S. (for example, sought asylum in another country and later immigrated to the U.S.);
  - Entered the U.S. in April 1975 or later (or can give a reasonable explanation for having entered before that, such as came here as a student, for military training, to escape the war, and so on); and
  - Signs an affidavit swearing under penalty of law that he or she was a member of a Hmong or Highland Laotian tribe between 8/5/64 and 5/7/75.
- A member of a Hmong or Highland Laotian tribal member's family who is not a U. S. citizen is eligible for food stamps if the individual meets the regular food stamp work and financial eligibility requirements, and:
    - Is also a tribal member; or
    - Is the spouse, unremarried widow or widower of a tribal member who has died, or unremarried dependent child of a tribal member, and verifies status as a member of the tribal member's family.

Note:

- Divorced spouses do not qualify as family members.
  - A member of the family of a tribal member who has died need not show that the tribal member was legally residing in the United States.
- Qualified Immigrants Lawfully Residing in the United States on August 22, 1996.
- Certain immigrants, if qualified, are eligible for food stamp benefits if they were residing in the U.S. on August 22, 1996.
  - Verification of Lawful Residence
    - If the case manager verifies that an immigrant was qualified on August 22, 1996, it is not necessary to perform further verification of lawful residence.
    - If the immigrant was not a qualified alien on August 22, 1996, or was a qualified alien on the basis of being battered, the case manager must

verify that the immigrant was:

- Lawfully present on that date by checking the immigrant's INS status at that time (see attached chart), and
- In the U.S. on that date by reviewing proof of residence.

### QUALIFIED IMMIGRANT CATEGORIES UNDER THE 1996 WELFARE AND IMMIGRATION LAWS

IMMIGRATION CATEGORY	DESCRIPTION	QUALIFIED IMMIGRANT?	LAWFULLY PRESENT?
<b>Legal Permanent Resident (LPR)</b>	Person granted lawful permanent residence status (green card holders)	yes	yes
<b>Refugee</b>	Person admitted as a refugee (retain refugee exemption for benefits even if subsequently adjust to LPR status)	yes	yes
<b>Asylee</b>	Person granted asylum (retain refugee exemption for benefits even if subsequently adjust to LPR status)	yes	yes
<b>Granted Withholding of Removal</b>	Person granted withholding of removal (formerly withholding of deportation) Retain refugee exemption for benefits even if subsequently adjusts to LPR status.	yes	yes
<b>Parolee for a Year or More</b>	Person who has been paroled into the U.S. for at least one year.	yes	yes
<b>Cuban and Haitian Entrant</b>	Person paroled into the U.S. as a Cuban or Haitian Entrant or any other national from Cuba or Haiti who is the subject of exclusion or removal proceedings or who has an application for asylum pending. Refugee Education Assistance Act of 1980, §501(e)	yes	yes
<b>Amerasian</b>	Child fathered by a U.S. citizen in certain Southeast Asian countries during the years of U.S. conflict in that region. Amerasians were granted LPR status under special provisions of the immigration law; therefore Amerasians are qualified immigrants because they are LPRs.	yes	yes
<b>Domestic Violence Victims (and their Parents or Children)</b>	Domestic violence victims are qualified if: <ul style="list-style-type: none"> <li>• Immigrant has been battered, or immigrant's child or parent has been battered, by spouse, parent or member of family in the same household; and</li> <li>• Immigrant has a pending or approved spousal petition or a petition for relief under the Violence against women's Act; and</li> <li>• Agency providing benefits determines (using Attorney General's guidelines) that need for benefits has substantial connection to battery or cruelty.</li> </ul>	yes	yes

IMMIGRATION CATEGORY	DESCRIPTION	QUALIFIED IMMIGRANT?	LAWFULLY PRESENT?
<b>Hmong or Lao Tribe Member (Not an Immigration Status)</b>	Member of a Hmong or Lao Tribe during the Vietnam era, when the tribe provided military assistance to the U.S.; eligibility category includes spouse, unremarried surviving spouse, and child of the tribe member. Eligible for FS if are lawfully present in the U.S.	Depends on immigration status	Depends on immigration status
<b>Native American</b>	American Indian born in Canada; and certain other tribal members born outside the U.S. Immigration and Nationality Act, §289 and Indian Self-determination and Education Assistance Act of 1996§4(e)	<ul style="list-style-type: none"> <li>• If LPR, yes</li> <li>• If not LPR, no</li> </ul>	yes
<b>Parolee for Less Than a Year</b>	Alien paroled into the U.S. for less than one year are lawfully present <b>unless</b> they are: <ul style="list-style-type: none"> <li>• paroled for deferred inspection or pending exclusion proceedings, or</li> <li>• paroled into the U.S. for prosecution</li> </ul>	no	yes
<b>Temporary Resident</b>	Alien in Temporary Resident status under the IRCA amnesty program.	no	yes
<b>TPS</b>	Alien in Temporary Protected Status because of conflict in their home country.	no	yes
<b>Family Unity</b>	Family Unity beneficiary under the IRCA amnesty program	no	yes
<b>DED</b>	Alien granted Deferred Enforced Departure	no	yes
<b>Deferred Action Status</b>	Alien granted Deferred Action status pursuant to INS Service Operations Instructions.	no	yes
<b>Spouse/child with adjustment Status Pending</b>	Alien who is the spouse or child of a U.S. citizen whose visa petition has been approved and who has a pending application for adjustment of status.	no	yes
<b>Asylum or Withholding of Removal Applicant</b>	Applicant for asylum or withholding of removal (formerly withholding of deportation) who has been granted employment authorization. Applicants for these statuses under age 14 whose application has been pending for at least 180 days also treated as lawfully present.	no	yes
<b>In Status Alien</b>	Alien who has been inspected and admitted to the U.S. (in a category other than those listed above) and has not violated the terms of their status.	no	yes
<b>Undocumented Immigrant</b>	Person who entered the U.S. without inspection (EWI) or entered lawfully and have overstayed their visa.	no	NO

## **SECTION II: IMMIGRANTS WHO HAVE BEEN BATTERED OR SUBJECTED TO EXTREME CRUELTY**

### **SUMMARY:**

Certain categories of immigrants who have been subjected to battery or extreme cruelty in the United States by a family member with whom they live are considered qualified immigrants. An immigrant whose child or an immigrant child whose parent has been abused is also a qualified immigrant. Additionally, other sections of the legislation exempt this group from the deeming requirements for a period of one year, or longer in certain circumstances.

### **CONSIDERATIONS AFFECTING APPLICANTS WHO APPLY UNDER THIS PROVISION:**

- Follow the guidance provided in other sections of this booklet, including but not limited to, the standards for acceptance of documents demonstrating status and the nondiscrimination advisory. You should determine whether an applicant otherwise meets the specific program requirements for benefit eligibility before initiating the verification described in this section.
- Many applicants seeking assistance under this provision will need assistance on matters relating both to their immigration status and to their domestic violence related concerns. You should direct applicants to the INS forms request line (1-800-870-3676) so that applicants who are eligible to self-petition under the Violence Against Women Act, but have yet to do so, may request an INS Form I-360 and filing instructions. You should also refer them to the National Domestic Violence Hotline (1-800-799-7233) so applicants may obtain assistance from a local domestic violence service provider and referrals to immigration attorneys. (A copy of the INS Form I-360 is attached.) You may also refer the immigrant to the local department domestic violence expert.
- Except where this guidance directs otherwise, when asking the INS or the Executive Office for Immigration Review (EOIR) to verify an applicant's immigration status, submit a verification request form. Copies are attached. Fax the INS request form to the INS Vermont Service Center (fax: 802-527-3159). Fax the EOIR Request Form to the immigration court in Baltimore (fax: 410-962-9021). In certain circumstances use the INS G-845 and G-845 Supplement with the local INS office.

- **You should not share any information that you receive from or regarding the applicant with any member of his or her family or any other third party, without the express written permission of the applicant.**

**PROCEDURES FOR DETERMINING QUALIFIED ALIEN STATUS UNDER THIS PROVISION:**

- An immigrant is a qualified alien under this provision if he or she meets **all** of the following four requirements:

**Requirement 1: Appropriate INS Status.**

- You must determine that the INS or the EOIR, as applicable:
  - Has approved an applicant's petition or application filed by or on behalf of the immigrant the immigrant's child or the parent of an immigrant child, or
  - Has found that the applicant has provided adequate evidence to establish extreme cruelty or abuse (prima facie case) under one of the provisions of the INA listed in column I of the chart.
- Documentation.
  - Ask the immigrant to provide documentation demonstrating his or her immigration status.
  - If the documentation indicates that the applicant falls into one of the categories listed in (a)–(e) in the chart and the document appears to be genuine, accept the documentation as conclusive evidence that the applicant satisfies requirement one. Do not verify immigration status with the INS or EOIR.
  - If based on your review, you are considering determining that an immigrant does not have the required immigration status for eligibility, check with the INS or EOIR as applicable to verify status.

Applicants who have filed a petition or application or had a petition or application filed on their behalf under the provisions described in Column I should have the documentation described in Column II.

Column I INS Provision	Column II Documentation
<p>(a) Section 204(a)(1)(A)(i) and 204(a)(1)(B)(i) of the INA. These sections govern eligibility to receive lawful permanent residence (LPR) status as a spouse or child of a U.S. citizen, or as a spouse, child or unmarried son or daughter of an LPR, based on petition of a spouse or parent.</p> <p>(b) Section 204(a)(1)(A)(ii) of the INA. This section governs eligibility to apply for LPR status as an immigrant who is the widow or widower of a U.S. citizen to whom the immigrant had been married for at least two years at the time of the citizen's death.</p>	<p>INS Form I-551 (Resident Alien Card) or Alien Registration Receipt Card), with the following class of admission (COA) codes printed on the front of the white card or the back of the pink card. Also an unexpired Temporary I-551 stamp in a foreign passport or on INS Form I-94 with the following COA demonstrates approval of a petition under paragraphs (a) – (b): AR1, AR6, C20 through C29, CF1, CF2, CR1, CR2, CR6, CR7, CX1 through CX3, CX6 through CX8, F20 through F29, FX1 through FX3, FX6 through FX8, IF1, IF2, IR1, through IR4, IR6 through IR9, IW1, IW2, IW6, IW7, MR6, MR7, P21 through P23 or P26 through P28.</p>



INS Provision	Documentation
<p>(c) Sections 204(a)(1)(A)(iii) and 204(a)(1)(B)(ii) of the INA. These sections govern eligibility to apply for LPR status as an immigrant who is the spouse of a U.S. citizen or LPR, who has resided with the spouse in the United States, and who (or whose child) has been subjected to battery or extreme cruelty in the United States by his or her spouse.</p> <p>(d) Sections 204(a)(1)(A)(iv) or 204(a)(1)(B)(iii) of the INA. These sections govern eligibility to apply for LPR status as an immigrant who is the child of a U.S. citizen or LPR, and who has resided with that parent in the United States and been subjected to battery or cruelty in the United States by his or her citizen or LPR parent.</p>	<p>INS Form I-551 (Resident Alien Card or Alien Registration Receipt Card), with the following class of admission (COA) codes printed on the front of the white card or the back of the pink card, an unexpired Temporary I-551 stamp in a foreign passport or on INS Form I-94 demonstrates approval of a petition under paragraphs (c) – (d) in Column I: IB1 through IB3, IB6 through IB8, B11, B12, B16, B17, B20, through B29, B31 through B33, B36 through B38, BX1, through BX3, or BX6 through BX8.</p> <p>INS form I-797 indicating that the applicant has established a prima facie case.</p>

INS Provision	Documentation
<p>(e) Section 244(a)(3) of the INA (as in effect prior to April 1, 1997), or section 204A(b)(2) of the INA. These sections govern the Attorney General's authority to suspend deportation or cancel the removal and adjust the status of an immigrant if the immigrant or the immigrant's child has been subjected to battery or extreme cruelty in the United States by a spouse or parent who is a U.S. citizen or LPR. Only this provision of the INA allows the immigrant parent of the battered child to obtain relief from deportation or removal even if he or she is not married to the U.S. citizen or LPR parent. This includes immigrants who were never married and immigrants who were divorced from the U.S. citizen or LPR spouse. Under provisions described in (a)-(d) above, the immigrant had to be married to the U.S. citizen or LPR spouse at the time the petition was filed. Unmarried children of U.S. citizens or LPRs less than 21 years of age may petition for admission as a battered child under provisions described in (a)-(d) at any time, regardless of their parent's marital status.</p>	<p>INS Form I-551, I-94, or unexpired temporary I-551 stamp in a foreign passport with COA code Z13 may demonstrate approval. If an immigrant claiming approved status presents a card with code Z13, determine where the card was issued. Once determined fax the EOIR request form, as well as a copy of the card and any other documents provided by the immigrant to the Court Administrator of the EOIR court closest to the city where the card was issued.</p> <p>INS Form I-797 indicating that the applicant has established a prima facie case.</p> <p>Final court order of an Immigration Judge or Board of Immigration Appeals granting suspension of deportation under the sections in column I. If the court or Board order does not indicate suspension of deportation or cancellation of removal, fax the EOIR form as well as a copy of the order.</p>

Applicants may have filed a petition or application or had a petition or application filed on their behalf and should have the documentation described in Column II.

INS Petition	Documentation
<p>(f) INS I-130 petition – only I-130 petitions describing the following relationships may be accepted: husbands or wives of U.S. citizens or LPRs, unmarried children under 21 years old of U.S. citizens or LPRs, or unmarried children 21 or older of LPRs, or</p> <p>(g) Approval of an I-360 petition - only I-360 approvals based on status as a widow or widower of a U.S. citizen or as a self-petitioning spouse or child of an abusive U.S. citizen or LPR may be accepted.</p>	<p>I-797 indicating the approval of the I-130 petition</p>

- Because of the nature of abusive relationships, applicants may not have copies of the documents that have been filed by them or on their behalf.
- (a) If the applicant has some documentation, but it is insufficient to demonstrate filing, establishment of a prima facie case or approval of a petition, fax the INS Request Form (see attached) to the INS Vermont Service Center.
- (b) If the applicant has no documentation but is certain his or her spouse or parent filed a petition, fax the INS Request Form to the INS Vermont Service Center.
- (c) If the applicant has no documentation and is uncertain whether has been filed on his or her behalf, refer the individual to the National Domestic Violence Hotline.
- Without having filed one of the above petitions, but with facts indicating a basis to file, refer the applicant to the INS forms request line and to the National Domestic Violence Hotline.

**Requirement 2: Battered or Subjected to Extreme Cruelty.**

- You must also determine whether an applicant, his or her child, or, in the case of an immigrant child, his or her parent, has been subjected to extreme cruelty (as defined below) as follows:

- (a) In the case of an abused immigrant: the abused immigrant has been battered or subjected to extreme cruelty in the U.S. by a spouse or parent of the immigrant, or by a member of the spouse or parent's family residing in the same household as the immigrant, if the parent or spouse consents to or acquiesces in the battery or cruelty.
- (b) When the immigrant's child is abused: the immigrant's child has been battered or subjected to extreme cruelty in the U.S. by a spouse or parent of the immigrant, or by a member of the spouse or parent's family residing in the same household if the spouse or parent consents to or acquiesces in the battery or cruelty, and the immigrant did not actively participate in the battery or cruelty;
- (c) When the immigrant child's parent is abused: the immigrant child's parent has been battered or subjected to extreme cruelty in the U.S. by the parent's spouse or by a member of the spouse's family residing in the same household as the parent, if the spouse consents or acquiesces in the battery or cruelty;

Note: Some applicants may possess documents demonstrating that they have been admitted to the United States because of battery or extreme cruelty that occurred outside the U.S. This is insufficient by itself to make them eligible for benefits under this section.

➤ Definitions of Battery, Extreme Cruelty and Family Member.

- (a) The phrase "battered or extreme cruelty" includes, but is not limited to, being the victim of any act or threatened act of violence, including any forceful detention, which results or threatens to result in physical or mental injury. Psychological or sexual abuse or exploitation, including rape, molestation or incest (if the victim is a minor), or forced prostitution are considered acts of violence. Acts or threatened acts that may not initially appear to be violent may be part of an overall pattern of violence. This is a broad, flexible definition that encompasses all types of battery and extreme cruelty.

Regard as acts of violence the above actions whenever they occur, so long as one or more acts of violence take place in the United States and while the family relationship between the abuser and the victim exists.

- (b) The phrase "member of the spouse or parent's family" means any person related by blood, marriage, or adoption to the spouse or parent of the immigrant, or any person having a relationship to the spouse or parent that is covered by the civil or domestic violence statutes of the State where the immigrant lives, or the State

in which the immigrant, the immigrant's child or the immigrant child's parent received a protection order.

- Applicant with EOIR Order or Approved INS Petition or Other Court Order Based on Battery
  - (a) Applicants with approved petitions in (c), (d) or (e) in the chart meet the requirement of demonstrating battery or extreme cruelty. Do not make a new determination.
  - (b) A protection order or record of criminal conviction against the appropriate family member satisfies the battery or extreme cruelty requirement.
  - (c) All other applicants must provide evidence of abuse. Consider any credible evidence provided by the applicant.

**Requirement 3: Substantial Connection Between Battery and the Need for Benefits.**

- You must determine whether there is a substantial connection between the battery or extreme cruelty and the need for the public benefit for which the immigrant applied. This requirement is not satisfied simply by a determination that an applicant has been subjected to battery or extreme cruelty. The following situations are provided as guidance in making substantial connection determinations:
  - (a) Where the benefits are needed to enable the immigrant or the immigrant's child to become self-sufficient following separation from the abuser;
  - (b) Where the benefits are needed to enable the immigrant or the immigrant's child to escape the abuser or community in which the abuser lives, or to ensure the safety of the immigrant or the immigrant's child from the abuser;
  - (c) Where the benefits are needed due to a loss of financial support resulting from the separation of the immigrant or the immigrant's child from the abuser;
  - (d) Where the benefits are needed because the battery or cruelty, separation from the abuser, or work absence or lower job performance resulting from the abuse or from legal proceedings related to the abuse cause the immigrant or the immigrant's child to lose his or her job or require the immigrant or the immigrant's child to leave a job for safety reasons;

- (e) Where the benefits are needed because the immigrant or the immigrant's child requires medical attention or mental health counseling, or has become disabled, as a result of the battery or extreme cruelty;
- (f) Where the benefits are needed because the loss of a dwelling or source of income or fear of the abuser following separation from the abuser jeopardizes the immigrant's ability to care for his or her children;
- (g) Where the benefits are needed to alleviate nutritional risk or need resulting from the abuse or following separation from the abuser
- (h) Where medical coverage or health care services are needed to replace medical coverage or health care services the applicant or child had when living with the abuser.

**Requirement 4: Battered Applicant no Longer lives in the Same Household with the Batterer.**

- Before providing benefits, you must first determine that the battered applicant, child or parent no longer resides in the same household or family eligibility unit as the batterer. Although an applicant is not a qualified alien eligible for benefits until the battered immigrant or child, or parent leaves the home of the abuser, an applicant may need assurances of the availability of benefits in order to leave the batterer and survive independently.
- Consider any credible evidence supporting the claim of non-residency, including, but not limited to, any of the following:
  - A civil protection order requiring the batterer to stay away from the immigrant or immigrant's child, or evicting the batterer from the applicant's residence,
  - Employment records,
  - Utility receipts,
  - School records,
  - Rental records,
  - Hospital or medical records,
  - Affidavit from a staff member at a shelter for battered women, friends or other third parties who know of the situation, or from the battered applicant.

**NOTE: While qualified immigrant status will make the battered applicant, the battered applicant's children or the parent of a battered child, eligible for certain public benefits, it will not make them eligible for all federal public benefits. For example, an applicant who is a qualified immigrant must meet the eligibility criteria for food stamps.**

EXEMPTIONS FROM DEEMING REQUIREMENTS FOR BATTERED IMMIGRANTS

- Federal rules provide an exception from sponsor deeming for certain battered spouses and children. It allows for a one-year exception from the deeming provisions for LPR spouses and children who have been battered or subjected to extreme cruelty in the United States by their spouses or parents, or by another family member residing in the household who was allowed to commit the acts. The battery or cruelty must have a substantial connection to the need for the public benefits. The spouse or child subjected to cruelty must not be living with the person who committed the abusive acts.
  
- The battered spouse exception may extend beyond the initial one-year period, if the INS, a judge, or an administrative law judge formally recognize that the battery or extreme cruelty occurred. The local department must also determine that the abuse continues to have a connection with the spouse or child's need for benefits.

## **SECTION III: DEPARTMENT OF DEFENSE GUIDANCE ON IMPLEMENTATION OF VETERAN AND ACTIVE DUTY EXCEPTIONS FOR IMMIGRANTS**

### **SUMMARY:**

This section of the guidance provides information for implementing the exemptions to the bar on eligibility for active duty service members and veterans and their family members.

### **GENERAL POLICY:**

- A veteran who was honorably discharged for reasons other than immigrant status or an individual who is on active duty in the U.S. Armed Forces, and spouse and unmarried dependent children are eligible for an unlimited period of time. The following categories of immigrants with a military connection are eligible for unlimited period:
  - An immigrant lawfully admitted for permanent residence under the Immigration and Nationality Act (INA)
  - An immigrant granted asylum under §208 of the INA
  - A refugee admitted under §207 of the INA
  - An immigrant who is paroled under §212(d)(5) of the INA for a period of at least 1 year
  - An immigrant whose deportation is being withheld under §§243(h) or 241(b)(3) of the INA
  - An immigrant who is granted conditional entry pursuant to §203(a)(7) of the INA
  - An immigrant who is a Cuban/Haitian Entrant as defined in §501(e) of the Refugee Education Assistance Act of 1980
  - Certain battered spouses or battered children
- A veteran must have met the minimum active-duty service requirement of 24 months or the period for which the person was called for active duty as proven by honorable discharge records.
- The definition of veteran includes military personnel who die during active duty service and Filipinos who served in the Philippine Commonwealth Army during World War II or as Philippine scouts following the war.
- The surviving spouse of a deceased veteran or individual on active duty is eligible



provided the spouse has not remarried and the marriage meets certain requirements. They must have been married:

- For at least one year, or
- Within 15 years following the end of the period of military service in which the injury or disease causing the death of the veteran was incurred or aggravated, or
- For any period if a child was born of the marriage or before the marriage.

#### **VERIFICATION:**

##### ➤ Honorably Discharged Veterans

- A discharge certificate, DD Form 214 or equivalent, that shows active duty in the Army, Navy, Air Force, Marine Corps, or Coast Guard and character of discharge “Honorable” is acceptable to qualify for the veteran exemption without further inquiry unless the certificate appears to be altered.
- A discharge certificate that shows character of discharge as anything but “Honorable” is not acceptable for purposes of this exemption. Do not refer them to the Veterans Administration (VA).
- Character of discharge “Under Honorable Conditions” is **not** an “Honorable” discharge for these purposes.
- If a discharge certificate that shows “Honorable” and any branch of service other than the Army, Navy, Air Force, Marine Corps, or Coast Guard or any other type of duty, refer to the local VA regional office for a determination of veteran status.
- If veteran status is claimed but the individual has no papers showing service or discharge, refer the inquiry to the local VA regional office.
- If a discharge certificate, DD Form 214 or equivalent, shows an original enlistment in the Army, Navy, Air Force, Marine Corps, or Coast Guard before September 7, 1980, there is no minimum active-duty service requirement. If a discharge certificate, DD Form 214 or equivalent shows two or more years of continuous active duty in the Army, Navy, Air Force, Marine Corps, or Coast Guard, the individual meets the minimum active-duty service requirement. If a discharge certificate is not available or if it shows active-duty service of less than two years with an original enlistment after September 7, 1980, refer the inquiry to the VA regional office.
- Applications for exemption based on status as a spouse, unmarried dependent child, or unremarried surviving spouse of an honorably discharged veteran

require a determination of the veteran's status and a determination that the applicant is a spouse or child. Status of the veteran may be established using the discharge certificate. If the applicant is not in possession of a discharge certificate, refer the question of veteran status to the VA for a determination. Verify marriage and dependency if questionable.

- Applications for exceptions based on status as an unremarried surviving spouse of a veteran or active-duty personnel further require the following findings, in addition to a determination that the spouse has not remarried:
  - That the surviving spouse was married to the veteran or active-duty personnel within 15 years after the termination of the period of service in which the injury or disease causing the death of the veteran was incurred or aggravated;
  - That the surviving spouse was married to the veteran or active-duty personnel for one year or more; or
  - That a child was born of the relationship between the surviving spouse and the veteran or active-duty personnel, either during or before the marriage.

➤ Members on Active Duty

- Active duty as a member of the Armed Forces means an individual is on full time duty in the U.S. Army, Navy, Air Force, Marine Corps, or Coast Guard. It does not include full time National Guard Duty.
- Service members on active duty shall establish their status by presenting a current Military Identification Card, DD Form 2 (Active), that lists an expiration date of more than one year from the date of the determination.
- If the Military Identification Card is due to expire within one year from the date of the determination, ask the individual to provide a copy of his or her current military orders. If the individual cannot provide the orders, active duty may be verified through the nearest RAPIDS (Real Time Automated Personnel Identification System) or by notifying the following office in writing or by fax: DEERS Support Office, ATTN: Research and Analysis, 400 Gigling Road, Seaside California 93955-6771. Fax Number: 408-655-8317.

➤ Reserve Members

- "Active duty for training" is temporary full-time duty in the Armed Forces performed by members of the Reserves, Army National Guard, or Air National Guard for training and does not establish eligible status. However, a discharge

from active duty for training may establish veteran status and should be referred to VA for a determination.

- A Member of a Reserve Component shall establish status by showing a current DD Form 2 (Reserve), and military active duty orders showing the individual is on active duty, but not on active duty for training. This is the only method for verifying this status.
- Spouse, Children, or Unremarried Surviving Spouse of Active Duty Members or Veterans

Step 1: Establish that the individual is a spouse, dependent child or unremarried surviving spouse of an active duty member or veteran.

- If questionable, verify the relationship with a marriage license and/or birth certificate. Consider as evidence of marriage the possession of a current Military Identification Card showing that the individual is married to a veteran or active duty member. Possession of a Military ID may also be considered evidence that a child is dependent on a veteran or active duty member of the Armed Forces for his or her support and is under age 18 or if a full time student, under age 22.
- In making the determination as to whether an individual is an unremarried surviving spouse of an active duty member or a veteran the local department must determine that the surviving spouse has not remarried and the following:
  - That the surviving spouse was married to the veteran or active-duty personnel within 15 years after the termination of the period of service in which the injury or disease causing the death of the veteran was incurred or aggravated;
  - That the surviving spouse was married to the veteran or active-duty personnel for one year or more; or
  - That a child was born of the relationship between the surviving spouse and the veteran or active-duty personnel, either during or before the marriage.

Step 2: Determine that the member is on active duty or a veteran.

- A spouse or child in possession of a current Military Identification Card, with an expiration date of more than one year from the date of its presentation presumptively meets the active duty requirement for his or her spouse or parent respectively.
- If the Military Identification Card is due to expire within one year, the spouse or

child must provide a copy of the current military orders for his or her spouse or parent to establish the active duty status of the service member. If married to a reserve member or if an unmarried child of a reserve member, the orders must show that the service member is on active duty and not on active duty for training.

- If the dependent cannot provide the military orders, status may be verified through the nearest RAPIDS or by notifying the following office in writing or by fax: DEERS Support Office, ATTN: Research and Analysis, 400 Gigling Road, Seaside California 93955-6771. Fax Number: 408-655-8317.
- A spouse or child showing a discharge certificate, DD Form 214 or equivalent, that shows active duty in the U.S. Army, Navy, Air Force, Marine Corps, or Coast Guard and character of discharge "Honorable" has provided acceptable evidence to establish the veteran status of a spouse or parent. If it appears the certificate is altered further inquiry is needed. If veteran status is claimed, but the spouse or child does not have papers showing service or discharge, refer to the local VA regional office for a determination.

## **SECTION IV: APPENDIX**

### **Included in this section:**

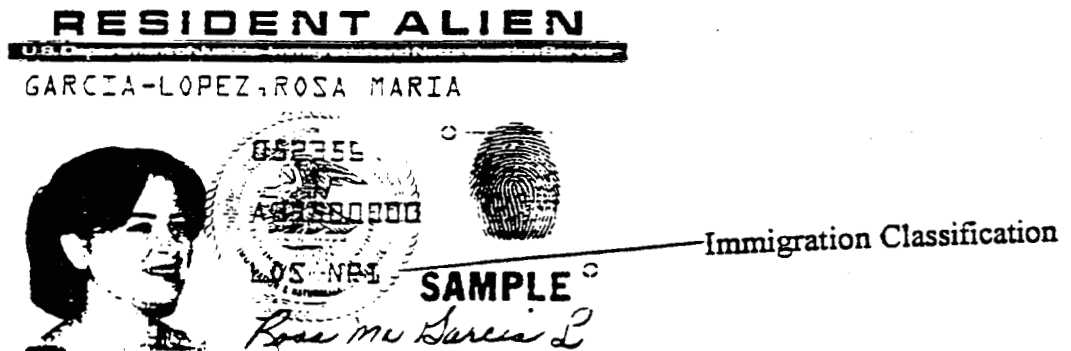
- Description of Documents
- Form G-845
- Memo to INS Vermont Center
- Memo to Executive Office for Immigration Review
- Examples of Notice of Action
- Policy Charts



➤ "White" I-551 "Resident Alien" Card

Front: White background (blue header bar); salmon lines covering the photo in an unbroken pattern. Printing detail in eagles is excellent. Immigrant classification is on front of card in lower right corner, beginning with letters followed by numbers.

Back: Pale greenish background, map of U.S. in white. Three lines of machine readable codes. Admission/adjustment date is at bottom left corner on back of card, beginning with year, month, day.



33500000 11 23 663 563 86539

5533 47405 16323 34456 69480

040380 582 050 07620 9462742

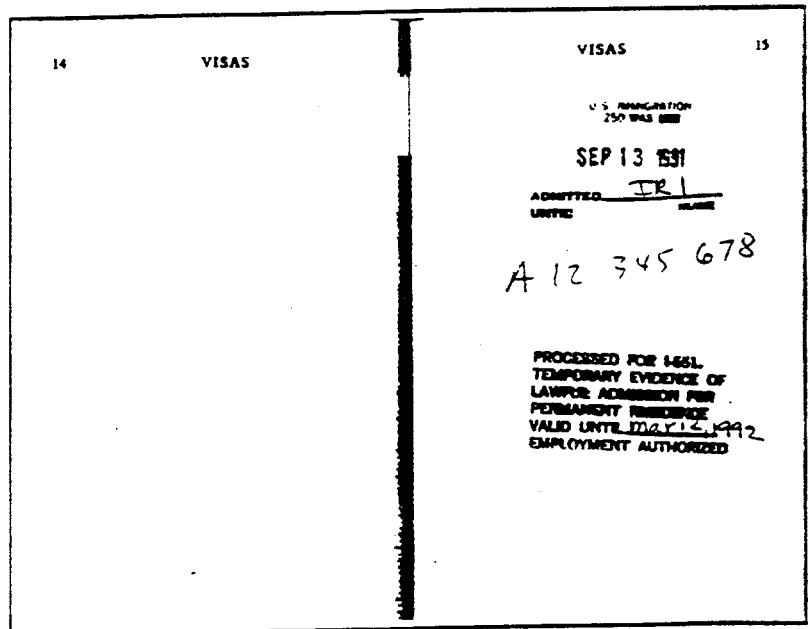
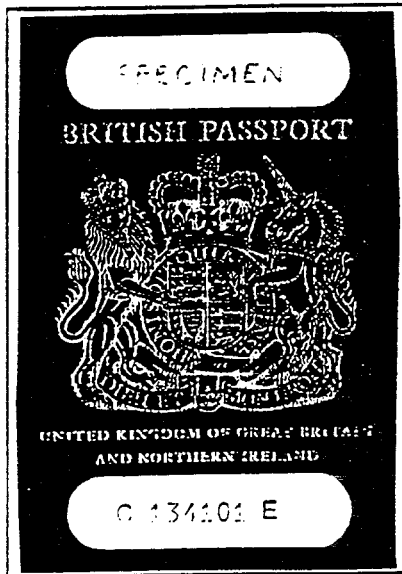
SAMPLE CARD

Admission/Adjustment Date

**BEARER MAY LIVE AND WORK IN THE U.S.**

➤ Unexpired Foreign Passport with I-551 stamp

An I-551 stamp may be present in a foreign passport, with a handwritten "Valid Until" date. A proof of entry and inspection stamp will also be present in the passport, similar to the stamp for an I-94. Date of entry is stamped. Immigrant visa classification (letter and number) is printed or stamped on "admitted" line. Valid status expires on the date enumerated at "Until" section of I-551 stamp. The alien number may be printed beginning with the letter A.





➤ I-94 Arrival/Departure Record

Proof of entry is signified by U.S. immigration stamp. Date of entry is stamped. Non-immigrants visa classification (letter or letter and number) is printed or stamped on "Admitted" line. Valid status expires on the date enumerated at "Until" section of the stamp.

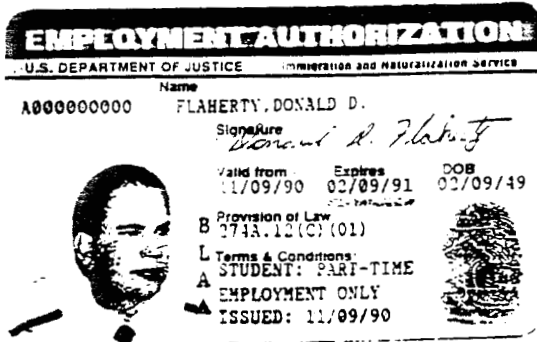
Refugees and Asylees each receive a separate INS stamp. Asylum seekers have "valid to" date, while refugees have a date of admission.

Departure Number	742832036 01	SAMPLE
Immigration and Naturalization Service		U.S. IMMIGRATION 250 WAS
I-94 Departure Record		SEP 13 1991
		ADMITTED <u>B-2</u> UNTIL _____ (CLASS)
14 Family Name	DOE	July 10, 1993
15 First (Given) Name	JOHN	16 Birth Date (day, mo, yr) 16.04.62
17 Country of Citizenship	U.K.	

➤ "Red" I-688B "Employment Authorization"

Front: White background, red header bar and yellow interlocking wavy lines. Gold INS seal becomes visible when tilted under normal light. Expiration date is on front, month, day, year.

Back: Red outline of U.S., Alaska and Hawaii. The word "Void" is capitalized and underlined.



The image shows the back of the card, which features a red outline of the United States map. The text on the back reads: "The person identified on the reverse of this card is authorized to engage in employment in the United States pursuant to Section 274A of the Immigration and Nationality Act as amended, during the period of validity of the card and in accordance with the restricting terms stated on the reverse of the card. This document is VOID if altered and may be revoked pursuant to 8 CFR 274a. This document is not evidence of citizenship or permanent residence in the United States. If this card is found, please return to the nearest office of the Immigration and Naturalization Service."

➤ "Red" I-766 Employment Authorization"

Front: White background, red header bar, Statue of Liberty, USA, and Immigration and Naturalization Service symbols become visible when tilted under normal light. Expiration date is at bottom right corner. Non-immigrant category listed over justice seal by a letter and number abbreviation of the 274A.12 immigration law citation.

Back: White background, black magnetic strip and bar code.

➤ Decision Granting Asylum

Documents issued to immigrants granted asylum vary.

- Refugee Travel Document Form I-571
- Form I-571 is issued to aliens who have been granted refugee status.
- Order Granting Withholding of Deportation

The documents vary.

- Miscellaneous other documents

Section A - to be completed by the submitting agency.

To: Immigration and Naturalization Service

6. Verification Number

- 7.  Photocopy of Document Attached.  
(If printed on both sides, attach a copy of the front and of the back.)
- Other information Attached (Specify documents).

From: Typed or Stamped Name and Address of Submitting Agency

8. Organization (specify)

[Empty box for Organization (specify)]

Attn: Status Verifier

(INS may use above address with a #20 window envelope.)

- 1. Alien Registration or I-94 Number
- 2. Applicant's Name (Last, First, Middle)
- 3. Nationality
- 4. Date of Birth (Month/Day/Year)
- 5. Social Security Number

- 9. Name of Submitting Official
- 10. Title of Submitting Official
- 11. Date
- 12. Telephone Number

Section B - to be completed by INS

RESPONSE: From the documents or information submitted and/or a review of our records we find that:

- 1.  This document appears valid and relates to a Lawful Permanent Resident alien of the United States.
- 2.  This document appears valid and relates to a Conditional Resident alien of the United States.
- 3.  This document appears valid and relates to an alien authorized employment as indicated below:
  - a.  Full-Time
  - b.  Part-Time
  - c.  No Expiration (Indefinite)
  - d.  Expires on \_\_\_\_\_  
(specify Month/Day/Year, below)
- 4.  This document appears valid and relates to an alien who has an application pending for (specify INS benefit below)
- 5.  This document relates to an alien having been granted asylum/refugee status in the United States.
- 6.  This document appears valid and relates to an alien paroled into the United States pursuant to Section 212 of the I&N Act.
- 7.  This document appears valid and relates to an alien who is a Cuban/Haitian entrant.
- 8.  This document appears valid and relates to an alien who is a conditional entrant.
- 9.  This document appears valid and relates to an alien who is a nonimmigrant (specify type or class below)
- 10.  This document appears valid and relates to an alien not authorized employment in the United States.
- 11.  Continue to process as legal alien. INS is searching indices for further information.
- 12.  This document is not valid because it appears to be (check all that apply)
  - a.  Expired
  - b.  Altered
  - c.  Counterfeit

INS Stamp

Please see reverse for additional comments.

### Comments

13.  No determination can be made from the information submitted. Please obtain a copy of the original alien registration documentation and resubmit.
14.  No determination can be made without seeing both sides of the document submitted (*please resubmit request*).
15.  Copy of document is not readable (*please resubmit request*).

### "PRUCOL"

For Purposes Of Determining if Alien is Permanently Residing Under Color Of Law Only!

16.  INS actively pursues the expulsion of an alien in this class/category.
17.  INS is not actively pursuing the expulsion of an alien in this class/category, at this time.
18.  Other

### Instructions

- Submit copies of both *front and back* of alien's original documentation.
- Make certain a *complete return address* has been entered in the "From" portion of the form.
- The Alien Registration Number ("A" Number) is the letter "A" followed by a series of (7) or (8) digits. Also in this block may be recorded the number found on Form I-94. (Check the front and back of the I-94 document and if the "A" Number appears, record that number when requesting information instead of the longer admission number as the "A" Number refers to the most integral record available.)
- If Form G-845 is submitted without copies of applicant's original documentation, it will be returned to the submitting agency without any action taken.
- Address this verification request to the local office of the Immigration and Naturalization Service.

TO BE COMPLETED BY THE SUBMITTING AGENCY

To: Immigration and Naturalization Service

Date \_\_\_\_\_

Applicant's Name (Last, First, Middle) \_\_\_\_\_

Social Security Number \_\_\_\_\_

Alien Registration Number or I-94 Number \_\_\_\_\_

From: Typed or Stamped Name and Address of Submitting Agency \_\_\_\_\_

Telephone ( ) \_\_\_\_\_

Complete the following items:  #1  #2  #3  #4  #5  #6  #7

TO BE COMPLETED BY INS

**1. IMMIGRATION STATUS (check all that apply):**

From the document or information submitted and/or a review of our records we find that the person identified is s/an:

- a. Lawful Permanent Resident alien of the United States.  
(Complete b,c,d,g,h, or i if alien adjusted to LPR status from one of those statuses in the past 7 years.)
- b. Refugee admitted to the United States under Section 207 of the INA. (Complete Item 2 below.)
- c. Asylee under Section 208 of the INA. (Complete Item 3 below.)
- d. Alien whose deportation has been withheld under section 243(h) of the INA (as in effect prior to April 1 1997) or whose removal has been withheld under section 241(b)(3).  
Date deportation or removal ordered withheld: \_\_\_\_\_
- e. Alien paroled into the United States under Section 212(d)(5) of the INA for a period of at least 1 year.  
(Complete Items 3 and 4 below.)
- f. Conditional Entrant pursuant to Section 203(a)(7) of the INA in effect prior to April 1, 1980.
- g. American Indian born in Canada to whom the provisions of Section 289 of the INA apply.
- h. Cuban/Haitian Entrant, as defined in Section 501(e) of the Refugee Education Assistance Act of 1980.  
(Complete Item 3 below.)
- i. Amerasian immigrant, pursuant to Section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1988. (Complete Item 2 below.)
- j. Other (indicate status): \_\_\_\_\_

2. Date alien entered the United States: \_\_\_\_\_
3. Date status was granted: \_\_\_\_\_
4. Date status expires: \_\_\_\_\_

**5. CITIZEN STATUS:**

- This document appears valid and relates to a United States citizen.

**6. SPECIAL BENEFIT PROVISIONS FOR CERTAIN VICTIMS OF ABUSE:**

- a. This alien obtained Lawful Permanent (or Conditional) Resident Status as the spouse, child, or widow(er) of a U.S. citizen.
- b. This alien obtained Lawful Permanent (or Conditional) Resident Status as the spouse, child, or unmarried son or daughter of a lawful permanent resident alien.
- c. This alien did not obtain status as described in (a) or (b).

7. AFFIDAVIT OF SUPPORT:

- a. This alien was sponsored on Form I-864, Affidavit of Support under Section 213A of the INA. Service receipt date \_\_\_\_\_ (Complete Item 3 on page 1.)
- b. This alien was not sponsored on Form I-864.

Name of Sponsor

\_\_\_\_\_

Sponsor's Social Security Number

-----

Sponsor's Address

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name of Joint Sponsor(s) (if any)

\_\_\_\_\_

Joint Sponsor's Social Security Number

-----

Joint Sponsor's Address

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- See reverse for information on additional joint sponsor(s).

INS Stamp

\* This supplement may be used in conjunction with Form G-845 to request verification; it cannot be used alone. It reflects information that may be relevant to eligibility for Federal, State, and local public benefits under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, P.L. 104-193.



FAMILY INVESTMENT ADMINISTRATION

To: INS Vermont Service Center, fax, 802-527-3150  
ATTN: Battered Alien Review Unit

This fax consists of \_\_\_\_ Pages

This request is being submitted by:

Name (printed): \_\_\_\_\_

Agency name and address: \_\_\_\_\_  
\_\_\_\_\_

Fax number: \_\_\_\_\_ Phone number: \_\_\_\_\_

Applicant's Client ID Number: \_\_\_\_\_

**Item 1:** An alien applicant is seeking public benefits from the agency identified above, pursuant to recent welfare reform legislation. This applicant falls into one of two categories:

- (a) believes an INS Form I-130, Petition for Immigrant Status was filed on the applicant's behalf by his/her spouse or parent or has self-petitioned as a widow(er) using INS Form I-360, Petition for Amerasian, Widow or Special Immigrant (complete Part A below);
- (b) has self-petitioned as a battered spouse or child using INS Form I-360, Petition for Amerasian, Widow, or Special Immigrant. (complete Part B below)

**Item 2:** The above referenced agency requests that INS: (please check only one)

- Verify that the attached document is valid. A copy of the I-797 approval notice, prima facie determination or receipt notice is attached.
- Make a prima facie determination or expedite adjudication of the petition and notify the requesting agency of the outcome.
- Update the status of the requesting agency's \_\_\_\_\_ (insert date) request for a prima facie determination or expedited adjudication. (Requesting agency should allow three weeks from the request for a prima facie determination or filing of a petition before making this request.)
- Determine whether the applicant has filed a petition or whether a petition has been filed on his/her behalf under (a) or (b), as indicated above. If so, please make a prima facie determination or expedited adjudication of the applicant's petition and notify the requesting agency of the outcome.

Date: \_\_\_\_\_

Agency Signature: \_\_\_\_\_





**FAMILY INVESTMENT ADMINISTRATION**

To: Executive Office for Immigration Review  
Immigration Court, \_\_\_\_\_  
(insert name of city/state)  
Attn: Court Administrator

This fax consists of \_\_\_\_\_ pages.  
Fax number \_\_\_\_\_

This request is being submitted by:

Name (printed) \_\_\_\_\_ Title: \_\_\_\_\_

Agency name and address: \_\_\_\_\_  
\_\_\_\_\_

Fax number \_\_\_\_\_ Phone number \_\_\_\_\_

Applicant's Client ID Number: \_\_\_\_\_

**Item 1: That above-referenced agency requests that EOIR (please check one only)**

- Verify that the individual referred to on the attached green card (a copy is attached) was granted relief under section 244(a)(3) (as in effect prior to April 1, 1997) or 240A(b)(2) of the Immigration and Nationality Act.
- Verify that the attached order grants relief under section 244(a)(3) or 240A(b)(2) of the Immigration and Nationality Act.
- Verify that EOIR has determined that the alien has demonstrated a prima facie case for suspension of deportation or cancellation of removal under section 244(a)(3) or 240A(b)(2) of the Immigration and Nationality Act.

**Item 2: If you checked the last item above, please fill out the following information. If the applicant has a copy of a receipt notice or other documentation indicating that he/she filed an application for suspension of deportation or cancellation of removal, please attach a copy.**

Benefit Applicant's full name \_\_\_\_\_

Benefit Applicant's date of birth \_\_\_\_\_

Benefit Applicant's best guess as to when application was filed: \_\_\_\_\_ (mo/yr)

Benefit Applicant's best guess as to which immigration court petition was filed: \_\_\_\_\_

Benefit Applicant's address at time of filing petition: \_\_\_\_\_

(Street address, city, state, zip code) \_\_\_\_\_

Date: \_\_\_\_\_ Agency Signature: \_\_\_\_\_

**PART A: For an Applicant who is the Beneficiary of a Petition Filed by Spouse or Parent or who has Self-Petitioned as a Widow(er).**

**Step 1:** Does the alien applicant have a copy of an INS Form I-797 indicating that an I-130 was filed on his/her behalf? [If applicant has self-petitioned as a widow(er), check "No" and proceed to Step 2.]

Yes \_\_\_\_\_ Attach a copy of the I-797 to this fax (you need not complete Step 2).

No \_\_\_\_\_ If the applicant has not documentation or has documentation other than a Form I-797, proceed to Step 2.

**Step 2:** If the applicant does not have a Form I-797, please fill out the following information. All blanks, except that noted "if available", must be completed.

Benefit Applicant's full name: \_\_\_\_\_

Benefit Applicant's date of birth: \_\_\_\_\_

Benefit Applicant's best guess as to when petition was filed: \_\_\_\_\_ (mo/yr)

Benefit Applicant's best guess as to with which INS office petition was filed: \_\_\_\_\_

Petitioner's full name: \_\_\_\_\_

Petitioner is Applicant's \_\_\_\_\_ Spouse or \_\_\_\_\_ Parent or \_\_\_\_\_ self [widow(er)] (check one)

Petitioner is a \_\_\_\_\_ U.S. Citizen, or \_\_\_\_\_ lawful permanent resident ("green card holder")

Petitioner's date of birth: \_\_\_\_\_

Petitioner's Alien Registration Number, if available: A \_\_\_\_\_

Petitioner's address at time of filing petition: \_\_\_\_\_

Street address, city, state zip code \_\_\_\_\_

**PART B: For an Applicant who has Self-Petitioned as a Battered Spouse or Child**

**Step 1:** Attach a copy of the receipt notice or other documentation evidencing that a Form I-360 has been filed with the INS. If that documentation does not include the following information, please complete the blanks:

Applicant/Self-petitioner's full name: \_\_\_\_\_

Applicant/self-petitioner's date of birth: \_\_\_\_\_

Date I-360 was filed: \_\_\_\_\_

Location (city) of INS office where filed: \_\_\_\_\_

U.S. Department of Justice  
 Immigration and Naturalization Service

Notice of Action

RECEIPT NUMBER EAC-97-094-50417		CATEGORY I-360 PETITION FOR AMERICAN, WIDOWER, OR SPECIAL IMMIGRANT	
RECEIVED DATE February 24, 1997	FILED DATE February 24, 1997	PETITIONER CARSWELL, GRACE E.	
NOTICE DATE February 24, 1997	PAGE 1 of 1	AGENCY CARSWELL, GRACE E.	
GRACE E. CARSWELL 75 LOWER WELDEN ST SAINT ALBANS VT 05479		Notice Type: Receipt Notice  Fee Waived  Section: Self-Petitioning Spouse of Abusive U.S.C. or LPR	

The above application or petition has been received. It normally takes 60 to 120 days from the date of this receipt for us to process this type of case. Please notify us immediately if the above information is incorrect. Our customer service phone number is listed below.

We will send you a written notice as soon as we take action on this case. You can also use the phone number below to obtain case status information direct from our support center 24 hours a day with a touch-tone phone and the receipt number for this case at the top of this notice.



Please see the additional information on the back. You will be notified separately about any other cases you filed.

IMMIGRATION & NATURALIZATION SERVICE  
 VERMONT SERVICE CENTER  
 75 LOWER WELDEN STREET  
 SAINT ALBANS VT 05479-0802  
 Customer Service Telephone: (802) 527-5160



U.S. Department of Justice  
Immigration and Naturalization Service

Notice of Action

RECEIPT NUMBER EAC-97-000-00000		CATEGORY 1-360 PETITION FOR AMERICAN WIDOW (ER) OR SPECIAL IMMIGRANT	
RECEIPT DATE June 1, 1997	PRIORITY DATE June 1, 1997	PETITIONER DOE, Jane	
NOTICE DATE June 27, 1997	PAGE 1	AGENT/CLERK DOE, Jane	

Jane DOE Susan SMITH, Esq. 100 Main St. Anywhere VT 05400	Section: Self-Petitioning Spouse Abusive U.S.C. or LPR NOTICE OF PRIMA FACIE CASE
--	---

The above petition has been reviewed and found to establish a prima facie case classification under the self-petitioning provisions of the Violence Against Women Act. **THIS PRIMA FACIE DETERMINATION IS VALID FOR A PERIOD OF 150 DAYS FROM NOTICE DATE SHOWN ABOVE, AND EXPIRES ON THE DATE INDICATED AT THE BOTTOM OF THE PAGE.**

We will send you a written notice as soon as we make a decision on this case. It is expected that a final decision will be made on this case before the end of 150 days. In a few cases, the adjudication may not be completed in this time frame. If this petition is coming to a close and you need an extension of this prima facie determination in order to continue receiving public benefits, please submit a written request for extension at least 15 days prior to expiration.

**PLEASE NOTE: ESTABLISHING A PRIMA FACIE CASE FOR CLASSIFICATION UNDER THE SELF-PETITIONING PROVISIONS OF THE VIOLENCE AGAINST WOMEN ACT DOES NOT NECESSARILY MEAN YOUR PETITION WILL BE APPROVED.**

\*\*\*\*\*  
 EXPIRATION DATE: November 27, 1997  
 \*\*\*\*\*

Please see the additional information on the back. You will be notified separately about any other cases you filed.  
 IMMIGRATION & NATURALIZATION SERVICE  
 VERMONT SERVICE CENTER  
 75 LOWER WELLEN STREET  
 SAINT ALBANS VT 05479-0001  
 Customer Service Telephone: (802) 527-3160

U.S. Department of Justice  
 Immigration and Naturalization Service

Notice of Action

RECEIPT NUMBER IAC-97-000-00000		CASE TYPE I-360 PETITION FOR AMERASIAN/ WIDOW(ER) OR SPECIAL IMMIGRANT	
RECEIPT DATE June 1, 1997	PRIORITY DATE June 1, 1997	PETITIONER DOE, Jane	
NOTICE DATE July 9, 1997	PAGE 1	BENEFICIARY DOE, Jane	

Susan SMITH, Esq.  
 100 Main St.  
 Anywhere VT 05480

Notice Type: Approval Notice  
 Section: Self-Petitioning Spouse of  
 Abusive U.S.C. or LPR  
 Class: B21

The above petition has been approved.

The petition indicates you, the self-petitioner, are in the United States and will apply for adjustment of status. The information submitted with the petition shows you are eligible to file an adjustment of status application at this time. Additional information about eligibility for adjustment of status may be obtained from the local INS office serving the area where you live.

When you file an adjustment application, or apply for an immigrant visa, this approved petition will be stored in this office. If you become eligible to adjust status based on this petition, you should submit a copy of this notice with Form I-485 Application for Permanent Residence to the local INS office.

If you decide to apply for an immigrant visa outside the United States based on this petition, you should file Form I-824, Application for Action on an Approved Application or Petition with this office to request that we send the petition to the Department of State National Visa Center (NVC).

The NVC processes all approved immigrant visa petitions that require consular action. The NVC also determines if consular post is the appropriate consulate to consider for processing. It will then forward the approved petition to the consulate.

Please read the back of this form carefully for more information.

THIS FORM IS NOT A VISA NOR MAY IT BE USED IN PLACE OF A VISA.

Please see the additional information on the back. You will be notified separately about any other cases you filed.

IMMIGRATION & NATURALIZATION SERVICE  
 VERMONT SERVICE CENTER  
 75 LOWER WELDEN STREET  
 SAINT ALBANS VT 05479-0001  
 Customer Service Telephone: (802) 527-3160

U.S. Department of Justice  
Immigration and Naturalization Service

## Notice of Action

RECEIPT NUMBER EAC-97-000-00000		CASE DATE 1-1-90 PETITION FOR AMERASIAN WIDOW(ER) OR SPECIAL IMMIGRANT	
RECEIPT DATE June 1, 1997	PRIORITY DATE June 1, 1997	PETITIONER DOE, Jane	
NOTICE DATE July 8, 1997	PAGE 1	BENEFICIARY DOE, Jane	
Susan SMITH, Esq. 100 Main St. Anywhere VT 05420		Notice Type: Approval Notice Section: Self-Petitioning Spouse of Abusive D.S.C. or LPR Class: E21 Note: Includes Notice of Deferred Action	
<p>The above petition has been approved.</p> <p>The petition indicates you, the self-petitioner, reside in the United States and will apply for adjustment of status. The information submitted with the petition shows you are not eligible to file an adjustment of status application at this time.</p> <p>Additional information about eligibility for adjustment of status may be obtained from the local INS office serving the area where you live.</p> <p>Until you file an adjustment application, or apply for an immigrant visa, this approved petition will be stored in this office. If you become eligible to adjust status based on this petition, you should submit a copy of this notice with Form I-485, Application for Permanent Residence to the local office.</p> <p>If you decide to apply for an immigrant visa outside the United States based on this petition, you should file Form I-824, Application for Action on an Approved Application or Petition with this office to request that we send the petition to the Department of State National Visa Center (NVC).</p> <p>The NVC processes all approved immigrant visa petitions that require consular action. The NVC also determines which consular post is the appropriate consulate to complete visa processing. It will then forward the approved petition to that consulate.</p> <p>Please read the back of this form carefully for more information.</p> <p><b>THIS FORM IS NOT A VISA NOR MAY IT BE USED IN PLACE OF A VISA.</b></p> <p><b>DEFERRED ACTION</b></p> <p>Deferred Action has been approved for this case. Deferred Action is an administrative choice used to give some cases lower priority for removal. The Service does not anticipate instituting action for removal, in this case, at this time. Pursuant to 8 CFR § 274a.12(c)(16), an alien, who has been granted deferred action, is eligible to submit an application for employment authorization, if the alien establishes an economic necessity for employment. This application, on Form I-765, should be filed with this office. The alien must provide information regarding his or her assets, income, and expenses in accordance with the instructions on the form I-765.</p> <p>The approval of Deferred Action will expire one (1) year from the date of this notice. Request for the continuation of deferred action should be submitted, in writing, to this office, sixty (60) days before the expiration of the current approval. The request for continuation may be accompanied by an application, on Form I-765, for continuation of employment authorization.</p> <p><b>THIS FORM IS NOT AN EMPLOYMENT AUTHORIZATION NOR MAY IT BE USED IN PLACE OF AN EMPLOYMENT AUTHORIZATION.</b></p>			
<p>Please see the additional information on the back. You will be notified separately about any other cases you filed.</p> <p><b>IMMIGRATION &amp; NATURALIZATION SERVICE</b> VERMONT SERVICE CENTER 75 LOWER WELDEN STREET SAINT ALBANS VT 05479-0001 Customer Service Telephone: (888) 572-3163</p>			

RECEIPT NUMBER LIN-96-170-50006		CASE TYPE I130 IMMIGRANT PETITION FOR RELATIVE, PLANCE (E), OR ORPHAN	
RECEIVED DATE March 25, 19	PRIORITY DATE	PETITIONER A12 123 431 AAA, VV	
NOTICE DATE March 25, 1997	PAGE 1 of 1	BENEFICIARY SFDF, DD	

VV AAA  
343 I ST NW  
WASHINGTON DC 20536

Notice Type: Receipt Notice

Amount received: \$ 80.00

Section: Sister or brother of U.S.  
Citizen, 203(a)(4) INA

The above application or petition has been received. It usually takes 30 to 90 days from the date of this receipt for us to process this type of case. Please notify us immediately if any of the above information is incorrect. Our customer service phone number is listed below.

We will send you a written notice as soon as we make a decision on this case. You can also use the phone number below to obtain case status information direct from our automated system 24 hours a day with a touch-tone phone and the receipt number for this case (at the top of this notice).

Please see the additional information on the back. You will be notified separately about any other cases you filed.  
IMMIGRATION & NATURALIZATION SERVICE  
LIN TEST PLATFORM  
4313 INS HQ  
LINCOLN NA 55479  
Customer Service Telephone: (802) 527-3112



### ELIGIBILITY OF QUALIFIED ALIENS FOR TEMPORARY CASH ASSISTANCE

If the immigrant is...	Entered the U.S. before 8/22/96...	Arrived on or After 8/22/96...
<ul style="list-style-type: none"> <li>• a legal permanent resident (LPR)</li> <li>• a Parolee granted status under section 212(d)(5) of the INA for one year</li> <li>• a Conditional Entrant under section 203(a)(7) of the INA (as in effect prior to 4/1/80)</li> <li>• an immigrant who (or whose child or parent) has been battered or subjected to extreme cruelty in the U.S.</li> </ul>	Eligible for Federal TCA	<ul style="list-style-type: none"> <li>• 5 year ban for receipt of Federal TANF (TCA) benefits</li> <li>• Family eligible for State TCA during 5 year Federal ban if 60 months not received in State program</li> <li>• After 5 years from date of status, eligible for federal TCA</li> </ul>
<ul style="list-style-type: none"> <li>• a refugee under section 207 of the INA</li> <li>• an asylee under section 208 of the INA</li> <li>• an immigrant whose deportation is withheld under section 243(h) of the INA</li> <li>• a Cuban/Haitian Entrant paroled under section 212(d)(5) of the INA</li> <li>• an Amerasian LPR</li> </ul>	Eligible for Federal TCA	<ul style="list-style-type: none"> <li>• By law (PRWORA) eligible for 5 years from entry (refugees or Amerasians) or granting of status (Asylees/deportation withheld/Cuban and Haitian entrants) for Federal benefits.</li> <li>• In Maryland also eligible after the 5 years for Federal TCA, if the 60-month limit not reached.</li> </ul>
<ul style="list-style-type: none"> <li>• an immigrant with 40 qualifying quarters</li> </ul>	Eligible for Federal TCA	Eligible for Federal TCA
<ul style="list-style-type: none"> <li>• a veteran, active duty military, the spouse or unmarried dependent child</li> </ul>	Eligible for Federal TCA	Eligible for Federal TCA



### FEDERAL FOOD STAMP IMMIGRANT STATUS ELIGIBILITY

If the immigrant was admitted as...	and the INS document is...	then...
<ul style="list-style-type: none"> <li>Legal Permanent Resident (LPR), other than Amerasian</li> </ul>	I-151 (this is an obsolete form, send to customer to INS), or  I-551, Resident Alien Card	the immigrant is eligible if the immigrant was lawfully residing in the U.S. on 8/22/96 and the immigrant: <ul style="list-style-type: none"> <li>is currently under age 18, or</li> <li>meets the food stamp definition of disability (regardless of when the immigrant becomes disabled), or</li> <li>was age 65 or older on 8/22/96.</li> </ul> Otherwise the immigrant is <b>not eligible</b> unless the immigrant: <ul style="list-style-type: none"> <li>meets the "40 qualifying quarters" requirement, or</li> <li>is an honorably discharged veteran who met the active duty requirements for                             <ul style="list-style-type: none"> <li>-24 months, or</li> <li>-the period for which the person was called to active duty.</li> </ul> </li> <li>is an active duty military personnel, or</li> <li>is the spouse, unremarried surviving spouse or minor dependent child of an honorably discharged veteran or active duty personnel.</li> </ul> Note: To qualify for food stamps as a surviving spouse of a deceased veteran or active duty military person, the surviving spouse must not have remarried.
a native American born in Canada or Mexico who is entitled by treaty to reside in the U.S.	I-551 annotated with: S13 – American Indian born in Canada	the immigrant is eligible
a Hmong or Highland Lao tribe member when the tribe assisted the U.S. armed forces during the Vietnam War, their spouses, unmarried dependent children, and the unremarried widow.	I-94, or I-551	the immigrant is eligible if the individual: <ul style="list-style-type: none"> <li>is from Laos, Vietnam, or Cambodia, and</li> <li>claims to be a member of a Hmong or Highland Laotian tribe when the tribe assisted the U.S. armed forces during the Vietnam War, or is a spouse, a widow or widower who has not remarried, or an unmarried dependent child of an immigrant meeting this criteria. See AT 99-10 and Guidance for Non-citizen Verification.</li> </ul>

**NOTE:**


- When a child is ineligible for the Federal Food Stamp Program, consider eligibility for the State-funded Food Stamp Program.
- If the immigrant claims eligibility as a battered spouse or child, consult Section II of the Guidance for Noncitizen Verification.

### FEDERAL FOOD STAMP IMMIGRANT STATUS ELIGIBILITY

If the immigrant was admitted as...	and the INS document is...	and legal date of entry or status is...	then the immigrant is...
<ul style="list-style-type: none"> <li>• A refugee under §207 of the INA.</li> <li>• An asylee under §208 of the INA</li> <li>• An alien whose deportation is being withheld under §243(h) or whose removal is being withheld under §241(b)(3) of the INA.</li> <li>• A Cuban/Haitian entrant paroled under section 501(e) of the Refugee Education Assistance Act of 1980</li> <li>• An Amerasian LPR under 584 of the FOEFRPAA</li> </ul>	<ul style="list-style-type: none"> <li>• I-94 or</li> <li>• I-688 B – Annotated with the following INS sections: 274a.12(a)(3) – Refugee 274a.12(a)(5) – Asylee 274a.12(a)(10) – Deportation withheld</li> </ul>	on or before 8/22/96	eligible if the immigrant meets one of the following: <ul style="list-style-type: none"> <li>• is currently under age 18, or</li> <li>• meets the definition of disability (regardless of when the disability began), or</li> <li>• was age 65 or older on August 22, 1996.</li> </ul>
	<ul style="list-style-type: none"> <li>• I-766 – Employment Authorization document with one of the following annotations: A3 – Refugee A5 – Asylee A10 – Deportation withheld</li> <li>• Cuban/Haitian entrants will have an I-94 annotated "Cuban/Haitian Entrant" under section 212(d)(5).</li> <li>• Amerasians will have an I-551 with status codes, AM6, AM7, or AM8 or I-94 annotated with status codes: AM1, AM2, AM3</li> <li>• Asylee may have: -A letter from the Asylum Office of the INS, or -An order from an Immigration Judge granting asylum.</li> <li>• Immigrants with deportation withheld will also have an Order from an Immigration Judge showing deportation withheld under section 243(h) or 241(b)(3) of the INA. The date of entry for these immigrants is the date this status is assigned.</li> <li>• I-571 Refugee Travel Document</li> </ul>	more than 7 years ago	not eligible, <u>unless</u> the immigrant: <ul style="list-style-type: none"> <li>• meets the criteria above, or</li> <li>• has adjusted status to a naturalized citizen, or</li> <li>• has adjusted to LPR status and meets those eligibility criteria.</li> </ul> <p>Note: If the immigrant's INS status has been adjusted to a LPR, the I-551 will be annotated with one of the following codes: RE6 through RE9 – Refugee AS6 through AS8 – Asylee CU6 or CU7 or CH6 – Cuban Refugee</p>
	<ul style="list-style-type: none"> <li>• I-571 Refugee Travel Document</li> </ul>	less than 7 years ago	eligible for 7 years after the entry date (for refugees or Amerasians) or date of obtaining status (even if they have adjusted to LPR status). Note: After the 7 year eligibility period expires, these immigrants are not eligible again unless they lawfully resided in the U.S. on 8/22/96 and meet the eligibility criteria in the first box above or until they have adjusted their status to: <ul style="list-style-type: none"> <li>• a naturalized citizen, or</li> <li>• a LPR and meet the alien eligibility requirement.</li> </ul>

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If the immigrant was admitted as...	and the INS document is...	then...
<ul style="list-style-type: none"> <li>• a Parolee granted status under section 212(d)(5) of the INA for at least one year</li> </ul>	<p>I-94</p> <p>Note: I-94 will have a stamp showing admission for at least one year under section 212(d)(5) of the INA</p>	<p>the immigrant is eligible if the immigrant was lawfully residing in the U.S. on 8/22/96 and the immigrant:</p> <ul style="list-style-type: none"> <li>• is currently under age 18, or</li> <li>• meets the food stamp definition of disability (regardless of when the immigrant becomes disabled), or</li> <li>• was age 65 or older on 8/22/96.</li> </ul> <p><b>Otherwise the immigrant is not eligible unless the immigrant:</b></p>
<ul style="list-style-type: none"> <li>• a Conditional Entrant under section 203(a)(7) of the INA</li> </ul>	<p>I-94</p> <p>I-688B – Annotated 274a.12(a)(3)</p> <p>I-766 – Annotated A-3</p>	<ul style="list-style-type: none"> <li>• is an honorably discharged veteran who met the active duty requirements for -24 months, or -the period for which the person was called to active duty.</li> <li>• is an active duty military personnel, or</li> <li>• is the spouse, unremarried surviving spouse or minor dependent child of an honorably discharged veteran or active duty personnel, or</li> <li>• has adjusted his or her status to LPR and meets the LPR exceptions.</li> </ul>

 <p>Department of Human Resources 311 West Saratoga Street Baltimore MD 21201</p>	<p>FIA ACTION TRANSMITTAL</p>
<p>Control Number: FIA/OPRS-99-52</p>	<p>Effective Date: Upon Receipt Issuance Date: June 11, 1999</p>

**TO:** DIRECTORS, LOCAL DEPARTMENT OF SOCIAL SERVICES  
DEPUTY/ASSISTANT DIRECTORS FOR FAMILY INVESTMENT  
FAMILY INVESTMENT SUPERVISORS/ELIGIBILITY STAFF

*Robert Everhard*  
**FROM:** ROBERT EVERHARD, EXECUTIVE DIRECTOR, FIA

**RE:** CHANGE IN CARES SHELTER COSTS PROCESSING/  
MULTIPLE SHEL SCREENS ON CARES

**PROGRAMS  
AFFECTED:** FOOD STAMPS

**ORIGINATING OFFICE:** OFFICE OF ADMINISTRATIVE SERVICES AND  
CONTINUOUS IMPROVEMENT

**BACKGROUND:**

Quality Control has identified several error cases that were caused by the entry of shelter costs on more than one SHEL screen. Effective 7/1/99, CARES will be modified to sum shelter costs for a food stamp AU from the head of household's SHEL screen only. In February and May of this year, you received lists of food stamp AU's in you office that had dollar amounts entered on more than one household member's SHEL screen. These lists were provided to enable you to correct these cases prior to the change in CARES processing that will take effect 7/1/99.

**ACTION REQUIRED:**

Attached is a list of food stamp AU's in your office that, as of 6/1/99, have shelter costs entered on more than one household member's SHEL screen. Review these cases and consolidate the correct shelter costs for the AU on the head of household's SHEL screen. This change may result in the household receiving less benefits in 7/99, therefore, your review and correction of shelter costs should be completed by 6/22/99 to allow an adequate adverse action period. Establish BEGS for cases that were overissued as a result of entry of incorrect shelter costs.

**INQUIRIES:** Please direct policy questions to Kay Finegan at 410-767-7939. Systems questions and issues should be directed to Joyce Westbrook at 410-767-8735.

CC: DHR Executive Staff  
FIA Program Analysts  
Constituent Services

FIA Management Staff  
Help Desk