

NON-CITIZEN QUALIFICATION CHART

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Status	Documents	In Country 8/22/96			Entered After 8/22/96		
		FS	TAF	Child Care	FS	TAF	Child Care
1. A non-citizen admitted as a refugee under Section 207 of the INA. KEESM 2142.1(1) and 2143.1(1).	I-94, Arrival-Departure Record annotated with Section 207, and/or the term refugee and date of entry into the U.S.. INS Form I-688B annotated 274a.12(a)(3), I-766 annotated A3, or INS Form I-571 with I-94. Refugees usually adjust to lawful permanent resident status after 12 months in the U.S. (They are still considered refugees for eligibility purposes. Check coding on I-256 form for codes RE-6, 7, 8, or 9.)	Yes	Yes	Yes	Yes	Yes	Yes
2. A non-citizen granted asylum under Section 208 of the INA. KEESM 2142.1(2) and 2143.1(2).	I-94, annotated with Section 208, and/or the term asylum. Grant letter from Asylum Office of INS; Form I-688B annotated 274a.12(a)(5) or I-766 annotated A5, or an order from an Immigration Judge granting asylum.	Yes	Yes	Yes	Yes	Yes	Yes

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<p>3. A non-citizen whose deportation is being withheld under Section 243(h) or 241(b)(3) of the INA.</p> <p>KEESM 2142.1(3) and 2143.1(3).</p>	<p>I-94, annotated with Section 243(h) or 241(b)(3) of the INA. Order of an Immigration Judge showing deportation withheld under 243(h) or 241(b)(3) and date of the grant or I-688B annotated 274a.12(a)(10) or I-766 annotated A10. with I-94. If a court order is presented, INS must be contacted and verify that the court order was not overturned on appeal. (NOTE: Public Law 104-208 renumbered 243(h) of the INA to 241(b)(3) effective 4/1/97. Deportation has been renamed "withholding of removal.")</p>	Yes	Yes	Yes	Yes	Yes	Yes
<p>4. A non-citizen admitted as a Cuban or Haitian entrant (as defined in Section 501(e) of the Refugee Education Assistance Act of 1980).</p> <p>KEESM 2142.1(4) and 2143.1(4).</p>	<p>I-94 annotated as "Cuban/Haitian Entrant (Status Pending) Reviewable January 15, 1981, or I-256 with the code CU6, CU7, or CH6, unexpired temporary I-256 stamp in foreign passport, or INS Form I-94 with the code CU or CU7.</p>	Yes	Yes	Yes	Yes	Yes	Yes

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<p>5. A non-citizen admitted as an Amerasian immigrant pursuant to Section 584 of the Foreign Operational, Export, Financing and Related Programs Appropriations Act of 1988.</p> <p>KEESM 2142.1(5) and 2143.1(5).</p>	<p>Vietnam Exit Visa, a Vietnamese Passport, or a U.S. Passport with a status code of AM 1, 2, or 3 or Form I-256 with code of AM6, AM7, or AM8.</p>	Yes	Yes	Yes	Yes	Yes	Yes
<p>6. A non-citizen who is lawfully admitted and residing in the U.S. and is:</p> <p>(1) A veteran with a discharge that is honorable and not on account of alienage; or</p> <p>(2) on active duty (other than active duty for training) in the Armed Forces of the U.S.; or</p> <p>(3) the spouse or unmarried dependent child of an individual described in (1) or (2) above.</p> <p>KEESM 2142.1(6) and 2143.3(2).</p>	<p>Form I-551, Permanent Resident Card. Discharge - original of Veteran's discharge papers. Active Duty - original of individual's current orders posting him or her to a military, air, or naval base.</p>	Yes	Yes	Yes	Yes	Yes	Yes

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7. A non-citizen lawfully admitted to the U.S. for permanent residence under the INA. KEESM2142.1(7), 2142.2(1) and 2143.2(1). NOTE: If lawful permanent resident is blind or disabled, 65 years of age or older, or under 18, see items 15, 16, or 17 respectively.	Form I-551, Permanent Resident Card. If person presents old I-151, AR-3, or AR3a documents, refer to INS to apply for replacement and reverify status once this is done.	Yes	Yes	Yes	Yes	Yes	Yes
		Assumes person(s) have been in U.S. or had status for five years.			Only <u>after</u> the non-citizen has resided in U.S. for five years from date of entry or had qualifying status for five years.		
8. A non-citizen granted parole for at least 1 year under Section 212(d)(5) of the INA. KEESM2142.1(8), 2142.2(2) and 2143.2(2).	I-94, annotated with Section 212(d)(5) and showing granting of parole for at least 1 year.	Yes	Yes	Yes	Yes	Yes	Yes
		Assumes person(s) have been in U.S. or had status for five years.			Only <u>after</u> the non-citizen has resided in U.S. for five years from date of entry or had qualifying status for five years.		

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9. A non-citizen who qualified for conditional entry prior to April 1, 1980 under Section 203(a)(7) of the INA. KEESM2142.1(8), 2142.2(2) and 2143.2(3).	I-94, annotated with Section 203(a)(7), refugee - conditional entry or I-688B or I-766 annotated with 274a.12(a)(3) along with I-94.	Yes	Yes	Yes	Yes	Yes	Yes
		Assumes person(s) have been in U.S. or had status for five years.			Only <u>after</u> the non-citizen has resided in U.S. for five years from date of entry or had qualifying status for five years.		
10. Non-citizens who do not meet one of the other qualifying statuses, but who have been battered or subject to extreme cruelty by a U.S. citizen or lawful permanent resident spouse or parent <u>and</u> who entered the U.S. on or before 8/22/96. This also includes the person's children who have also been battered or subject to extreme cruelty. KEESM2142.1(9), 2142.2(3) and 2143.2(4).	Must have a pending or approved (VAWA) case or family-based petition before INS.	Yes	Yes	Yes	Yes	Yes	Yes
		Assumes person(s) have been in U.S., or had status for five years.			Only after alien has resided in U.S. for five years from date of entry, or had qualifying status for five years.		

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11. Non-citizen victims of severe forms of trafficking (Adults and Children). KEESM 2144.	Adults - Original Certification letter provided by ORR. Children - May have similar letter but not required. Also T visas designated T-2, T-3, T-4 or T-5.	N/A	N/A	N/A	Yes	Yes	Yes
12. American Indian born in Canada and Covered by Section 289 of the INA. KEESM 2142.1(10) and 2143.3(3).	INS Form I-551 with the code S13; unexpired temporary I-551 stamp in Canadian passport or on INS Form I-94 with the S13; or a letter or other tribal document certifying at least 50% American Indian blood, as required by INA Section 289, combined with a birth certificate or other satisfactory evidence of birth in Canada.	Yes	No	No	Yes	No	No
13. Members of an Indian Tribe as defined in Section 4 (e) of the Indian Self-Determination and Education Assistance Act. KEESM 2142.1(10) and 2143.3(3).	Membership card or other tribal document demonstrating membership in a federally recognized Indian tribe under Section 4 (e) of the Indian Self-Determination and Education Assistance Act.	Yes	No	No	Yes	No	No

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<p>14. Members of a Hmong or Laotian Tribe at the time the tribe rendered assistance to U.S. personnel during the Vietnam Era. Includes spouse, unremarried surviving spouse and unmarried dependent children.</p> <p>KEESM2143.3(4).</p>	<p>Documents that prove the individual was a member of the specified tribe and rendered assistance to U.S. personnel.</p>	Yes	No	No	Yes	No	No
<p>15. Non-citizens who are admitted for lawful permanent residence and who are receiving benefits for blindness or disability as defined. (See definition of disabled in item 78 of Appendix.)</p> <p>KEESM2143.3(1)(a).</p>	<p>Form I-551, a foreign passport with a temporary I-551 stamp, or an I-94 form with an I-551 stamp.</p>	Yes	Yes	Yes	Yes	Yes	Yes
			<p>Assumes person(s) have been in U.S. or had status for five years.</p>			<p>Only after non-citizen has resided in the U.S. for five years from date of entry or has had qualifying status for five years.</p>	

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16. Non-citizens who were lawfully residing in the country <u>on 8/22/96</u> and were 65 years of age or older (born on or before 8/22/31). KEESM 2142.2(1) and 2143.3(1)(b).	Form I-551, a foreign passport with a temporary I-551 stamp, or an I-94 form with an I-551 stamp.	Yes	Yes	Yes			
			Assumes person(s) have been in U.S. or had status for five years.			See item 7 for persons who entered after 8/22/96.	
17. Non-citizens who are lawfully residing in the country and are currently under 18 years of age. KEESM 2142.2(1) and 2143.3(1)(c).	Form I-551, a foreign passport with a temporary I-551 stamp, or an I-94 form with an I-551 stamp.	Yes	Yes	Yes	Yes	Yes	Yes
18. Non-citizen who is a special agricultural worker (SAW) and lawfully admitted for temporary residence under Section 210/210(a) of the INA.	I-688, annotated with Section 210/210(a).	No	No	No	No	No	No

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19. A non-citizen admitted under Section 244 of INA who has been granted suspension of deportation and who has been admitted for lawful permanent residence.	I-94 or I-551, showing suspension of deportation.	No, unless I-551 provided.* *If I-551 provided, the person is considered a lawful resident. See item7.					
20. A non-citizen admitted under Section 204 of the INA as an immigrant refugee.	Letter or documents indicating the alien has been granted Status in this category.	No	No	No	No	No	No
21. A non-citizen admitted under the Family Unity Provisions of P.L. 101-649. Such aliens were admitted when another family member was admitted under Section 245A.	I-551, annotated LB1, LB2, LB6 or LB7 or I-797.	No, unless I-551 provided.* *If I-551 provided, the person is considered a lawful resident. See item7.					
22. A non-citizen residing in the U.S. pursuant to an order of Supervision.	I-220B	No	No	No	No	No	No
23. A non-citizen granted stays of deportation by court order pursuant to Section 106 of the INA.	I-94 and/or court order.	No	No	No	No	No	No

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24. A non-citizen granted voluntary departure pursuant to Section 242(b) of the INA.	I-94 and/or I-210 which indicates departure within 60 days.	No	No	No	No	No	No
25. A non-citizen granted deferred action status pursuant to INS operating instructions.	I-210 or letter indicating that alien's departure has been deferred.	No	No	No	No	No	No
26. Any other non-citizen living in the U.S. with the knowledge and permission of the INS and whose departure the INS does not contemplate enforcing including permanent nonimmigrants, pursuant of P.L. 99-239, and non-citizens granted extended voluntary departure for a specified time due to condition in their home countries.	Documents indicating the alien is classified as permanent, residing in the U.S. under color of law.	No	No	No	No	No	No