



ALIEN ELIGIBILITY FOR REPRESENTATION BY LSC-FUNDED PROGRAMS

| Alien Category | Statutory Authorization -- Immigration and Nationality Act (INA) and U.S. Code Provisions | Regulatory Authorization of Eligibility in 45 C.F.R. part 1626 | Verification Documents |
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| Lawful Permanent Resident | INA § 101(a)(20); 8 U.S.C. 1101(a)(20) | § 1626.5(a) | (1) Alien Registration Receipt Card or Permanent Resident Card: Form I-551 or Form I-151; <i>or</i> (2) Memorandum of Creation of Record of Lawful Permanent Residence: Form I-181 with approval stamp; <i>or</i> (3) Passport bearing immigrant visa or stamp indicating admission for lawful permanent residence; <i>or</i> (4) Order granting residency, suspension of deportation, cancellation of removal, or adjustment of status; <i>or</i> (5) Permit to Reenter the United States: Form I-327; <i>or</i> (6) Arrival/Departure Record: Form I-94 with stamp indicating admission for lawful permanent residence; <i>or</i> (7) Any verification of lawful permanent residence in the U.S. to include any one of the following: authoritative document from the United States Immigration and Naturalization Service (INS); ¹ or the Department of Homeland Security (DHS), including online or email verification. |
| Spouse of a U.S. citizen, or a parent of a U.S. citizen, or an unmarried child under 21 | INA §§ 208, 244 (replaced by INA § 240A(b) for aliens in proceedings initiated after April 1, 1997), 245, 245A, 249; 8 U.S.C. | § 1626.5(b) | (1) Proof of filing of a qualifying application for adjustment of status to permanent residency, which may include one or more of the following: <ul style="list-style-type: none"> • a fee receipt or an online or email printout showing that |

¹ For any immigration status document obtained prior to March 1, 2003.

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| <p>of U.S. citizen; <i>and</i> who has filed an application for adjustment of status to lawful permanent resident</p> | <p>§§ 1158(b)(3), 1255, 1255a, 1259</p> | | <p>the application was filed with the INS prior to 2003, U.S. Citizenship and Immigration Service (USCIS), the Department of Homeland Security (DHS), or the immigration court; <i>or</i></p> <ul style="list-style-type: none"> • a filing stamp showing that the application was filed; <i>or</i> • a grant of a fee waiver for such application, a biometrics appointment notice indicating such pending application, a printout from the USCIS online service, or a copy of the application accompanied by a notarized statement signed by the alien that such form was filed; <i>or</i> • Application to Register Permanent Residence or Adjust Status: Form I-485; <i>or</i> • Adjustment of Status Under Section 245(i): Supplement A to Form I-485; <i>or</i> • Advance Parole: Form I-512, indicating applicant has applied for adjustment of status; <i>or</i> • Application for Suspension of Deportation: Form I-256A or EOIR-40; <i>or</i> • Application for Cancellation of Removal and Adjustment of Status for Certain Nonpermanent Residents: Form EOIR-42B; <i>or</i> • Petition for Amerasian, Widow(er), or Special Immigrant: Form I-360 indicating petition filed as widow(er) or battered or abused spouse or child of a U.S. citizen or lawful permanent resident; <i>or</i> • Petition for Alien Relative: Form I-130; <i>or</i> • Application for Immigrant Visa and Alien Registration: Form DS-230; <i>or</i> • Petition for Alien Fiance(e): Form I-129F (for spouses and children of U.S. citizens under the LIFE Act, as amended); <i>or</i> • Application to Extend/Change Nonimmigrant Status: Form I-539, indicating application for V nonimmigrant status; <i>or</i> • Application for Asylum: Form I-589; <i>or</i> • Application to Adjust Status from Temporary to |
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| | | | <p>Permanent Resident (Under Section 245A of the INA): Form I-698; or</p> <ul style="list-style-type: none"> • Refugee/Asylee Relative Petition: Form I-730; <i>or</i> • Application for Suspension of Deportation or Special Rule Cancellation of Removal (NACARA): Form I-881; <i>or</i> • Employment Authorization Document: Form I-688B or I-766, coded “8 C.F.R. § 274.a.12(c)(9) <i>or</i> “C9” <i>or</i> marked “Serves as I-512 Advance Parole”; <i>or</i> • Employment Authorization Form: I-688B or Employment Authorization Document: I-766 coded “8 C.F.R. 274a.12(a)(9)” or “(a)(9)”; “(a)(13)” or “A13”; “(a)(14)” or “A14”; “(a)(15)” or “A15”; “(c)(16)” or “C16”; “(c)(8)” or “C8”; (c)(10)” or “C10”; “(c)(21)” or “C21”; “(c)(24)” or “C24”; <i>or</i> • Notice of Action: Letter or Form I-797 issued by DHS or INS acknowledging receipt or approval of any of the above-listed applications or petitions; <i>or</i> • I-94 (arrival/departure record) with stamp indicating entry under advance parole (INA § 212(d)(5) to pursue an above-listed application or petition; <i>or</i> • Any verification or authoritative document issued by DHS or INS, including online or email verification; <i>and</i> <p>(2) Proof of relationship to U.S. citizen, which may include one or more of the following: a copy of the person’s marriage certificate (the validity of which is determined by the law of the place where the marriage was celebrated, regardless of whether the current state of residence recognizes the marriage) accompanied by proof of the spouse’s U.S. citizenship; <i>or</i> a copy of the person’s child’s birth certificate, baptismal certificate, adoption decree, or other document demonstrating the person is the parent of the child and the child is a U.S. citizen; <i>or</i> a copy of the birth certificate, baptismal certificate, adoption decree, or other document demonstrating the person is under the age of 21, accompanied by proof that the person’s parent is a U.S. citizen; <i>or</i> a copy of Petition for Alien Relative: Form I-130, or Petition for American,</p> |
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| | | | Widow(er) or Special Immigrant: Form I-360 containing information demonstrating the person is related to such U.S. citizen, accompanied by proof of filing. |
| Asylee | INA § 208; 8 U.S.C. § 1158 | § 1626.5(c) | <p>(1) Arrival/Departure Record: Form I-94 or passport stamped “asylee” or “§ 208”; <i>or</i></p> <p>(2) Order granting asylum from INS², DHS, immigration judge, the Board of Immigration Appeals (BIA), or federal court; <i>or</i></p> <p>(3) Refugee Travel Document : Form I-571; <i>or</i></p> <p>(4) Employment Authorization Card: Form I-688B³ or Employment Authorization Document: Form I-766 coded “8 CFR § 274a.12(a)(5)(asylee)” or “A5”; <i>or</i></p> <p>(5) Any verification of lawful presence in the U.S. or other authoritative document from INS or DHS, including online or email verification</p> |
| Refugee | INA § 207; 8 U.S.C. § 1157 | § 1626.5(c) | <p>(1) Arrival/Departure Record: Form I-94 or passport stamped “refugee” or “§ 207”; <i>or</i></p> <p>(2) Employment Authorization Card: Form I-688B⁴ or Employment Authorization Document: Form I-766 coded “8 CFR § 274a.12(a)(3)(refugee)” or “A3” or “8 CFR § 274a.12(a)(4)(paroled refugee)” or “A4”; <i>or</i></p> <p>(3) Refugee Travel Document: Form I-571; <i>or</i></p> <p>(4) Any verification of lawful presence in the U.S. or other authoritative document from INS or DHS, including online or email verification</p> |
| Individual Granted Withholding of | INA § 241(b)(3) or former INA § 243(h); 8 U.S.C. § 1231(b)(3) | § 1626.5(e) | <p>(1) Arrival/Departure Record: Form I-94 stamped “§243(h)” or “§241(b)(3)”; <i>or</i></p> |

² *Supra* note 1.

³ Dated before April 3, 2009.

⁴ *Supra* note 3.

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| Deportation, Exclusion, or Removal | (withholding of removal) or former 8 U.S.C. § 1253(h) (withholding of deportation or exclusion) | | <p>(2) Order granting withholding of deportation/deferral of removal from DHS, U.S. Immigration and Customs Enforcement (ICE), immigration court, BIA, or federal court; <i>or</i></p> <p>(3) Temporary Resident Card: Form I-688⁵ or Employment Authorization Document: Form I-766 coded “8 CFR § 274a.12(a)(10)(withholding of deportation)” or “A10”; <i>or</i></p> <p>(4) Any verification of lawful presence in the U.S. or other authoritative document from INS or DHS, including online email verification</p> |
| Conditional Entrant | INA § 203(a)(7); 8 U.S.C. § 1153(a)(7) ⁶ | § 1626.5(d) | <p>(1) Arrival/Departure Record: Form I-94 or passport stamped “conditional entrant”; <i>or</i></p> <p>(2) Any verification of lawful presence in the U.S. or other authoritative document from INS or DHS, including online or email verification</p> |
| Special Agricultural Worker Temporary Resident | INA § 210; 8 U.S.C. § 1160 | § 1626.10(d) | <p>(1) Temporary Resident Card: Form I-688⁷, I-688A, Employment Authorization Card: Form I-688B⁸, or Employment Authorization Document: Form I-766 indicating issuance under INA § 210 (or under 8 C.F.R. § 274a.12(a)(2) or coded “A2,” with other evidence indicating eligibility under INA § 210); <i>or</i></p> <p>(2) Any verification of lawful presence in the U.S. or other authoritative document from INS or DHS, including online or email verification</p> |
| H-2A Temporary Agricultural Worker | INA § 101(a)(15)(H)(ii)(a); 8 U.S.C. § 1101(a)(15)(H)(ii)(a) | § 1626.11(a) | <p>(1) Arrival/Departure Record: Form I-94 or passport stamped “H-2A”; <i>or</i></p> <p>(2) Any verification of lawful presence in the U.S. or other authoritative document from INS or DHS, including online or</p> |

⁵ *Supra* note 3.

⁶ As in effect prior to April 1, 1980.

⁷ *Supra* note 3.

⁸ *Supra* note 3.

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| | | | email verification |
| H-2B Temporary Non-Agricultural Worker | INA § 101(a)(15)(H)(ii)(b); 8 U.S.C. § 1101(a)(15)(H)(ii)(b) | § 1626.11(b) | <p>(1) Arrival/Departure Record: Form I-94 or passport stamped “H-2B” and evidence that the worker is employed in forestry; <i>or</i></p> <p>(2) Any verification of lawful presence in the U.S. or other authoritative document from INS or DHS, including online or email verification</p> |
| Aliens subjected to battery, extreme cruelty, sexual assault, or trafficking | Pub. L. 104-208, Div. A, Tit. V, § 502(a)(2)(C), 110 Stat. 2009, 3009-60; Pub. L. 109-162, § 164, 119 Stat. 2960, 2978. | § 1626.4(c)(1), (c)(2) | <p>(1) A decision or other authoritative document from INS, DHS, USCIS, immigration judge, BIA, federal or state court finding or verifying that a person has been a victim of the qualifying abuse; <i>or</i></p> <p>(2) An affidavit or unsworn written statement made by the alien; a written summary of a statement or interview of the alien taken by others, including the recipient; a report or affidavit from police, judges, and other court officials, medical personnel, school officials, clergy, social workers, other social service agency personnel; an order of protection or other legal evidence of steps taken to end the qualifying abuse; evidence that a person sought safe haven in a shelter or similar refuge from the qualifying abuse; photographs; documents or other evidence of a series of acts that establish a pattern of qualifying abuse; <i>or</i></p> <p>(3) An application for administrative or judicial relief including an assertion that the applicant has been a victim of the qualifying abuse, but only <i>if</i> such application is accompanied or supplemented by any of the evidence described in the preceding paragraph (2).</p> |
| Victims of severe forms of trafficking | 22 U.S.C. § 7105(b)(1)(B) | § 1626.4(c)(3) | <p>(1) Application for T Nonimmigrant Status: Form I-914; <i>or</i></p> <p>(2) Notice of Action: Form I-797, visa, Arrival/Departure Form: Form I-94, or passport stamped T-1; <i>or</i></p> <p>(3) Employment Authorization Card: Form I-688B or Employment Authorization Document: Form I-766 coded “(a)(16)” or “A16”;</p> |

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| | | | <p><i>or</i></p> <p>(4) An affidavit or unsworn written statement made by the alien; a written summary of a statement or interview of the alien taken by others, including the recipient; a report or affidavit from police, judges, and other court officials, medical personnel, school officials, clergy, social workers, other social service agency personnel; an order of protection or other legal evidence of steps taken to end the severe forms of trafficking; evidence that a person sought safe haven in a shelter or similar refuge from the severe forms of trafficking; photographs; documents or other evidence of a series of acts that establish a pattern of severe forms of trafficking; <i>or</i></p> <p>(5) An application for administrative or judicial relief including an assertion that the applicant has been a victim of severe forms of trafficking, but <i>only if</i> such application is accompanied or supplemented by any of the evidence described in the preceding paragraph (1); <i>or</i></p> <p>(6) Certification letter from the U.S. Department of Health and Human Services (HHS); <i>or</i></p> <p>(7) Telephonic verification of certification by calling the HHS trafficking verification line, (202) 401-5510, or (866) 401-5510.</p> |
| <p>Minor victims of severe forms of trafficking</p> | <p>22 U.S.C. § 7105(b)(1)(B)</p> | <p>§ 1626.4(c)(3)</p> | <p>(1) Eligibility letter from HHS; <i>or</i></p> <p>(2) Interim Eligibility Letter from HHS; <i>or</i></p> <p>(3) An affidavit or unsworn written statement made by the alien; a written summary of a statement or interview of the alien taken by others, including the recipient; a report or affidavit from police, judges, and other court officials, medical personnel, school officials, clergy, social workers, other social service agency personnel; an order of protection or other legal evidence of steps taken to end severe forms of trafficking; evidence that the alien</p> |

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| | | | <p>sought safe haven in a shelter or similar refuge from severe forms of trafficking; photographs; documents or other evidence of a series of acts that establish a pattern of severe forms of trafficking; <i>or</i></p> <p>(4) An application for administrative or judicial relief including an assertion that the applicant has been a victim of severe forms of trafficking, but only if such application is accompanied or supplemented by any of the evidence described in the preceding paragraph.</p> |
| Certain family members of victims of severe forms of trafficking (“derivative T-visa holders”) | 22 U.S.C. § 7105(b)(1)(B) | § 1626.4(c)(3) | <p>(1) Application for Immediate Family Member of T-1 Recipient: Form I-914, Supplement A; <i>or</i></p> <p>(2) Notice of Action: Form I-797, visa, Arrival/Departure Form: Form I-94, or passport stamped T-2, T-3, T-4, or T-5, or T-6; <i>or</i></p> <p>(3) Employment Authorization Card: Form I-688B or Employment Authorization Document: Form I-766 coded “(c)(25)” or “C25”; <i>or</i></p> <p>(4) Documentary evidence showing that the primary applicant for immigration relief is a victim of severe forms of trafficking as described above; and credible evidence showing that the alien is a qualified family member of the primary applicant.</p> |
| Aliens qualified for a U-visa | Pub. L. 109-162, § 164, 119 Stat. 2960, 2978; 8 U.S.C. § 1101(a)(15)(U). | § 1626.4(c)(4) | <p>(1) Petition for U Nonimmigrant Status: Form I-918; <i>or</i></p> <p>(2) Petition for Immediate Family Member of U-1 Recipient: Form I-918, Supplement A; <i>or</i></p> <p>(3) Petition for Qualifying Member of a U-1 Nonimmigrant: Form I-929; <i>or</i></p> <p>(4) Notice of Action: Form I-797, visa, Arrival/Departure Record: Form I-94, or passport stamped U-1, U-2, U-3, U-4, or U-5; <i>or</i></p> <p>(5) Employment Authorization Card: Form I-688B or Employment Authorization Document: Form I-766 coded “(a)(19)” (principal)</p> |

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| | | | <p>or “(a)(20)” (derivative); <i>or</i></p> <p>(6) A decision or other authoritative document from INS, DHS, USCIS, immigration judge, BIA, federal or state court finding or verifying that a person qualifies for a U-visa; <i>or</i></p> <p>(7) An affidavit or unsworn written statement made by the alien; a written summary of a statement or interview of the alien taken by others, including the recipient; a report or affidavit from police, judges, and other court officials, medical personnel, school officials, clergy, social workers, other social service agency personnel; an order of protection or other legal evidence of steps taken to end the qualifying abuse; evidence that the alien sought safe haven in a shelter or similar refuge from the qualifying abuse; photographs; documents or other evidence of a series of acts that establish a pattern of qualifying abuse; <i>or</i></p> <p>(8) An application for administrative or judicial relief including an assertion that the applicant qualifies for a U-visa, but only <i>if</i> such application is accompanied or supplemented by any of the evidence described in the preceding paragraph (6); <i>or</i></p> <p>(9) Documentary evidence showing that the primary applicant for immigration relief qualifies for a U-visa as described above; and credible evidence showing that the alien is a qualified family member of the primary applicant.</p> |
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