

## CRSP and CDHS ELIGIBILITY DESK AID

**Each immigration status listed below is a “qualified alien exempt from the five-year bar” and eligible to receive services through the Colorado Refugee Services Program and Colorado Department of Human Services.**

**Immigration documents indicating the immigration status, along with particular coding, are listed below.**

**This is not a full list of acceptable documents. For more information see links below.**

Immigration Status	Documents/Codes
<b>Refugee:</b> Any person who is outside of person's nationality or, in the case of a person having no nationality, is outside any country in which such person last habitually resided, and who is unable or unwilling to return due to persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion (8 USC 1101 (a) (42); INA Sec. 207).	<ul style="list-style-type: none"> <li>• I-94 form with immigration status stamped on front, A# on back of card</li> <li>• Admitted under §207 of the INA</li> <li>• Could state paroled under section §212 (d)(5) paroled as a refugee (very rare)</li> <li>• Could state RE-1, RE-2, RE-3, RE-4, RE-5 on I-94</li> <li>• <b>RE-6, RE-7, RE-8, RE-9 adjustment code on the I-551 (“green card”; LPR)</b></li> <li>• Employment Authorization Document (EAD) with code A03 or A04</li> </ul>
<b>Asylee:</b> Individuals who meet the legal definition of refugee, but who apply for asylum status after they are already present in the U.S. or at a port of entry.  <i>Individuals who have a <u>pending</u> application for asylum are not eligible for services(unless Cuban or Haitian)</i>	<ul style="list-style-type: none"> <li>• I-94 form with immigration status stamped on front, A# on back of card</li> <li>• Granted asylum under section §208 of the INA</li> <li>• Could state AS-1, AS-2, AS-3 on I-94</li> <li>• Order from immigration judge granting asylum, asylum approval letter from a USCIS Asylum Office, written decision from the Board of Immigration Appeals (BIA); under section §208 of the INA</li> <li>• <b>AS-6, AS-7, AS-8 adjustment code on the I-551 (“green card”; LPR)</b></li> <li>• Employment Authorization Document (EAD) with code A05</li> </ul>
<b>Cuban or Haitian Entrant (Parole):</b> Any individual granted parole status as a Cuban/Haitian Entrant (Status Pending) or granted any other special status subsequently established under the immigration laws for nationals of Cuba or Haiti, regardless of the status of the individual at the time assistance or services are provided; and any other national of Cuba or Haiti (1) Who: (i) Was paroled into the United States and has not acquired any other status under the INA (ii) Is the subject of exclusion or deportation proceedings under the INA; or (iii) Has an application for asylum pending with DHS/USCIS; and (2) With respect to whom a final, nonappealable, and legally enforceable order of deportation or exclusion has not been entered (Refugee Education Assistance Act of 1980, Pub. L. No. 96-422). Cuban/Haitian Entrants are sometimes referred to as ‘Entrants.’	<ul style="list-style-type: none"> <li>• I-94 with a stamp showing parole into the U.S. on or after April 21, 1980</li> <li>• I-94 may refer to §212(d)(5). I-94 may refer to humanitarian or public interest parole. I-94 may be expired.</li> <li>• I-94 with a stamp showing parole at any time as a “Cuban/Haitian Entrant (Status Pending)”. I-94 may refer to §212(d)(5). I-94 may be expired.</li> <li>• Cuban or Haitian passport with §212 (d)(5) stamp dated after Oct 10, 1980</li> <li>• <b>CH6, HA6, HB6 adjustment code on the I-551 (“green card”; LPR). I-551 may be expired</b></li> <li>• Employment Authorization Document (EAD) with code A04, C8, C10 or C11. Other documentation too numerous to mention. If you have questions on Cuban or Haitian status, please consult <a href="http://www.acf.hhs.gov/programs/orr/resource/state-letter-00-17">http://www.acf.hhs.gov/programs/orr/resource/state-letter-00-17</a> (ORR State Letter # 00-17, Charts 4a-d) or Susan Anderson at CRSP.</li> </ul>

<p><b>Iraqi or Afghani Special Immigrant Visa Holder (SIV):</b> An Iraqi or Afghani who have been employed by, or on behalf of, the U.S. government who are now in danger and who are granted Special Immigrant Visa status. Families may also be granted SIV status.</p> <p><i>Iraqi and Afghani SIVs are Legal Permanent Residents (LPR) upon admission to the U.S.</i></p> <p><i>They are exempt from the 5 year bar for federal benefits.</i></p>	<ul style="list-style-type: none"> <li>• A holder of an Iraq or Afghan passport with a Department of State temporary immigrant visa stamp noting the individual has been approved for admission under one of the Immigrant Visa (IV) categories of SI1, SI2, SI3 and a Department of Homeland Security admission stamp on the passport noting date of entry.</li> <li>• A holder of an Iraq passport with a Department of State temporary immigrant visa stamp noting the individual has been approved for admission under one of the Immigrant Visa (IV) categories of SQ1, SQ2, SQ3 and a Department of Homeland Security admission stamp on the passport noting date of entry</li> <li>• <b>An I-551 (“green card”; LPR) holder showing Iraqi or Afghani nationality, or Iraq or Afghan passport, showing one of the following immigrant visa categories: SI6, SI7, SI9, SQ6, SQ7, or SQ9</b></li> </ul>
<p><b>Victim of Trafficking:</b> Individuals who are subjected to (1) Sex Trafficking, which is the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act, in which a commercial sex act is induced by force, fraud, or coercion, or in which the person forced to perform such an act is under the age of 18 years; or (2) Labor Trafficking, which is the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage or slavery [Public Law 106-386 (October 28, 2000), the Trafficking Victims Protection Act of 2000 (TVPA)].</p>	<ul style="list-style-type: none"> <li>• Adult Victims of a Severe Form of Trafficking will have a Letter of Certification from the U.S. Department of Health and Human Services certifying the person as a Victim of a Severe Form of Trafficking.</li> <li>• Children less than eighteen years old who have been subjected to trafficking are not issued Letters of Certification by ORR. The Office of Refugee Resettlement (ORR) will issue a Letter of Eligibility stating that the child is a Victim of a Severe Form of Trafficking. The Eligibility Letter remains valid into adulthood.</li> <li>• Approval of continued presence, T-Visa, or a <i>bona fide</i> application for a T-Visa</li> <li>• Derivative status of T-2, T-2, T-3, T-4, or T-5</li> <li>• <b>An I-551 (“green card”; LPR) with adjustment code ST6, ST7, ST8, ST9, or ST10</b></li> <li>• Employment Authorization Document (EAD) with code (a)(16) or (c)(25)</li> </ul>
<p><b>Certain Amerasians from Vietnam:</b> Certain persons from Vietnam who are admitted to the U.S. as immigrants and “was born in Vietnam after January 1, 1962 and before January 1, 1976 and was fathered by a citizen of the United States.”</p> <p><i>There are very few, if any, Amerasians from Vietnam arriving in the U.S.</i></p>	<ul style="list-style-type: none"> <li>• Amerasians with the following codes: AM-1, AM-2, AM-3, AM-6, AM-7, AM-8 on one of the following documents: form I-551 (“green card”; LPRs, temporary I-551 stamp in passport, I-94 form or any verification from the USCIS or other authoritative document</li> </ul>

- For additional information, go to 45 CFR 400.43, or <http://acf.hhs.gov> (state letter #00-17), or <http://www.acf.hhs.gov/programs/orr/resource/state-letter-10-02> (ORR state letter # 10-02), or FR Vol. 63, No. 149, or [www.nilc.org](http://www.nilc.org).
- LPRs: Must have previously held one of the immigration statuses mentioned above, or be SIVs or Amerasians.
- Please contact Susan Anderson in the CRSP office for further information. [Susan.Anderson@state.co.us](mailto:Susan.Anderson@state.co.us) or (303) 863-8214.