



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
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.

<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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			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.

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.

			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>

			<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>

			<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>

			<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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